

established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: June 3, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Preliminary Determination of No Shipments
- V. Rate for Non-Selected Companies
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Certain Pasta From Italy: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

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

SUMMARY: On May 4, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Ghigi 1870 S.p.A. v. United States*, Consol. Court no. 20-00023, sustaining the Department of Commerce (Commerce)'s remand results pertaining to the administrative review of the antidumping duty (AD) order on certain

pasta (pasta) from Italy covering the period July 1, 2017, through June 30, 2018. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results and amended final results of the administrative review, and that Commerce is amending the final results and amended final results with respect to the weighted-average dumping margin assigned to Ghigi 1870 S.p.A. and Pasta Zara S.p.A. (the collapsed, single entity Ghigi/Zara), Agritalia S.r.l. (Agritalia), and Tesa S.r.l. (Tesa).

DATES: Applicable May 14, 2022.

FOR FURTHER INFORMATION CONTACT:

Jonathan Hall-Eastman, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1468.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 2020, Commerce published its *Final Results* in the 2017–2018 AD administrative review of pasta from Italy.¹ Commerce calculated weighted-average dumping margins of 91.76 percent and 0.50 percent for the mandatory respondents Ghigi/Zara and Industrie Alimentare Colavita S.p.A. (Indalco), respectively. Commerce assigned an average of the weighted-average dumping margins calculated for Ghigi/Zara and Indalco (*i.e.*, 44.56 percent) to the two non-examined companies Agritalia and Tesa.²

After correcting a ministerial error contained in the *Final Results*, on March 3, 2020, Commerce published the *Amended Final Results*, and revised the weighted-average dumping margin for Indalco from 0.50 percent to 0.00 percent. Consequently, Commerce revised the review-specific rate applied to the two non-examined companies of to 91.76 percent, the rate from the *Final Results* for Ghigi/Zara.³

Ghigi/Zara, Agritalia, and Tesa appealed Commerce's *Final Results*. On November 30, 2021, the CIT remanded the *Final Results* to Commerce, holding that Commerce's use of adverse facts available with respect to Ghigi's U.S.

payment dates was unlawful and unsupported by substantial evidence.⁴

In its final results of redetermination, issued in February 2022, Commerce provided further explanation of why adverse inferences are warranted when selecting from among the facts otherwise available, and thus, continued to use adverse facts available with respect to Ghigi's U.S. payment dates.⁵

Further, when applying adverse facts available to Ghigi's U.S. payment dates, Commerce found an error where it had applied adverse facts available to certain U.S. sales where the payment date was on the record of the administrative review. Accordingly, Commerce corrected this erroneous application of adverse facts available to those U.S. sales for the final results of redetermination.⁶

The CIT sustained Commerce's final redetermination.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamond Sawblades*,⁹ the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's May 4, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results* and *Amended Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* and *Amended Final Results*¹⁰ with respect to Ghigi/Zara, Agritalia, and Tesa as follows:

⁴ See *Ghigi 1870 S.p.A. v. United States*, 547 F. Supp. 3d 1332 (CIT 2021).

⁵ See *Final Results of Redetermination Pursuant to Court Remand: Ghigi 1870 S.P.A. and Pasta Zara S.P.A., et al v. United States*, Court No. 20-00023, Slip Op. 21-159 (February 25, 2022).

⁶ *Id.* at 8.

⁷ See *Ghigi 1870 S.p.A. v. United States*, Consol. Court No. 20-00023, Slip Op. 22-41 (CIT May 4, 2022).

⁸ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁹ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹⁰ The current weighted-average dumping margins for Agritalia and Tesa were determined in the *Amended Final Results*.

¹ See *Certain Pasta from Italy: Final Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 2714 (January 16, 2020) (*Final Results*).

² See Memorandum, "Certain Pasta from Italy: Margin for Respondents Not Selected for Individual Examination," dated January 10, 2020.

³ See *Certain Pasta from Italy: Amended Final Results of Antidumping Duty Administrative Review; 2017–2018*, 85 FR 12518 (March 3, 2020) (*Amended Final Results*).

Exporter or producer	Weighted-average dumping margin (percent)
Ghigi 1870 S.p.A. and Pasta Zara S.p.A	91.74
Agritalia S.r.l	91.74
Tesa S.r.l	91.74

Cash Deposit Requirements

Because Ghigi/Zara, Agritalia, and Tesa have superseding cash deposit rates, *i.e.*, there have been final results published in subsequent administrative reviews, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were produced and/or exported by Ghigi/Zara, Agritalia, or Tesa, and were entered, or withdrawn from warehouse, for consumption during the period July 1, 2017, through June 30, 2018. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by Ghigi/Zara, Agritalia, or Tesa in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where an import-specific *ad valorem* assessment rate is zero or *de minimis*,¹¹ we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: June 2, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-038]

Certain Amorphous Silica Fabric From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on certain amorphous silica fabric from the People's Republic of China (China) 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 June 8, 2022.

FOR FURTHER INFORMATION CONTACT: Erin Kearney, 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) 482-0167.

SUPPLEMENTARY INFORMATION:

Background

On March 17, 2017, Commerce published the AD order on certain amorphous silica fabric from China.¹ On February 1, 2022 Commerce published the notice of initiation of the first sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² On February 16, 2022, Commerce received a notice of intent to participate within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i) from Auburn Manufacturing, Inc. (AMI).³ AMI claimed interested party status under section 771(9)(C) of the Act as a domestic producer of certain amorphous silica fabric.⁴

On March 3, 2022, Commerce received an adequate substantive response to the notice of initiation from AMI within the 30-day deadline specified in 19 CFR 351.218(d)(3).⁵ On

¹ See *Certain Amorphous Silica Fabric from the People's Republic of China: Antidumping Duty Order*, 82 FR 14314 (March 17, 2017) (*Order*).

² See *Initiation of Five-Year (Sunset) Reviews*, 87 FR 5467 (February 1, 2022).

³ See AMI's Letter, "Amorphous Silica Fabric from the People's Republic of China: Five Year ("Sunset") Review of Antidumping Duty Order—Notice of Intent to Participate," dated February 16, 2022.

⁴ *Id.* at 2.

⁵ See AMI's Letter, "Amorphous Silica Fabric from the People's Republic of China: Five Year

March 3, 2022, Commerce also received a letter in response to the notice of initiation from SGL Composites Inc., a manufacturer of certain amorphous silica fabric.⁶ We received no substantive response from any respondent interested party with respect to the *Order* covered by this sunset review.

On March 21, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.⁷ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

Scope of the Order

The merchandise subject to the *Order* consists of certain woven (whether from yarns or rovings) industrial grade amorphous silica fabric, which contains a minimum of 90 percent silica (SiO₂) by nominal weight, and a nominal width in excess of 8 inches. For a complete description of the products covered, see the Issues and Decision Memorandum.⁸

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. 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>. A list of topics discussed in the Issues and Decision Memorandum is included as the appendix to this notice. In addition, a complete version of the Issues and Decision Memorandum can be accessed

("Sunset") Review of Antidumping Duty Order—Auburn Manufacturing Inc.'s Substantive Response to Notice of Initiation," dated March 3, 2022.

⁶ See SGL Composites Inc.'s Letter, "Amorphous Silica Fabric from the People's Republic of China: Five Year ("Sunset") Review: SGL Composites Inc.'s Substantive Response to Notice of Initiation," dated March 3, 2022. Although SGL Composites Inc.'s submission is entitled "Substantive Response," because the company did not file a timely notice of intent to participate pursuant to 19 CFR 351.218(d), we have disregarded this submission for purposes of our analysis.

⁷ See Commerce's Letter, "Sunset Reviews Initiated on February 1, 2022," dated March 21, 2022.

⁸ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Antidumping Duty Order on Amorphous Silica Fabric from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

¹¹ See 19 CFR 351.106(c)(2).