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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 [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

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, D.C. 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

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<sup>1</sup> See *Certain Pasta From Italy: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015*,

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 On September 7, 2016, Liguori submitted a request for a hearing, which was withdrawn on October 6, 2016.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 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

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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.

<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.

(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 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>

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

<b>Producer and/or Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
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 Paziienza 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

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<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).

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 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*

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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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