

provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

### Initiation of Antidumping 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 an antidumping duty 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 that Gidasa changed its name to Marsan, including information describing the acquisition of Gidasa by MGS Marmara Gida Sanayi ve Ticaret A.S. 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). In antidumping duty changed circumstances reviews involving a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base. See *Brass Sheet and Strip from Canada: Final Results of Antidumping Duty Administrative Review*, 57 FR 20460, 20462 (May 13, 1992) and *Certain Cut-To-Length Carbon Steel Plate from Romania: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review*, 70 FR 22847 (May 3, 2005) (*Plate from Romania*), unchanged in *Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Cut-to-Length Carbon Steel Plate from Romania*, 70 FR 35624 (June 21, 2005). While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor company if the resulting operations are essentially the same as those of the predecessor company. See, e.g., *Industrial Phosphoric Acid from Israel: Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994), and *Plate from Romania*, 70 FR 22847. Thus, if record 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 predecessor company, the Department may assign the successor

company the cash deposit rate 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, 9980 (March 1, 1999). Although Marsan submitted documentation related to its name change and some limited information regarding the four factors that the Department considers in its successor-in-interest analysis, it did not provide complete supporting documentation for the four elements listed above. Accordingly, 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 antidumping duty changed circumstances review at this time.

The Department will issue questionnaires requesting additional information for the review and will publish in the **Federal Register** a notice of the preliminary results of the antidumping duty 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 antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated.

During the course of this antidumping duty changed circumstances review, deposit requirements for the subject merchandise exported and manufactured by Marsan will continue to be the rate established in the antidumping duty order, as amended, for all manufacturers and exporters not investigated. See *Pasta from Turkey Order*, 61 FR 38545. The cash deposit will be altered, if warranted, pursuant only to the final results of this 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: December 31, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E9-70 Filed 1-6-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-821]

#### Polyethylene Retail Carrier Bags from Thailand: Partial Rescission of Antidumping Duty Administrative Review

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

**SUMMARY:** On September 30, 2008, in response to a request from an interested party, the Department of Commerce published a notice of initiation of the administrative review of the antidumping duty order on polyethylene retail carrier bags from Thailand. The period of review is August 1, 2007, through July 31, 2008. The Department of Commerce is rescinding this review in part.

**EFFECTIVE DATE:** January 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5760 and (202) 482-4477, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 30, 2008, in response to a request from an interested party, the Department of Commerce (the Department) initiated the administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Thailand for the period of review August 1, 2007, through July 31, 2008. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 56795, 56796 (September 30, 2008).

On December 9, 2008, the interested party that requested the review of C.P. Packaging Co., Ltd., C.P. Poly-Industry Co., Ltd., Naraipak Co., Ltd., and Nari Packaging (Thailand) Ltd. withdrew its request. On December 29, 2008, the interested party that requested the review of Poly Plast (Thailand) Co., Ltd., withdrew its request.

**Rescission of Review**

In accordance with 19 CFR 351.213(d)(i), the Department will rescind an administrative review “if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.” We received the letters withdrawing the requests for the review of the companies listed above within the 90-day time limit. The Department received no other requests for review of these companies. Pursuant to 19 CFR 351.213(d)(1), the Department is rescinding the review in part with respect to PRCBs from Thailand produced and/or exported by these companies. The Department will issue appropriate assessment instructions to U.S. Customs and Border Protection 15 days after publication of this notice.

**Notification to Importer**

This notice 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 review period. Failure to comply with this requirement could result in the Department’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice is published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: December 31, 2008.

**Edward C. Yang,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E8-71 Filed 1-6-09; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE****International Trade Administration**

[C-533-849]

**Commodity Matchbooks From India: Postponement of Preliminary Determination in the Countervailing Duty Investigation**

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

**DATES:** *Effective Date:* January 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1391 and (202) 482-3964, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On November 18, 2008, the Department of Commerce (the Department) initiated a countervailing duty investigation on commodity matchbooks from India. *See Commodity Matchbooks From India: Initiation of Countervailing Duty Investigation*, 73 FR 70968 (November 24, 2008). The preliminary determination is currently due no later than January 22, 2009. On December 22, 2008, D.D. Bean & Sons Co. (Petitioner), requested that the Department postpone the preliminary determination in the countervailing duty investigation on commodity matchbooks from India.

**Postponement of Due Date for Preliminary Determination**

Under section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.205(e), the Department may extend the deadline for reaching a preliminary determination in a countervailing duty investigation until no later than the 130th day after the date on which the administering authority initiates an investigation, if the petitioner makes a timely request for an extension of the period within which the determination must be made under section 703(b) of the Act. Pursuant to 19 CFR 351.205(e), Petitioner’s request for postponement of the preliminary determination was timely made 25 days or more before the scheduled date of the preliminary determination. Because the Department finds no compelling reason to deny Petitioner’s request, we are postponing the due date for the preliminary determination to no later than March 30, 2009.<sup>1</sup>

This determination is issued and published pursuant to sections 703(c)(2) of the Act and 19 CFR 351.205(f).

Dated: December 30, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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<sup>1</sup> Because the 130th day after the date of initiation is Saturday, March 28, 2009, we will issue the preliminary determination no later than the next business day (*i.e.*, Monday, March 30, 2009).

**DEPARTMENT OF COMMERCE****International Trade Administration**

[C-570-942]

**Certain Kitchen Appliance Shelving and Racks From the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination**

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

**SUMMARY:** The Department of Commerce preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain kitchen appliance shelving and racks from the People’s Republic of China. For information on the estimated subsidy rates, see the “Suspension of Liquidation” section of this notice.

**DATES:** *Effective Date:* January 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Yasmin Nair or Scott Holland, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3813 or (202) 482-1279, respectively.

**SUPPLEMENTARY INFORMATION:****Case History**

The following events have occurred since the publication of the Department of Commerce’s (“Department”) notice of initiation in the **Federal Register**. *See Notice of Initiation of Countervailing Duty Investigation: Certain Kitchen Appliance Shelving and Racks from the People’s Republic of China*, 73 FR 50304 (August 26, 2008) (“*Initiation Notice*”), and the accompanying Initiation Checklist.

On August 21, 2008, the Department requested Quantity and Value (“Q&V”) information from the 12 companies that the petitioners<sup>1</sup> identified as potential producers/exporters of kitchen shelving and racks in the People’s Republic of China (“PRC”). On September 17, 2008, the Department selected two Chinese producers/exporters of certain kitchen appliance shelving and racks (“KASR”) as mandatory respondents, Asber Enterprise Co. (“Asber”) and

<sup>1</sup> The petitioners in this investigation are Nashville Wire Products Inc., SSW Holding Company, Inc., United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, and the International Association of Machinists and Aerospace Workers, District Lodge 6 (Clinton, IA) (collectively, “the petitioners”).