

determination, a request for such postponement is made by exporters, who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. The Department's regulations, at 19 CFR 351.210(e)(2), require that requests by respondents for postponement of a final determination be accompanied by a request for extension of provisional measures from a four-month period to not more than six months.

On May 26, 2009, Triveni requested that in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination by 60 days. At the same time, Triveni requested that the Department extend the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2), from a four-month period to a six-month period. In accordance with section 735(a)(2) of the Act and 19 CFR 351.210(b)(2), because (1) our preliminary determination is affirmative, (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting this request and are postponing the final determination until no later than 135 days after the publication of this notice in the **Federal Register**. Suspension of liquidation will be extended accordingly.

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: May 27, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9-12826 Filed 6-1-09; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-846]

#### **Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of the 2007 Antidumping Duty Administrative Review**

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

**SUMMARY:** On March 20, 2009, the Department of Commerce (the Department) published the preliminary results and partial rescission of the 2007 administrative review of the

antidumping duty order on brake rotors from the People's Republic of China covering the period April 1, 2007, through August 13, 2007. No interested party commented on the preliminary results or the partial rescission. We have made no changes to the margin calculations. Therefore, the final results do not differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

**DATES:** *Effective Date:* June 2, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Brian Smith or Terre Keaton Stefanova, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-1766 or (202) 482-1280, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

This administrative review of the antidumping duty order on brake rotors from the People's Republic of China (PRC) covers one mandatory respondent (Yantai Winhere Auto-Part Manufacturing Co., Ltd. (Winhere)) and the following 11 respondents not selected for individual review: Laizhou Auto Brake Equipment Co., Ltd. (LABEC); Laizhou Hongda Auto Replacement Parts Co., Ltd. (Laizhou Hongda); Longkou Jinzheng Machinery Co., Ltd. (Jinzheng); Longkou TLC Machinery Co., Ltd. (Longkou TLC); Qingdao Gren (Group) Co. (Gren); Qingdao Meita Automotive Industry Co., Ltd. (Meita); Xianghe Zichen Casting Company, Ltd. (Xianghe Zichen); Zibo Botai Manufacturing Co., Ltd. (Zibo Botai); Laizhou Luda Sedan Fittings Company, Ltd. (Luda); Laizhou Sanli (Sanli); and Zibo Golden Harvest Machinery Limited Company (ZGOLD). We are rescinding this review with respect to China National Automotive Industry Import & Export Corporation or National Automotive Industry Import & Export Corporation (CAIEC) and Shandong Laizhou CAPCO Industry (Laizhou CAPCO). See "Final Partial Rescission of 2007 Administrative Review" section below.

On March 20, 2009, the Department published the preliminary results and partial rescission of this administrative review. See *Brake Rotors From the People's Republic of China: Preliminary Results of the 2007 Administrative Review and Partial Rescission*, 74 FR 11911 (*Preliminary Results*). We invited interested parties to comment on the *Preliminary Results*. Comments were

due April 20, 2009, however, no interested party submitted comments. We have conducted this administrative review in accordance with sections 751 and 777(i)(1) of the Tariff Act of 1930, as amended (the Act) and sections 19 CFR 351.213 and 19 CFR 351.221 of the Department's regulations.

**Period of Review**

The period of review (POR) is April 1, 2007, through August 13, 2007.

**Scope of the Order**

The products covered by this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following types of motor vehicles: Automobiles, all-terrain vehicles, vans and recreational vehicles under "one ton and a half," and light trucks designated as "one ton and a half."

Finished brake rotors are those that are ready for sale and installation without any further operations. Semifinished rotors are those on which the surface is not entirely smooth, and have undergone some drilling. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer (OEM) which produces vehicles sold in the United States, (e.g., General Motors, Ford, Chrysler, Honda, Toyota, Volvo). Brake rotors covered in this order are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria. Excluded from the scope of this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are currently classifiable under subheading 8708.39.5010 of the *Harmonized Tariff Schedule of the United States* (HTSUS).<sup>1</sup> Although the

<sup>1</sup> As of January 1, 2005, the HTSUS classification for brake rotors (discs) changed from 8708.39.5010 to 8708.39.5030. As of January 1, 2007, the HTSUS classification for brake rotors (discs) changed from 8708.39.5030 to 8708.30.5030. See *Harmonized*

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HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

**Final Partial Rescission of 2007 Administrative Review**

We preliminarily rescinded the review for CAIEC and Laizhou CAPCO

because the Department concluded that these companies did not export subject merchandise to the United States during the POR. See *Preliminary Results* at 74 FR 11914. No interested parties filed comments objecting to our preliminary rescission. Therefore, in accordance with 19 CFR 351.213(d)(3), we are

rescinding this administrative review with respect to these companies.

**Final Results of Review**

We determine that the following antidumping duty margins exist in these final results:

**BRAKE ROTORS FROM THE PRC**

Individually reviewed exporter 2007 administrative review	Weighted-average percent margin (percent)
Yantai Winhere Auto-Part Manufacturing Co., Ltd .....	0.04 ( <i>de minimis</i> )
Separate-rate applicant exporters 2007 administrative review	Weighted-average percent margin (percent)
Laizhou Auto Brake Equipment Co., Ltd .....	0.04 ( <i>de minimis</i> )
Laizhou Hongda Auto Replacement Parts Co., Ltd .....	0.04 ( <i>de minimis</i> )
Longkou Jinzheng Machinery Co., Ltd .....	0.04 ( <i>de minimis</i> )
Longkou TLC Machinery Co., Ltd .....	0.04 ( <i>de minimis</i> )
Qingdao Gren (Group) Co. ....	0.04 ( <i>de minimis</i> )
Qingdao Meita Automotive Industry Co., Ltd .....	0.04 ( <i>de minimis</i> )
Xianghe Zichen Casting Company, Ltd .....	0.04 ( <i>de minimis</i> )
Zibo Botai Manufacturing Co., Ltd .....	0.04 ( <i>de minimis</i> )
PRC-wide rate	Margin (percent)
PRC-Wide Rate (including Laizhou Luda Sedan Fittings Company, Ltd., Laizhou Sanli and Zibo Golden Harvest Machinery Limited Company).	43.32

**Assessment**

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. In accordance with 19 CFR 351.212(b)(1), for Winhere, we calculated importer (or customer)-specific assessment rates for the merchandise subject to this review. Because we do not have entered values on the record for Winhere's sales, we calculated a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to each importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer). See 19 CFR 351.212(b)(1). To determine whether the duty assessment rates are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(1), we calculated importer (or customer)-specific *ad valorem* ratios based on the estimated entered value. Where an importer (or customer)-specific *ad valorem* rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to

antidumping duties. See 19 CFR 351.106(c)(2).

As stated in the *Preliminary Results*, for the companies receiving a separate rate that were not selected for individual review (*i.e.*, Gren, Jinzheng, LABEC, Laizhou Hongda, Longkou TLC, Meita, Xianghe Zichen, and Zibo Botai), we calculated an assessment rate based on the weighted-average margin calculated for Winhere, the only mandatory respondent in this review. As Winhere's margin is *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties with respect to these companies. See 19 CFR 351.106(c)(2).

With respect to the PRC-wide entity which includes Luda, Sanli and ZGOLD (*i.e.*, the respondents that did not demonstrate their eligibility for separate-rate status), we will instruct CBP to liquidate appropriate entries at the PRC-wide rate of 43.32 percent.

**Cash Deposit Requirements**

The antidumping duty order on brake rotors from the PRC was revoked effective August 14, 2007. See *Brake Rotors From the People's Republic of China: Revocation of Antidumping Duty Order Pursuant to Second Five-Year*

(*Sunset*) Review, 73 FR 36039 (June 25, 2008). As a result, we instructed CBP to terminate the suspension of liquidation of entries of the subject merchandise. Therefore, the collection of cash deposits of antidumping duties on entries of the subject merchandise is no longer required.

**Notification to Importers**

This notice also serves as the final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and in the subsequent assessment of double antidumping duties. This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or 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. This administrative review and this notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 27, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9-12827 Filed 6-1-09; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-805]

#### Certain Pasta from Turkey: Notice of Final 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 Ticaret A.S. (“Marsan”). On April 8, 2009, the Department preliminary found 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.<sup>1</sup> The Department gave interested parties an opportunity to comment on the preliminary results, but received no comments. Therefore, the final results do not differ from the preliminary results of review.

**EFFECTIVE DATE:** June 2, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> 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>2</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>3</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. On April 14, 2009, the Department published the preliminary results of review and invited interested parties to comment. *See Preliminary Results.* We received no comments.

#### 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 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.

<sup>2</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>3</sup> *See Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Pasta from Turkey*, 74 FR 681 (January 7, 2009).

#### Final 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 found 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 determine that

<sup>1</sup> *See Certain Pasta from Turkey: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review*, 74 FR 17153 (April 14, 2009) (“*Preliminary Results*”).