

most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be 44.30 percent, the rate for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

#### Reimbursement of Duties

This notice also serves as a 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

#### Administrative Protective Orders

This notice also serves as a 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, which continues to govern business proprietary information in this segment of the proceeding. 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 terms of an APO is a violation which is subject to sanction.

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

Dated: January 4, 2013.

#### Paul Piquado,

Assistant Secretary for Import Administration.

#### Appendix I

- Comment 1. Surrogate Value for Steam Coal
- Comment 2. Surrogate Financial Ratios
- Comment 3. Surrogate Value for Inland Freight
- Comment 4. Surrogate Value for Water
- Comment 5. Surrogate Value for Brokerage & Handling
- Comment 6. Ministerial Error
- Comment 7. Huvis Sichuan's No Shipments Certification

Comment 8. Zeroing

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-818; A-489-805]

#### Certain Pasta From Italy and Turkey; Final Results of Expedited Third Sunset Reviews of the Antidumping Duty Orders

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

**DATES:** *Effective Date:* January 11, 2013.

**SUMMARY:** On September 4, 2012, the Department of Commerce ("the Department") initiated five-year ("sunset") reviews of the antidumping duty orders on certain pasta ("pasta") from Italy and Turkey. As a result of these reviews, the Department finds that revocation of these antidumping orders would be likely to lead to continuation or recurrence of dumping at the levels indicated in the "Final Results of Reviews" section of this notice.

**FOR FURTHER INFORMATION CONTACT:** James Terpstra, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3965.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department published antidumping duty orders on pasta from Italy and Turkey in July 1996.<sup>1</sup> On September 4, 2012, the Department initiated sunset reviews of those orders pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act").<sup>2</sup> On September 20, 2012, the Department received notices of intent to participate in these sunset reviews on behalf of New World Pasta Company, Dakota Growers Pasta Company, A. Zerga's Sons, Inc., Philadelphia Macaroni Company, and American Italian Pasta Company (collectively, "the domestic interested parties"), within the applicable deadline specified in 19 CFR

<sup>1</sup> See *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy*, 61 FR 38547 (July 24, 1996) ("Italian Order"), and *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Turkey*, 61 FR 38545 (July 24, 1996) ("Turkish Order").

<sup>2</sup> See *Notice of Initiation of Five-Year (Sunset) Reviews*, 71 FR 53867 (September 4, 2012).

351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as producers of certain pasta in the United States.

On October 4, 2012, the Department received an adequate substantive response regarding Turkey from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received an inadequate substantive response from respondent interested parties.<sup>3</sup> On October 9, 2012, domestic interested parties filed a rebuttal to the GOT's submission.

On September 25, 2012, the Government of Italy ("GOI") requested an extension of time to submit a substantive response. On September 27, 2012, the Department granted an extension until October 11, 2012; however, the GOI did not submit a response. On October 11, 2012, the Department received adequate substantive responses regarding Italy from the domestic interested parties, within the extended deadline specified in the Department's September 27, 2012, letter.

Pursuant to 19 CFR 351.218(e)(1)(ii)(C), because the Department received no substantive responses from foreign producers in either review, the Department is conducting expedited, 120-day, sunset reviews of these antidumping duty orders.

#### Scope of the Orders

##### Italy (A-475-818)

The merchandise subject to the order is pasta. The product is currently classified under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS numbers are provided for convenience and customs purposes, the written product description, available in *Italian Order*, remains dispositive.<sup>4</sup>

##### Turkey (A-489-805)

The merchandise subject to the order is pasta. The product is currently classified under items 1902.19.20 of the HTSUS. Although the HTSUS numbers are provided for convenience and

<sup>3</sup> Only the Government of Turkey ("GOT") submitted a response. We did not receive a response from any Turkish producers or exporters of pasta, as provided in 19 CFR 351.218(e)(1)(ii)(A).

<sup>4</sup> On August 14, 2009, the Department issued its final results of a changed circumstance review and revoked the order, in part, with regard to gluten-free pasta effective July 1, 2008. *Certain Pasta from Italy: Notice of Final Results of Antidumping Duty Changed Circumstances Review and Revocation*, in Part, 74 FR 41120 (August 14, 2009).

customs purposes, the written product description, available in *Turkish Order*, remains dispositive.

### Analysis of Comments Received

All issues raised by parties to these sunset reviews are addressed in the Issues and Decision Memorandum (“Decision Memorandum”) from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with this notice, which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail were the orders revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum, which is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (“IA ACCESS”). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit in room 7046 of the main Commerce building. In addition, a complete version of the Decision Memorandum may be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading “January 2013.” The paper copy and electronic versions of the Decision Memorandum are identical in content.

### Final Results of Reviews

We determine that revocation of the antidumping duty orders on pasta from Italy and Turkey would likely lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

#### ITALY

Manufacturer/producer/exporter	Weighted-average margin (percent)
Arrighi S.p.A. Industrie Alimentari and affiliate Italtasta S.p.A. ....	20.84
La Molisana Industrie Alimentari S.p.A. ....	14.78
Liguori Pastificio Dal S.p.A. ..	12.14
Pastificio Fratelli Pagani S.p.A. ....	18.23
All Others .....	<sup>5</sup> 16.51

<sup>5</sup> The cash deposit rate for All Others was modified to account for export subsidies.

#### TURKEY

Manufacturer/producer/exporter	Weighted-average margin (percent)
Filiz Gida Sanyı ve Ticaret A.S. ....	63.29
Maktas Makarnacılık ve Ticaret T.A.S. (“Maktas”) ..	<sup>6</sup> 60.87
All Others .....	<sup>7</sup> 60.87

This notice serves as the only reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of 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.

These sunset reviews and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: January 4, 2012.

**Paul Piquado,**  
Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

### Polyethylene Terephthalate Film, Sheet and Strip From India: Partial Rescission of Countervailing Duty Administrative Review; 2011

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

**DATES:** *Effective Date:* January 11, 2013.

**FOR FURTHER INFORMATION CONTACT:** Elfi Blum or Toni Page, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0197 or (202) 482-1398, respectively.

### Background

On July 2, 2012, the Department of Commerce (Department) published a

<sup>6</sup> Marsan Gıda Sanayi ve Ticaret A.S. was found to be the successor-in-interest to Gidasa Sabancı Gıda Sanayi ve Ticaret A.S. (“Gidasa”) in 2009; Gidasa was found to be the successor-in-interest to Maktas in 2003. See Decision Memorandum at 5.

<sup>7</sup> The cash deposit rate for Maktas and All Others were modified to account for export subsidies.

notice of opportunity to request an administrative review of the countervailing duty (CVD) order on polyethylene terephthalate film, sheet and strip from India covering the period January 1, 2011, through December 31, 2011.<sup>1</sup> The Department received a timely request for a CVD administrative review from Petitioners<sup>2</sup> for five companies: Ester Industries Limited (Ester), Garware Polyester Ltd. (Garware), Polyplex Corporation Ltd. (Polyplex), SRF Limited (SRF), and Jindal Poly Films Limited of India (Jindal). The Department also received timely requests from Jindal and SRF for a CVD review of themselves. On August 30, 2012, the Department published a notice of initiation of administrative review with respect to Ester, Garware, Jindal, Polyplex, and SRF.<sup>3</sup> On November 30, 2012, Petitioners withdrew their requests for a CVD administrative review of Ester, Garware, Jindal, and Polyplex. Jindal also withdrew its self-request for an administrative review.

### Rescission, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Petitioners’ and Jindal’s November 30, 2012, withdrawal requests were submitted within the 90-day period and thus are timely.<sup>4</sup> As the withdrawal requests filed by Petitioners and Jindal are timely and no other party requested a review of Ester, Garware, Jindal, and Polyplex, we are rescinding this review with respect to these companies, in accordance with 19 CFR 351.213(d)(1). Because the review requests for SRF were not withdrawn,

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 77 FR 39216, 39217 (July 2, 2012).

<sup>2</sup> Petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc. and Toray Plastics (America), Inc.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 77 FR 52688 (August 30, 2012).

<sup>4</sup> The 90th day fell on November 28, 2012; however, as explained in the memorandum from the Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 29, through October 30, 2012. Thus, all deadlines in this segment of the proceeding have been extended by two days. The revised deadline for filing a withdrawal request was November 30, 2012. See Memorandum to the Record from Paul Piquado, Assistant Secretary for Import Administration, regarding “Tolling of Administrative Deadlines As a Result of the Government Closure During Hurricane Sandy” (October 31, 2012).