

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-475-818, A-489-805]

Certain Pasta From Italy and Turkey: Final Results of Expedited Fourth Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: As a result of these sunset reviews, the Department of Commerce (Commerce) finds that revocation of the antidumping duty orders on certain pasta (pasta) from Italy and Turkey would be likely to lead to the continuation or recurrence of dumping at the levels indicated in the "Final Results of Review" section of this notice.

DATES: Applicable December 5, 2018.

FOR FURTHER INFORMATION CONTACT: Daniel Deku or Scott Hoefke, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-5075 or 202-482-4947, respectively.

SUPPLEMENTARY INFORMATION:**Background**

Commerce published antidumping duty orders on pasta from Italy and Turkey on July 24, 1996.¹ On August 1, 2018, Commerce published the notice of initiation of the fourth sunset reviews of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² On August 16, 2018, Commerce received notices of intent to participate from the following domestic interested parties: A. Zerega's Sons, Inc.; Dakota Growers Pasta Company, Inc.; Riviana Foods, Inc. (formerly, New World Pasta Company); and TreeHouse Foods, Inc.³ (collectively, domestic interested parties),⁴ within the deadline specified

in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status within the meaning of section 771(9)(C) of the Act, as U.S. producers of certain pasta.⁵

On August 22, 2018, we received an extension request from the Government of Italy (GOI) for its response.⁶ On August 31, 2018, we granted an extension to the GOI to submit its substantive response by September 10, 2018.⁷

On August 31, 2018, Commerce received complete substantive responses from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁸ We received no substantive responses from respondent interested parties with respect to the orders covered by these sunset reviews.

On August 21, 2018, Commerce notified the U.S. International Trade Commission that it received a notice of intent to participate from domestic interested parties as required by 19 CFR 351.218(d).⁹ As a result, pursuant to 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset reviews of the *Orders*.

Scope of the Orders*Italy (A-475-818)*

The merchandise subject to the order is pasta. The product is currently classified under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS numbers are provided for conveniences and customs purposes, the written product description available in *Italian Order* remains dispositive. The full scope language can be found in the accompanying Issues and Decision Memorandum.

Turkey (A-489-805)

The merchandise subject to the order is pasta. The product is currently classified under items 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS numbers are provided for conveniences and custom purposes, the

written product description available in *Turkish Order* remains dispositive. The full scope language can be found in the accompanying Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in these sunset reviews, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *Orders* were revoked, are addressed in Issues and Decision Memorandum,¹⁰ which is hereby adopted by this notice. 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 <http://access.trade.gov>, and to all parties in the Central Records Unit, 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>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty orders on pasta from Italy and Turkey would likely lead to the continuation or recurrence of dumping and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 20.84 percent for Italy and up to 63.29 percent for Turkey.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to

¹ See *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy*, 61 FR 38547 (July 24, 1996) (*Italy Order*), see also *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta from Turkey*, 61 FR 38545 (July 24, 1996) (*Turkey Order*) (collectively, the *Orders*).

² See *Initiation of Five-Year (Sunset) Reviews*, 83 FR 37463 (August 1, 2018) (*Sunset Initiation*).

³ The domestic interested parties stated that TreeHouse Foods, Inc. acquired the American Italian Pasta Company in February 2016, and that the American Italian Pasta Company is now an indirect wholly owned subsidiary of TreeHouse Foods, Inc. See *Domestic Interested Parties' August 16, 2018 Intent to Participate for Italy*. See *Domestic August 16, 2018 Intent to Participate for Turkey*.

⁴ *Id.*

⁵ *Id.*

⁶ See GOI's August 22, 2018 Extension Request.

⁷ See Commerce Letter "Five-Year (Sunset) Review of the Antidumping Duty Order on Certain Pasta from Italy: Request for Extension of Time to File Substantive Responses," dated August 29, 2018.

⁸ See *Domestic Interested Parties' August 31, 2018 Substantive Response for Italy*; see also *Domestic Interested Parties' August 31, 2018 Substantive Response for Turkey*.

⁹ See Commerce Letter re: "Sunset Reviews Initiated on August 1, 2018," dated August 21, 2018.

¹⁰ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders on Certain Pasta from Italy and Turkey," dated concurrently with this notice (Issues and Decision Memorandum).

sanction. We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: November 28, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-executive functions and duties of the Assistance Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Orders
4. History of the Orders
5. Legal Framework
6. Discussion of the Issues
 - I. Likelihood of Continuation or Recurrence of Dumping
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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–806]

Certain Pasta From Turkey: Final Results of the Expedited Fourth Sunset Review of the Countervailing Duty Order

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

SUMMARY: The Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain pasta from Turkey would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the “Final Results of Review” section of this notice.

DATES: Applicable December 5, 2018.

FOR FURTHER INFORMATION CONTACT: Aimee Phelan or Mary Kolberg at (202) 482–0697 or (202) 482–1785, respectively; AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1996, Commerce published the CVD order on certain

pasta from Turkey.¹ On August 1, 2018, Commerce published the notice of initiation of the fourth sunset review of this order, pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (the Act).² On August 16, 2018, Commerce received a notice of intent to participate from A. Zerega’s Sons, Inc. (Zerega), Dakota Growers Pasta Company, Inc. (Dakota Growers), Riviana Foods, Inc. (Riviana) (formerly, New World Pasta Company),³ and TreeHouse Foods, Inc. (TreeHouse) (formerly, The American Italian Pasta Company)⁴ within the deadline specified in 19 CFR 351.218(d)(1)(i).⁵ Zerega, Dakota Growers, Riviana, and TreeHouse claimed interested party status under section 771(9)(C) of the Act as producers of pasta in the United States.⁶

On August 31, 2018, Commerce received an adequate substantive response to the notice of initiation from domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁷ On August 31, 2018, Commerce also received a substantive response from the Government of Turkey (GOT).⁸ However, we received no substantive responses from respondent interested parties who are producers or exporters of merchandise subject to the order covered by this sunset review. A government’s response alone, normally, is not sufficient for Commerce to conduct a full sunset review, unless the investigation was

¹ See *Notice of Countervailing Duty Order: Certain Pasta (“Pasta”) From Turkey*, 61 FR 38546 (July 24, 1996) (Order); see also *Final Affirmative Countervailing Duty Determination: Certain Pasta (“Pasta”) from Turkey*, 61 FR 30366 (June 14, 1996) (Final Determination).

² See *Initiation of Five-Year (Sunset) Reviews*, 83 FR 37463 (August 1, 2018).

³ New World Pasta Company merged into Riviana Foods Inc. effective January 1, 2017.

⁴ The American Italian Pasta Company was acquired by TreeHouse Foods in February 1, 2016.

⁵ See Letter from Zerega, Dakota Growers, Riviana, and Treehouse, “Five-Year (Sunset) Review of the Countervailing Duty Order on Certain Pasta from Turkey—Domestic Interested Parties’ Notice of Intent to Participate,” dated August 16, 2018 (Domestic Parties’ Notice of Intent to Participate).

⁶ See Letter from Domestic Interested Parties, “Five-Year (Sunset) Review of the Countervailing Duty Order on Certain Pasta—Domestic Interested Parties’ Notice of Intent to Participate,” August 16, 2018. As domestic producers of certain pasta, the petitioners are interested parties to this proceeding pursuant to section 771(9)(C) of the Act.

⁷ See Letter from the petitioner, “Certain Pasta from Turkey—Five-Year (“4th Sunset”) Review of Countervailing Duty Order,” dated August 31, 2018 (Petitioners’ Substantive Response).

⁸ See Letter from the GOT, “Substantive Response of the Government of Turkey in the Countervailing Duty 4th Sunset Review Involving Certain Pasta from Turkey,” dated August 31, 2018 (GOT substantive response).

conducted on an aggregate basis.⁹ This investigation was conducted on a company-specific, rather than an aggregate, basis.

On September 20, 2018, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.¹⁰ As a result, pursuant to 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce has conducted an expedited (120-day) sunset review of the CVD order on certain pasta from Turkey.

Scope of the Order

The scope of the CVD order consists 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 the order is typically sold in the retail market, in fiberboard or cardboard cartons or polyethylene or polyethylene 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.

The merchandise under review is currently classifiable under subheading 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum,¹¹ which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum are the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the order were revoked. The Issues and Decision Memorandum is a public

⁹ See, e.g., *Certain Pasta from Turkey: Final Results of Expedited Five-Year (“Sunset”) Review of the Countervailing Duty Order*, 72 FR 5269 (February 5, 2007); *Certain Carbon Steel Products from Sweden: Final Results of Expedited Sunset Review of Countervailing Duty Order*, 65 FR 18304 (April 7, 2000).

¹⁰ See Letter re: “Sunset Reviews Initiated on August 1, 2018,” dated September 20, 2018.

¹¹ See Memorandum “Issues and Decision Memorandum for the Expedited Fourth Sunset Review of the Countervailing Duty Order on Certain Pasta from Turkey,” dated concurrently with this notice (Issues and Decision Memorandum).