

companies<sup>5</sup> subject to this review which were not selected for individual examination, we calculated an assessment rate based on the cash deposit rate calculated for Kejriwal in this review.

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of these final results of review. The Department clarified its “automatic assessment” regulation on May 6, 2003 (68 FR 23954). This clarification applies to POR entries of subject merchandise produced by companies examined in this review (*i.e.*, companies for which a dumping margin was calculated) where the companies did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of certain lined paper products from India entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) for companies covered by this review, the cash deposit rate will be the rate listed above; (2) for previously reviewed or investigated companies other than those covered by this review, the cash deposit rate will be the company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the producer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the producer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 3.91 percent, the all-others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until further notice.

#### Reimbursement of Duties

This notice also serves as a final reminder to importers of their

<sup>5</sup> As stated above, Ria will receive an AFA rate of 23.17 percent.

responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in antidumping duties by the amount of antidumping and/or countervailing duties reimbursed.

#### Administrative Protective Order

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these sections and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 6, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

#### APPENDIX I

##### List of Comments in the Accompanying Issues and Decision Memorandum

*Comment 1:* Appropriate Rate for Non-Selected Respondents

*Comment 2:* Whether to Assign a Higher Adverse Facts Available (AFA) Rate to Ria

*Comment 3:* General and Administrative Expense Ratio

*Comment 4:* Financial Expense Ratio

*Comment 5:* Capitalized Expenses

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-489-805]

##### Certain Pasta from Turkey: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review

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

**SUMMARY:** On January 7, 2009, the Department of Commerce (“the

Department”) published a notice of initiation of a changed circumstances review of the antidumping duty order of certain pasta from Turkey as requested by Marsan Gida Sanayi ve Ticret A.S. (“Marsan”). After receiving additional information on the operations of Marsan, we preliminarily determine that Marsan is the successor-in-interest to Gidasa Sabanci Gida Sanayi ve Ticaret A.S. (“Gidasa”), and should be accorded the same antidumping duty treatment accorded Gidasa with respect to the antidumping duty order on certain pasta from Turkey. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** April 14, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4161.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 24, 1996, the Department published in the **Federal Register** an antidumping duty order on certain pasta from Turkey.<sup>1</sup> On December 3, 2008, Marsan requested that the Department initiate and conduct an expedited changed circumstances review to determine that, for purposes of the antidumping law, Marsan is the successor-in-interest to Gidasa. See December 3, 2008, letter from Marsan to the Secretary of Commerce. On January 7, 2009, the Department published a notice of initiation of a changed circumstances review of the antidumping order.<sup>2</sup> On February 23, 2009, the Department requested additional information from Marsan regarding its operations in Turkey. See February 23, 2009, changed circumstances review questionnaire from the Department to Marsan. On March 16, 2009, Marsan replied to the Department’s questionnaire. See March 16, 2009, letter from Marsan to the Secretary of Commerce.

##### Scope of Review

Imports covered by this review are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not

<sup>1</sup> See *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta from Turkey*, 61 FR 68545 (July 24, 1996).

<sup>2</sup> See *Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Pasta from Turkey*, 74 FR 681 (January 7, 2009).

enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, 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 of this review 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.

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 the order is dispositive.

#### **Preliminary Results of Changed Circumstances Review**

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (“the Act”), and 19 CFR 351.216, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. In this case, the Department finds that the information submitted by the respondent provided sufficient evidence of changed circumstances to warrant a review to determine whether Marsan is the successor-in-interest to Gidasa. Thus, in accordance with section 751(b) of the Act, the Department initiated a changed circumstances review to determine whether Marsan is the successor-in-interest to Gidasa for purposes of determining antidumping duty liability with respect to imports of certain pasta from Turkey.

In making a successor-in-interest determination, the Department examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. See, e.g., *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber From Japan*, 67 FR 58 (January 2, 2002); *Brass Sheet and Strip from Canada: Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992). While no single factor or combination of factors will

necessarily provide a dispositive indication of a successor-in-interest relationship, the Department will generally consider the new company to be the successor to the previous company if the new company’s resulting operation is not materially dissimilar to that of its predecessor. See, e.g., *Fresh and Chilled Atlantic Salmon from Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979 (March 1, 1999); *Industrial Phosphoric Acid from Israel; Final Results of Changed Circumstances Review*, 59 FR 6944 (February 14, 1994). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the former company, the Department will accord the new company the same antidumping treatment as its predecessor.

In accordance with 19 CFR 351.221(c)(3)(i), we preliminarily determine that Marsan is the successor-in-interest to Gidasa. In its December 3, 2008, and March 16, 2009, submissions Marsan provided evidence supporting its claim to be the successor-in-interest to Gidasa. Documentation attached to Marsan’s December 3, 2008, submission shows that the acquisition of Gidasa by MGS Marmara Gida Sanayi ve Ticaret A.S. (“MGS”) and the following name change to Marsan resulted in little or no change in management, production facilities, supplier relationships, or customer base. This documentation consists of: (1) organizational charts of both Marsan and Gidasa; (2) the documentation of the name change from Gidasa to Marsan; (3) a list of products before and after the acquisition of Gidasa by MGS; (4) a list of suppliers before and after the name change from Gidasa to Marsan; (5) a list of home market and U.S. customers before and after the name change from Gidasa to Marsan; (6) MGS’s articles and notice of incorporation; (7) MGS’s 2007 management report to shareholders; and (8) MGS’s 2008 draft income statement and balance sheet. The documentation described above demonstrates that there was little to no change in management structure, supplier relationships, production facilities, or customer base and, thus, the operations of Marsan are essentially the same as the operations of Gidasa.

Therefore, we preliminarily find that Marsan is the successor-in-interest to Gidasa and, thus, should receive the same antidumping duty treatment with respect to certain pasta from Turkey as the former Gidasa.

#### **Public Comment**

Any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held no later than 44 days after the date of publication of this notice, or the first workday thereafter.<sup>3</sup> Case briefs from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to the issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice.<sup>4</sup> All written comments shall be submitted in accordance with 19 CFR 351.303. Persons interested in attending the hearing, if one is requested, should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review in accordance with 19 CFR 351.216(e), including the results of its analysis of issues raised in any written comments.

The current requirement for a cash deposit of estimated antidumping duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216.

Dated: April 8, 2009.

**Ronald K. Lorentzen**,  
Acting Assistant Secretary for Import Administration.

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

[A-570-932]

#### **Certain Steel Threaded Rod from the People’s Republic of China: Notice of Antidumping Duty Order**

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

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce (“Department”) and the International Trade Commission (“ITC”), the Department is issuing an antidumping duty order on certain steel threaded rod (“STR”) from the People’s Republic of China (“PRC”). On April 6, 2009, the ITC notified the Department of its affirmative determination of material

<sup>3</sup> See 19 CFR 351.310.

<sup>4</sup> See 19 CFR 351.309.