

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.

This notice also serves as a reminder to parties subject to the administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the 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 results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213(d)(4).

Dated: November 13, 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. 2012-28313 Filed 11-20-12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-489-806]

Certain Pasta From Turkey: Final Results of Countervailing Duty Administrative Review; 2010

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

SUMMARY: On August 3, 2012, the Department of Commerce ("the Department") published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on certain pasta from Turkey for the period January 1, 2010, through December 31, 2010. We received no comments on those preliminary results and we continue to determine that Marsan Gida Sanayi ve Ticaret A.Ş. ("Marsan"), Birlik Pazarlama Sanayi ve Ticaret A.Ş. ("Birlik"), and Bellini Gida Sanayi A.Ş. ("Bellini") received *de minimis* countervailable subsidies during the period of review.¹

¹ We have also assigned a rate to Istanbul Gida Dis Ticaret A.Ş. ("Istanbul Gida"), which is cross-owned with Birlik and Bellini and produced the subject merchandise during the period of review. See *Certain Pasta From Turkey: Preliminary Results*

DATES: *Effective Date:* November 21, 2012.

FOR FURTHER INFORMATION CONTACT:

David Layton or Christopher Siepmann, 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) 482-0371 and (202) 482-7958, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the preliminary results of this administrative review on August 3, 2012. See *Preliminary Results*.

We invited interested parties to file comments following the release of the *Preliminary Results*. No comments were received.

Period of Review

The period of review ("POR") for which we are measuring subsidies is from January 1, 2010, through December 31, 2010.²

Scope of Order

The merchandise subject to the order is pasta. The product is currently classified under the Harmonized Tariff Schedule of the United States ("HTS") item numbers 1902.19.20. Although the HTS numbers are provided for convenience and customs purposes, the written product description, available in *Notice of Countervailing Duty Order: Certain Pasta from Turkey*, 61 FR 38546 (July 24, 1996), remains dispositive.

Final Results of Review

We have made no changes to our findings announced in the *Preliminary Results*. See *Preliminary Results*; see also Memorandum from Christopher Siepmann, International Trade Compliance Analyst to Susan Kuhbach, Office Director, "Preliminary Results Calculation Memorandum for Marsan Gida Sanayi ve Ticaret A.Ş. ("Marsan"), Birlik Pazarlama Sanayi ve Ticaret A.Ş. ("Birlik"), Bellini Gida Sanayi A.Ş. ("Bellini"), and Marsa Yag Sanayi ve Ticaret A.Ş. ("Marsa Yag")" (July 27, 2012).

of Countervailing Duty Administrative Review, 77 FR 46386 (August 3, 2012) ("Preliminary Results") at 46387.

² While the initiation notice correctly identified the period of review as January 1, 2010 through December 31, 2010, we note that our extension of the time limit for the preliminary results incorrectly identified the period of review as January 1, 2011 through December 31, 2011. See *Certain Pasta From Turkey: Extension of Time Limit for the Preliminary Results of the Countervailing Duty Administrative Review*, 77 FR 11065 (February 24, 2012).

For the period January 1, 2010, through December 31, 2010, we find the following *ad valorem* subsidy rates:

Exporter/manufacture	Net subsidy rate
Marsan Gida Sanayi ve Ticaret A.Ş.	0.15 (<i>de minimis</i>).
Istanbul Gida Dis Ticaret A.Ş./Birlik Pazarlama Sanayi ve Ticaret A.Ş./Bellini Gida Sanayi A.Ş.	0.28 (<i>de minimis</i>).

Marsan's final cash deposit rate is a "combination rate" pursuant to 19 CFR 351.107(b). It applies only to subject merchandise exported by Marsan and produced by Birlik and/or Bellini.

Assessment Rates

Because Marsan, Birlik, Bellini and Istanbul Gida received *de minimis* countervailable subsidies during the POR, the Department will instruct U.S. Customs and Border Protection ("CBP") to liquidate without regard to countervailing duties shipments of subject merchandise (a) exported by Marsan and produced by Birlik and/or Bellini, or (b) exported by Istanbul Gida, Birlik or Bellini, and entered, or withdrawn from warehouse, for consumption from January 1, 2010, through December 31, 2010.

For all other combinations or companies, as appropriate, that were not reviewed, the Department will direct CBP to assess countervailing duties on all entries between January 1, 2010, and December 31, 2010, at the rates in effect at the time of entry.

Cash Deposit Instructions

Because Marsan, Birlik, Bellini and Istanbul Gida have *de minimis* countervailable subsidy rates, the Department will instruct CBP to continue to suspend liquidation of entries, but to collect no cash deposits of estimated countervailing duties for the combination and companies described above on all shipments of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Also, for all other combinations or companies, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. The cash deposit rates for all companies not covered by this review are not changed by the results of this review.

Administrative Protective Order

This notice serves as a 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(a)(3). Timely written notification of 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.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: November 14, 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. 2012-28304 Filed 11-20-12; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[C-475-819]

Certain Pasta From Italy; Final Results of Countervailing Duty Administrative Review; 2010

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

SUMMARY: On August 1, 2012, the Department of Commerce (the "Department") published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on certain pasta from Italy for the period January 1, 2010, through December 31, 2010. We received no comments on those preliminary results and we continue to determine that Molino e Pastificio Tomasello S.p.A. ("Tomasello") received countervailable subsidies during the period of review.

DATES: *Effective Date:* November 21, 2012.

FOR FURTHER INFORMATION CONTACT: Joseph Shuler, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-1293.

SUPPLEMENTARY INFORMATION:**Background**

The Department published the preliminary results of this administrative review on August 1,

2012. *See Certain Pasta From Italy: Preliminary Results of the 15th (2010) Countervailing Duty Administrative Review and Rescission, In Part*, 77 FR 45582 (August 1, 2012) ("*Preliminary Results*"). We invited interested parties to file comments following the release of the *Preliminary Results*. No comments were received.

Period of Review

The period for which we are measuring subsidies is January 1, 2010, through December 31, 2010.

Certification of Organic Pasta

As discussed further under "Scope of the Order," pasta from Italy that is certified as organic by European Union authorized agents and accompanied by a U.S. Department of Agriculture's National Organic Program import certificate is excluded from the order.

Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta in packages of five pounds four ounces or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by the scope of the order 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 the order 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. Also excluded are imports of organic pasta from Italy that are certified by a European Union authorized body and accompanied by a National Organic Program import certificate for organic products. *See Memorandum from Yasmin Nair to Susan Kuhbach, entitled "Recognition of EU Organic Certifying Agents for Certifying Organic Pasta from Italy," dated October 10, 2012, which is on file in the Department's CRU.*

Pursuant to the Department's May 12, 2011 changed circumstances review, effective January 1, 2009, gluten-free pasta is also excluded from the scope of the countervailing duty order. *See Certain Pasta From Italy: Final Results of Countervailing Duty Changed Circumstances Review and Revocation, In Part*, 76 FR 27634 (May 12, 2011).

The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the

United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Use of Facts Otherwise Available and Adverse Inferences

Sections 776(a)(1) and (2) of the Tariff Act of 1930, as amended ("the Act"), provide that the Department shall apply "facts otherwise available" if necessary information is not on the record or an interested party or any other person: (A) Withholds information that has been requested; (B) fails to provide information within the deadlines established, or in the form and manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified as provided by section 782(i) of the Act. Section 776(b) of the Act further provides that the Department may use an adverse inference in applying the facts otherwise available when a party has failed to cooperate by not acting to the best of its ability to comply with a request for information.

As explained in our *Preliminary Results*, we find that the Government of Italy ("GOI") failed to respond to our request for usage information regarding Measure 3.14 of the POR Sicilia 2000/2006. Therefore, consistent with section 776(a)(2)(B) of the Act, we have relied on facts otherwise available. Furthermore, because the GOI failed to provide this information, which was in its possession, we determine that the GOI did not act to the best of its ability. Consequently, an adverse inference is warranted in accordance with section 776(b) of the Act. As adverse facts available, we determine that the assistance received by Tomasello under Measure 3.14 of the POR Sicilia 2000/2006 is specific within the meaning of section 771(5A) of the Act. *See Preliminary Results*, 77 FR at 45585.

Final Results of Review

We have made no changes to our findings announced in the *Preliminary Results*. *See Preliminary Results*, 77 FR at 45586; *see also* Memorandum from Joseph Shuler, International Trade Analyst, to the File, "2010 Preliminary Results Calculation Memorandum for Molino e Pastificio Tomasello, S.p.A.," dated July 24, 2012.

For the period January 1, 2010, through December 31, 2010, we find that the *ad valorem* net subsidy rate for Tomasello to be: