

than 86 GSM, and a height of less than 11.5 inches; and

- Paper sacks or bags (i) with non-paper handles made wholly of woven ribbon or other similar woven fabric<sup>14</sup> and (ii) that are finished with folded tops or for which tied knots or t-bar aglets (made of wood, metal, or plastic) are used to secure the handles to the bags.

The above-referenced dimensions are provided for paper bags in the opened position. The height of the bag is the distance from the bottom fold edge to the top edge (*i.e.*, excluding the height of handles that extend above the top edge). The depth of the bag is the distance from the front of the bag edge to the back of the bag edge (typically measured at the bottom of the bag). The width of the bag is measured from the left to the right edges of the front and back panels (upon which the handles typically are located).

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 4819.30.0040 and 4819.40.0040. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Determination of Critical Circumstances, in Part
- V. Subsidies Valuation
- VI. Changes Since the *Preliminary Determination*
- VII. Analysis of Programs
- VIII. Discussion of the Issues
  - Comment 1: Whether Commerce Correctly Calculated the Benefits Under Advance License Program (AAP)
  - Comment 2(a): Whether Remission of Duties and Taxes on Export Products (RODTEP) Is Countervailable
  - Comment 2(b): Whether Commerce Incorrectly Calculated the Benefits Under the RODTEP Program
  - Comment 3: Whether Duty Drawback (DDB) Is Countervailable
  - Comment 4: Whether Commerce Has Incorrectly Calculated Benefits Under the Government of Haryana's Freight Assistance Scheme (FAS)
  - Comment 5: Whether Commerce Should Correct the Spelling of Aeroplast Packaging Solution Private Limited
- IX. Recommendation

[FR Doc. 2024-11481 Filed 5-23-24; 8:45 am]

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<sup>14</sup> Paper sacks or bags with handles made of braided or twisted materials, such as rope or cord, do not qualify for this exclusion.

## DEPARTMENT OF COMMERCE

### International Trade Administration [C-475-819]

#### Certain Pasta From Italy: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2022

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of certain pasta (pasta) from Italy, during the period of review (POR) January 1, 2022, through December 31, 2022. In addition, Commerce is rescinding the review with respect to one company. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable May 24, 2024.

**FOR FURTHER INFORMATION CONTACT:** Stefan Smith or Nicholas Czajkowski, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4342 or (202) 482-1395, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 24, 1998, Commerce published in the **Federal Register** the countervailing duty order on pasta from Italy.<sup>1</sup> On July 3, 2023, Commerce published in the **Federal Register** the notice of initiation of an administrative review of the *Order*.<sup>2</sup> On October 6, 2023, Commerce selected Gruppo Alimentare Mediterraneo Milo S.r.l. (Milo) and Pastificio Gentile S.r.l. (Gentile) as the mandatory respondents in this review.<sup>3</sup> On October 26, 2023, Milo withdrew its request for a review.<sup>4</sup> On November 13, 2023, we also selected Sgamaro SpA. (Sgamaro) for individual examination as a mandatory respondent.<sup>5</sup> On March 21, 2024, we

<sup>1</sup> See *Notice of Countervailing Duty order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy*, 61 FR 38544 (July 24, 1996) (*Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 62322 (September 11, 2023).

<sup>3</sup> See Memorandum, "Respondent Selection Memorandum," dated October 6, 2023.

<sup>4</sup> See Milo's Letter, "Withdraw Request for Administrative Review," dated October 26, 2023 (Milo's Withdrawal of Review Request).

<sup>5</sup> See Memorandum, "Second Respondent Selection Memorandum," dated November 13, 2023.

extended the deadline for the preliminary results of this administrative review until May 21, 2024.<sup>6</sup>

For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>7</sup> A list of topics discussed in the Preliminary Decision Memorandum is included in the Appendix to this notice. The Preliminary 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>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Order

The merchandise covered by the *Order* is pasta from Italy. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

#### Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce preliminarily determines that there is a subsidy (*i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific).<sup>8</sup> For a full description of the methodology underlying our conclusions, including our reliance, in part, on facts otherwise available with an adverse inference pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.

#### Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a

<sup>6</sup> See Memorandum, "Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review," dated March 21, 2024.

<sup>7</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Countervailing Duty Order on Certain Pasta from Italy; 2022," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>8</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

review withdraw the request within 90 days of the date of publication of the notice of initiation. On October 26, 2023, Milo withdrew its request for an administrative review.<sup>9</sup> Because the withdrawal request was timely filed, and no other party requested a review of this company, we are rescinding this review of the *Order* with respect to Milo, in accordance with 19 CFR 351.213(d)(1).

**Preliminary Results of Review**

We preliminary find that the following net countervailable subsidy rates exist for the period January 1, 2022, through December 31, 2022:

Company	Subsidy rate (percent ad valorem)
Pastificio Gentile S.r.l .....	0.94
Sgambaro SpA .....	2.37

**Cash Deposit Requirements**

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends upon publication of the final results, to instruct U.S. Customs and Border Protection (CBP) to collect cash deposits of the estimated countervailing duties in the amounts calculated in the final results of this review for the respective companies listed above with regard to shipment of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. If the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Assessment Rates**

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.221(b)(4)(i), we preliminary determined subsidy rates in the amounts shown above for the producer/exporters shown above. Upon issuance of the final results of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2),

Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review.

For the company for which this review is rescinded with these preliminary results, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2022, through December 31, 2022, in accordance with 19 CFR 351.212(c)(1)(i). For the companies remaining in the review, we intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

**Disclosure and Public Comment**

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.<sup>10</sup> Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>11</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>12</sup> Further, we

request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>13</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.

**Final Results**

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

**Notification to Interested Parties**

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: May 20, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the 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*

in a comment of the Issues and Decision Memorandum.

<sup>13</sup> See *APO and Service Procedures*.

<sup>10</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

<sup>11</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>12</sup> We use the term "issue" here to describe an argument that Commerce would normally address

<sup>9</sup> See Milo's Withdrawal of Review Request.

- IV. Rescission of Administrative Review, in Part
- V. Use of Facts Otherwise Available and Adverse Inferences
- VI. Subsidies Valuation
- VII. Analysis of Programs
- VIII. Recommendation

[FR Doc. 2024–11527 Filed 5–23–24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–552–836]

#### Certain Paper Shopping Bags From the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that certain paper shopping bags (paper bags) from the Socialist Republic of Vietnam (Vietnam) are being, or likely to be, sold in the United States at less-than-fair value (LTFV) for the period investigation October 1, 2022, through March 31, 2023.

**DATES:** Applicable May 24, 2024.

**FOR FURTHER INFORMATION CONTACT:** Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2371.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 3, 2024, Commerce published in the *Federal Register* its preliminary determination in the LTFV investigation of paper bags from Vietnam, in which we also postponed the final determination until May 17, 2024.<sup>1</sup> We invited interested parties to comment on the *Preliminary Determination*.<sup>2</sup>

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by

<sup>1</sup> See *Certain Paper Shopping Bags from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Critical Circumstances Determination, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 321 (January 3, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See *Preliminary Determination*, 89 FR at 321.

parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>3</sup> 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>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

##### Scope of the Investigation

The products covered by this investigation are paper bags from Vietnam. For a complete description of the scope of this investigation, see Appendix I.

##### Scope Comments

During the course of this investigation, Commerce received scope comments from parties. Commerce issued a Preliminary Scope Decision Memorandum to address these comments and set aside a period of time for parties to address scope issues in scope-specific case and rebuttal briefs.<sup>4</sup> We received comments from parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.<sup>5</sup> We made no changes to the scope of the investigation of the scope published in the *Preliminary Determination*, as noted in Appendix I to this notice.

##### Final Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.206, Commerce continues to find that critical circumstances exist with respect to imports of paper bags from Vietnam for Goldsun Packaging and Printing Joint Stock Company (Goldsun), the non-selected respondents eligible for a separate rate, and the Vietnam-wide

<sup>3</sup> See Memorandum, “Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Certain Paper Shopping Bags from the Socialist Republic of Vietnam,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See Memorandum, “Preliminary Scope Decision Memorandum,” dated December 27, 2023 (Preliminary Scope Decision Memorandum).

<sup>5</sup> See Memorandum, “Less-Than-Fair-Value and Countervailing Duty Investigations of Certain Paper Shopping Bags from Cambodia, the People’s Republic of China, Colombia, India, Malaysia, Portugal, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Final Scope Decision Memorandum,” dated March 11, 2024 (Final Scope Decision Memorandum).

entity. For a discussion and analysis of comments regarding Commerce’s critical circumstances analysis, see the Issues and Decision Memorandum.

##### Verification

As provided in section 782(i) of the Act, we conducted verifications of the sales and factors of production information submitted by Goldsun for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Goldsun.<sup>6</sup>

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached as Appendix II to this notice.

##### Changes Since the Preliminary Determination

We have made certain changes to the margin calculation for Goldsun.<sup>7</sup> For a discussion of these changes, see the Issues and Decision Memorandum.

##### Vietnam-Wide Entity and Use of Adverse Facts Available (AFA)

Consistent with the *Preliminary Determination*,<sup>8</sup> Commerce continues to find, pursuant to sections 776(a)(1) and (a)(2)(A)–(C) of the Act, that the use of facts available is warranted in determining the rate of the Vietnam-wide entity, which includes mandatory respondent Hi-Level Enterprise Co., Ltd. (Hi-Level), who did not fully respond to Commerce’s questionnaire, and for the following five non-responsive companies<sup>9</sup> that did not respond to our requests for information: NamCuong Packaging, Pan Pacific Vietnam, SIC Paper Bag, Kien Nang, Co., Ltd. and TLC Packaging. Furthermore, we continue to find that an adverse inference is warranted in selecting from among the facts otherwise available, pursuant to section 776(b) of the Act, because the Vietnam-wide entity, including the above-referenced companies, failed to cooperate by not acting to the best of their ability to comply with Commerce’s requests for information. For the final determination, consistent with the

<sup>6</sup> See Memorandum, “Verification of the Questionnaire Responses of Goldsun Packaging and Printing Joint Stock Company in the Antidumping Investigation of Certain Paper Shopping Bags from the Socialist Republic of Vietnam,” dated March 27, 2024.

<sup>7</sup> See Issues and Decision Memorandum.

<sup>8</sup> See *Preliminary Determination* PDM at 6–8.

<sup>9</sup> *Id.*