

703(d) of the Act, we instructed the U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of CWASPP from the PRC which were entered or withdrawn from warehouse, for consumption on or after July 10, 2008, the date of the publication of the *Preliminary Determination* in the **Federal Register**. In accordance with sections 703(d) of the Act, we will be issuing instructions to CBP to discontinue the suspension of liquidation for countervailing duty purposes for subject merchandise entered, or withdrawn from warehouse, on or after November 7, 2008, but to continue the suspension of liquidation of all entries from July 10, 2008 through November 6, 2008.

We will issue a CVD order and reinstate the suspension of liquidation under section 706(a) of the Act if the ITC issues a final affirmative injury determination, and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

#### ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an APO, without the written consent of the Assistant Secretary for Import Administration.

#### Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: January 21, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

#### APPENDIX

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

*Comment 1:* Whether the Department Reasonably Treated China as a Developed Country for CVD *De Minimis* Purposes

*Comment 2:* Whether Winner HK Should be Treated as a PRC Entity for Purposes of Attribution

*Comment 3:* Whether the Total Sales Figure Used as the Denominator in the *Preliminary Determination* and Interim Decision Memorandum is Correct

*Comment 4:* Whether the Department Has the Legal Authority to Apply the CVD Law to the PRC While Simultaneously Treating the PRC as an NME in Parallel Antidumping Investigations

*Comment 5:* Whether the Provision of SSC to SOEs Constitutes the Provision of a Good by a Government Authority

*Comment 6:* Whether the Sale of HRS from Privately-Held Trading Companies Constitutes a Financial Contribution Under the Act

*Comment 7:* Whether the Provision of SSC is Specific and the Applicability of the Department's Use of AFA in its Determination of *De Facto* Specificity

*Comment 8:* Whether the Department Should Countervail the Provision of Land

*Comment 9:* Whether the Department Should Countervail FIE Tax Programs that are Industry, Regionally, or Export/Domestic Use Neutral

*Comment 10:* Whether the Department's Prevailing Interest Rate Methodology Should be Used to Calculate any Subsidy in this Case

*Comment 11:* Whether the Department's Choice of Adverse Facts Applied to the Non-Cooperating Respondent is Contrary to Law

*Comment 12:* Whether the Department's Methodology for Determining the All-Others rate in its Amended Preliminary Results is Unreasonable

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-489-806]

#### Notice of Initiation of Countervailing Duty Changed Circumstances Review: Certain Pasta from Turkey

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

**SUMMARY:** In response to a request from Marsan Gida Sanayi ve Ticaret A.S. ("Marsan") pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended ("the Act") and 19 CFR 351.216 and 351.221(c)(3), the Department of Commerce ("the Department") is initiating a changed circumstances review of the countervailing duty ("CVD") order on certain pasta ("Pasta") from Turkey. Marsan, a producer of pasta, claims that Gidasa Sabanci Gida Sanayi ve Ticaret A.S. ("Gidasa") changed its corporate name to Marsan and, therefore, Marsan should be entitled to the same cash deposit rate as its predecessor company, Gidasa.

**EFFECTIVE DATE:** January 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Shelly Atkinson, Office of AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0116.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 24, 1996, the Department published in the **Federal Register** the CVD order on Pasta from Turkey. *See Notice of Countervailing Duty Order: Certain Pasta ("Pasta") From Turkey*, 61 FR 38546 (July 24, 1996). Since then, the Department has completed two administrative reviews of this CVD order but is not currently conducting an administrative review. *See Certain Pasta From Turkey: Final Results of Countervailing Duty Administrative Review*, 66 FR 64398 (December 13, 2001); *Certain Pasta from Turkey: Final Results of Countervailing Duty Administrative Review*, 71 FR 52774 (September 7, 2006) ("Pasta from Turkey: Results of Administrative Review"). Also, with respect to Gidasa, in July 2003, the Department determined that Gidasa was the successor-in-interest to Maktas Makarnacilik ve Ticaret A.S. ("Maktas") and that Gidasa was entitled to the cash deposit rate assigned to Maktas in the most recently completed CVD administrative review. *See Notice of*

*Final Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews: Certain Pasta From Turkey*, 68 FR 41554 (July 14, 2003); see also *Certain Pasta from Turkey: Final Results of Countervailing Duty Administrative Review*, 66 FR 64398 (December 13, 2001).

On December 3, 2008, Marsan filed a request for an expedited changed circumstances review to determine whether it is the successor-in-interest to Gidasa, in accordance with section 751(b) of the Act and 19 CFR 351.216 for the antidumping ("AD") and CVD orders on pasta from Turkey. Marsan submitted certain information in support of its claim that it is the successor-in-interest to Gidasa and argued that it should be entitled to Gidasa's current CVD cash deposit rate of 0.0 percent. See Marsan's December 3, 2008 submission entitled *Pasta From Turkey: Request for Expedited Changed Circumstances Review of AD/CVD Orders*; see also *Pasta from Turkey: Final Results of Administrative Review*, 71 FR at 52775. In response to Marsan's request regarding the AD order, on January 7, 2009, the Department published its initiation of a changed circumstances review and stated that it will seek further information for the preliminary determination. See *Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Pasta From Turkey*, 74 FR 681 (January 7, 2009).

### Scope of the Order

Imports covered by this review are shipments of certain non-egg dry pasta in packages of five pounds (or 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.

### Initiation of Countervailing Duty Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of a request from an interested party, or receipt of information, concerning a CVD order which shows changed circumstances sufficient to warrant a review of the order. On December 3, 2008, Marsan submitted its request for an expedited changed circumstances review. With its request, Marsan submitted certain information related to its claim including information describing the acquisition of Gidasa in March 2008 by MGS Marmara Gıda Sanayi ve Ticaret A.Ş. ("MGS"). Following the acquisition of Gidasa, in June 2008, MGS changed Gidasa's name to Marsan. Based on the information Marsan submitted, the Department has determined that changed circumstances sufficient to warrant a review exist. See 19 CFR 351.216(d). Additionally, we note that there is no concurrent administrative review of Gidasa in which this name change could be examined.

In the context of a changed circumstances review of an AD order based on a name change or a change in the company's ownership or structure, the Department relies on its "successor-in-interest" analysis to determine whether the successor remains essentially the same entity as the predecessor so that it is appropriate to impose the existing AD cash deposit rate of the predecessor on the successor. However, the AD successor-in-interest test may not fully address whether it is appropriate to apply the CVD cash deposit rate of a previously examined company to its claimed successor.

In *Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Preliminary Results of Countervailing Duty Changed Circumstances Review*, 71 FR 75937 (December 19, 2006), the Department indicated that it intended to further consider the issue of whether alternative or additional successorship criteria, other than those the Department relies upon in an AD successor-in-interest analysis, would be more appropriate in a successorship-type CVD changed circumstances review context. Moreover, the Department stated that it anticipated issuing a **Federal Register** notice inviting the public to submit comments on the issue. Subsequently, the Department published *Countervailing Duty Changed Circumstances Reviews; Request for Comment on Agency Practice*, 72 FR

3107 (January 24, 2007), in which the Department reiterated that the AD successor-in-interest analysis may not be entirely relevant in the CVD context, highlighted various considerations that distinguish CVD changed circumstances reviews from AD changed circumstances reviews, and provided the public an opportunity to comment on whether any changes to the Department's practice regarding such reviews was warranted and, if so, what those changes should entail.

In the instant changed circumstances review, we intend not to apply the AD successor-in-interest methodology to determine whether Marsan is the successor-in-interest to Gidasa. The Department anticipates requesting additional information for this review and will publish in the **Federal Register** a notice of the preliminary results of the CVD changed circumstances review, in accordance with 19 CFR 351.221(b)(2) and (4), and 19 CFR 351.221(c)(3)(i). That notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of its CVD changed circumstances review not later than 270 days after the date on which the review is initiated.

Because the Department is not using the standard AD successor-in-interest methodology to examine this changed circumstances review and the Department will seek further information from Marsan, the Department has determined that it would be inappropriate to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii). Thus, the Department is not issuing the preliminary results of its CVD changed circumstances review at this time.

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

This notice of initiation is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: January 16, 2009.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of First Request for Panel Review.

**SUMMARY:** On January 16, 2009, Ivaco Rolling Mills 2004 L.P. and Sivaco Ontario, a division of Sivaco Wire Group 2004 L.P. (collectively, "Ivaco"), filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel Review was requested of the Final Results of the 2006-2007 Antidumping Duty Administrative Review made by the International Trade Administration, respecting Carbon and Certain Alloy Steel Wire Rod from Canada. The determination was published in the **Federal Register** (73 FR 77005) on December 18, 2008. The NAFTA Secretariat has assigned Case Number USA-CDA-2009-1904-01 to this request.

**FOR FURTHER INFORMATION CONTACT:**

Valerie Dees, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230. (202) 482-5432.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") established a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada, and the Government of Mexico established

Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on January 16, 2009, requesting a panel review of the determination and order described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is February 17, 2009);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 2, 2009); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in panel review and the procedural and substantive defenses raised in the panel review.

Dated: January 23, 2009.

**Valerie Dees,**

*United States Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-423-809]

#### Stainless Steel Plate in Coils From Belgium: Extension of Time Limit for Preliminary Results of the Countervailing Duty Administrative Review

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

**DATES:** *Effective Date:* January 28, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Alexander Montoro at (202) 482-0238 or David Layton at (202) 482-0371; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

## SUPPLEMENTARY INFORMATION:

### Background

On July 1, 2008, the Department published a notice of initiation of administrative review of the countervailing duty order on stainless steel plate in coils from Belgium, covering the period January 1, 2007 through December 31, 2007. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 37409 (July 1, 2008).

### Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department of Commerce ("the Department") to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results of review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

### Extension of Time Limit for Preliminary Results

Due to the complex nature of the countervailable subsidy practices and a merger involving the respondent company, the Department requires additional time to review and analyze the information and to issue supplemental questionnaires. Therefore, it is not practicable to complete this review within the originally anticipated time limit, and the Department is extending the time limit for completion of the preliminary results by 120 days to not later than May 31, 2009, in accordance with section 751(a)(3)(A) of the Act. However, May 31, 2009, falls on a Sunday and it is the Department's long-standing practice to issue a determination the next business day when the statutory deadline falls on a weekend, federal holiday, or any other day when the Department is closed. *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005). Accordingly, the deadline for completion of the preliminary results is now no later than June 1, 2009.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.