

order from which they were revoked if the Department finds that the company has resumed dumping.<sup>24</sup> For these reasons, conducting a CCR pursuant to section 751(b) of the Act to determine whether to reinstate Viraj or Venus into the *Order* is consistent with the statute and with the certification that the respondents signed as a precondition to their conditional revocation.<sup>25</sup>

#### *Period of Changed Circumstances Review*

The Department intends to request data from Viraj and Venus for the July 1, 2015, through June 30, 2016, period to determine whether it should reinstate the *Order* with respect to these companies because they resumed dumping.

#### *Public Comment*

The Department intends to publish in the **Federal Register** a notice of preliminary results of CCR in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth the Department's preliminary factual and legal conclusions. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results. Unless otherwise extended, the Department intends to issue its final results of review in accordance with the time limits set forth in 19 CFR 351.216(e).

This notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b) of the Department's regulations.

Dated: December 12, 2016.

**Christian Marsh,**

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

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**BILLING CODE 3510-DS-P**

<sup>24</sup> See *Revocation Final Rule*, 77 FR at 29882.

<sup>25</sup> See, e.g., *Sahaviriya*, 649 F.3d at 1380; *Initiation of Antidumping Duty Changed Circumstances Review: Certain Hot-Rolled Carbon Steel Flat Products from Thailand*, 73 FR 18766, 18769 (April 7, 2008); see also *Viraj Revocation*, 69 FR at 55411 ("Viraj provided each of the certifications required under 19 CFR 351.222(e) . . . {including} an agreement to immediate reinstatement of the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV."); see also *Venus Revocation*, 76 at 56402-3 ("the company has agreed to immediate reinstatement of the order if we find that it has resumed making sales at less than fair value"). See also *Changed Circumstances Review Initiation Checklist* at Exhibit 6 for copies of the respondents' agreements.

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-818]

#### **Certain Pasta From Italy: Final Results of Antidumping Duty Administrative Review; 2014-2015**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On August 12, 2016, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review of certain pasta (pasta) from Italy. The period of review (POR) is July 1, 2014, through June 30, 2015. As a result of our analysis of the comments and information received, these final results differ from the *Preliminary Results* with respect to Industria Alimentare Colavita S.p.A. (Indalco) and Liguori Pastificio Dal 1820 (Liguori). For the final weighted-average dumping margins, see the "Final Results of Review" section below.

**DATES:** Effective December 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** Joy Zhang (Liguori) or George McMahon (Indalco), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1168 or (202) 482-1167, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 12, 2016, the Department of Commerce (the Department) published the *Preliminary Results*.<sup>1</sup> In accordance with 19 CFR 351.309(c)(1)(ii), we invited parties to comment on our *Preliminary Results*. On September 7, 2016, Liguori submitted a request for a hearing, which was withdrawn on October 6, 2016.<sup>2</sup> On August 31, 2016, the Department revised the briefing schedule.<sup>3</sup> On

<sup>1</sup> See *Certain Pasta From Italy: Preliminary Results of Antidumping Duty Administrative Review; 2014-2015*, 81 FR 53404 (August 12, 2016) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Liguori's letter titled, "Hearing Request of Liguori Pastificio dal 1820 S.p.A.," dated September 7, 2016. See also Liguori's letter titled, "Certain Pasta from Italy: Withdrawal of Hearing Request of Liguori Pastificio dal 1820 S.p.A.," dated October 6, 2016.

<sup>3</sup> See the Department's Memorandum to All Interested Parties titled, "Postponement of Briefing Schedule," dated August 31, 2016.

September 19, 2016, Petitioners,<sup>4</sup> Indalco, and Liguori submitted their case briefs. On September 26, 2016, Petitioners, Indalco, and Liguori submitted their rebuttal briefs.

#### *Scope of the Order*

Imports covered by the order are shipments of certain non-egg dry pasta. 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.<sup>5</sup>

#### *Analysis of Comments Received*

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on-file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Central Records Unit (CRU), room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

#### *Changes Since the Preliminary Results*

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we have recalculated Indalco and Liguori's weighted-average dumping margins.<sup>6</sup> As a result of the

<sup>4</sup> Petitioners consist of New World Pasta Company, American Italian Pasta Company and Dakota Growers Pasta Company.

<sup>5</sup> For a full description of the scope of the order, see the "Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review and Partial Rescission: Certain Pasta from Italy; 2014-2015" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Issues and Decision Memorandum) and incorporated herein by reference.

<sup>6</sup> See Issues and Decision Memorandum; see also Memorandum to the File, Through Eric B. Greynolds, Program Manager, Office III, from Joy

recalculation of the rates for Indalco and Liguori, the weighted-average dumping margin for the non-selected companies has changed.

#### *Final Results of the Review*

As a result of this review, the Department calculated a weighted-average dumping margin of 1.20 percent for Indalco and 10.79 percent for Liguori for the period July 1, 2014, through June 30, 2015. Therefore, in accordance with

section 735(c)(5)(A) of the Act, the Department assigned the weighted-average of these two calculated weighted-average dumping margins, 4.00 percent, to the 19 non-selected companies in these final results, as referenced below.<sup>7</sup>

Producer and/or exporter	Weighted-average dumping margin (percent)
Industria Alimentare Colavita S.p.A. (Indalco) .....	1.20
Liguori Pastificio Dal 1820 (Liguori) .....	10.79
Agritalia S.r.L. (Agritalia) .....	4.00
Atar S.r.L. (Atar) .....	4.00
Corticella Molini e Pastifici S.p.A. (Corticella) .....	4.00
Delverde Industrie Alimentari S.p.A. (Delverde) .....	4.00
Domenico Paone fu Erasmo S.p.A. (Domenico) .....	4.00
F. Divella S.p.A. (F. Divella) .....	4.00
La Fabbrica della Pasta di Gragnano S.a.s. di Antonio Moccia (La Fabbrica) .....	4.00
Molino e Pastificio Tomasello S.r.L. (Tomasello) .....	4.00
P.A.P SNC DI Pazienza G.B. & C. (P.A.P) .....	4.00
Pasta Zara S.p.A. (Pasta Zara) .....	4.00
Pastificio Carmine Russo S.p.A. (Carmine) .....	4.00
Pastificio DiMartino Gaetano & F. Ili S.r.L. (DiMartino) .....	4.00
Pastificio Fabianelli S.p.A. (Fabianelli) .....	4.00
Pastificio Felicetti S.r.L. (Felicetti) .....	4.00
Pastificio Labor S.r.L. (Labor) .....	4.00
Pastificio Riscossa F. Ili Mastromauro S.p.A. (AKA Pastificio Riscossa F. Ili. Mastromauro S.r.L.) (Riscossa) .....	4.00
Poiatti S.p.A. (Poiatti) .....	4.00
Premiato Pastificio Afreltra S.r.L. (Premiato) .....	4.00
Rustichella d'Abruzzo S.p.A. (Rustichella) .....	4.00

#### *Duty Assessment*

The Department shall determine and Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.<sup>8</sup> For any individually examined respondents whose weighted-average dumping margin is above *de minimis*, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (i.e., at or above 0.5 percent), the Department will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

We intend to issue assessment instructions directly to CBP 15 days

after publication of the final results of this review.

#### *Cash Deposit Requirements*

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding;

(3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.45 percent, the all-others rate established in the antidumping investigation as modified by the section 129 determination. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### *Notification to Importers Regarding the 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 and/or countervailing duties prior to

Zhang, Case Analyst, Office III, titled "Certain Pasta from Italy: Calculation Memorandum—Liguori," dated concurrently with this notice, and Memorandum to the File, Through Eric B. Greynolds, Program Manager, Office III, from George McMahon, Case Analyst, Office III, titled "Certain Pasta from Italy: Calculation Memorandum—Indalco," dated concurrently with this notice.

<sup>7</sup> The rate applied to the non-selected companies is a weighted-average percentage margin calculated based on the publicly-ranged U.S. volumes of the two reviewed companies with an affirmative dumping margin, for the period July 1, 2014, through June 30, 2015. See Memorandum to the File titled, "Certain Pasta from Italy: Margin for Respondents Not Selected for Individual Examination," dated concurrently with this notice.

<sup>8</sup> In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

#### *Administrative Protective Order*

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: December 12, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### **Appendix—List of Topics Discussed in the Final Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. List of Comments
- V. Analysis of Comments
  - Indalco*
  - Comment 1: General and Administrative (G&A) Expense Ratio
  - Comment 2: Interest Expense Ratio
  - Comment 3: Cost of Goods Sold for G&A and Interest Expense Ratios
  - Comment 4: Adjustment to the Cost of Manufacturing
  - Comment 5: Correct Assessment Rate
  - Comment 6: Level of Trade
  - Liguori*
  - Comment 7: Depreciation of Idled Asset
  - Comment 8: Semolina Costs
  - Comment 9: Home Market Inland Freight
  - Comment 10: Shape Classification
- VI. Recommendation

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

#### **Initiation of Antidumping and Countervailing Duty Administrative Reviews**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (“the Department”) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

**DATES:** Effective December 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

##### **Notice of No Sales**

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (“POR”), it must notify the Department within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at <http://access.trade.gov> in accordance with 19 CFR 351.303.<sup>1</sup> Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (“the Act”). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

<sup>1</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

## **Respondent Selection**

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (“CBP”) data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (“Q&V”) Questionnaire for purposes of respondent selection, in general each