

of the Board's regulations (15 CFR part 400), requesting authority on behalf of Pepsi-Cola Manufacturing International, Ltd. (PCMIL), operator of FTZ 61J, at the PCMIL soft drink and juice beverage concentrate manufacturing plant in Cidra, Puerto Rico, requesting an expansion of the scope of manufacturing authority to include additional finished products and manufacturing capacity under FTZ procedures. It was formally filed on September 12, 2003.

PCMIL operates a facility (171 employees) within the Cidra Industrial Park, in Cidra, Puerto Rico, which is used to produce flavoring concentrates for soft drink beverages under FTZ procedures for the U.S. market and export (Board Order 926, 62 FR 55574, 10-27-97).

The applicant currently requests that the scope of manufacturing authority be expanded to include the manufacture of fruit juice beverage concentrate products marketed under the Dole, Tropicana Season's Best, and Tropicana Twister brands. The application also requests that the scope of authority for sourcing foreign ingredients used in production be extended to include: Banana puree, and fruit juice concentrates (passion, white grape, orange, pear, concord grape, red grape, grapefruit, pineapple) (2003 duty rate range: Free-10%, 0.5¢-7.9¢/liter). Production authority under FTZ procedures would be increased to approximately 5,000 40-foot shipping containers annually.

FTZ procedures would continue to exempt PCMIL from Customs duty payments on the foreign ingredients used in production for export. On its domestic sales and exports to NAFTA countries, the company can choose the lower duty rates that apply to finished beverage concentrates (free, 6.4%) for the foreign ingredients noted above. In accordance with § 400.32(b)(2) of the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB-4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

The closing period for their receipt is November 3, 2003. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 18, 2003.

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No. 1 listed above.

Dated: September 12, 2003.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 03-23965 Filed 9-18-03; 8:45 am]

**BILLING CODE 3510-DS-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-818, C-475-819]

#### **Anti-Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta from Italy: Affirmative Final Determinations of Circumvention of Antidumping and Countervailing Duty Orders**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce

**ACTION:** Affirmative Final Determinations of Circumvention of Antidumping and Countervailing Duty Orders.

**SUMMARY:** On April 27, 2000, the Department of Commerce (the Department) self-initiated an anti-circumvention inquiry to determine whether an Italian producer of pasta is circumventing the antidumping and countervailing duty orders on certain pasta from Italy, issued July 24, 1996. The period of inquiry is July 1, 1998 through June 30, 1999. On August 6, 2003, we preliminarily determined that certain pasta produced in Italy by Pastificio Fratelli Pagani S.p.A. (Pagani) and exported to the United States in packages of greater than five pounds, which are subsequently repackaged in the United States into packages of five pounds or less, constitutes circumvention of the antidumping and countervailing duty orders on certain pasta from Italy, within the meaning of section 781(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.225(g). We invited interested parties to comment on our preliminary determinations. Interested parties did not submit case briefs or request a hearing. Consequently, our preliminary determinations remain unchanged for these final determinations.

**EFFECTIVE DATE:** September 19, 2003.

**FOR FURTHER INFORMATION CONTACT:** Zev Primor or Ronald Trentham, AD/CVD Enforcement, Office IV, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-4114 or (202) 482-6320.

#### **SUPPLEMENTARY INFORMATION:**

##### **Scope of Antidumping and Countervailing Duty Orders**

Imports covered by these orders are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, by Bioagricoop S.r.L., by QC&I International Services, by Ecocert Italia, by Consorzio per il Controllo dei Prodotti Biologici, by Associazione Italiana per l'Agricoltura Biologica, or Codex S.r.L.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States (*HTSUS*). Although the *HTSUS* subheading is provided for convenience and customs purposes, the written description of the merchandise subject to these orders is dispositive.

##### **Scope Rulings**

The Department has issued the following scope rulings to date:

(1) On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the antidumping and countervailing duty orders. See Memorandum from Edward Easton to Richard Moreland, dated August 25, 1997, on file in the Central Records Unit (CRU) of the main Commerce Building, Room B-099.