DEPARTMENT OF COMMERCE
International Trade Administration
[853–840]

Certain Frozen Warmwater Shrimp From India: Notice of Rescission of Antidumping Duty Changed Circumstances Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: Effective Date: August 23, 2010.


FOR FURTHER INFORMATION CONTACT: Blaine Wiltse; AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20220; telephone: (202) 482–6345.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2005, the Department published in the Federal Register an antidumping duty order on certain frozen warmwater shrimp from India. See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India, 70 FR 5147 (Feb. 1, 2005).

On January 25, 2010, RDR requested that the Department conduct an expedited changed circumstances review under 19 CFR 351.221(c)(3)(iii) to determine whether it is the successor-in-interest to Jaya Satya for purposes of determining antidumping liability. On March 22, 2010, the Department initiated a changed circumstances review but did not expedite the review, as requested by RDR, because we required additional information regarding the factual statements forming the basis of RDR’s changed circumstances review request. See Initiation, 75 FR at 13493.

In April, June, and July 2010, we requested further information and documentation from RDR to substantiate its claim to be the successor-in-interest to Jaya Satya. RDR submitted additional information in response to the first two of these requests in May and June 2010. On July 30, 2010, before the deadline for submitting its response to the third additional information request, RDR withdrew its request for a changed circumstances review.

Scope of the Order

The scope of this order includes certain, ozon warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (by aquaculture) or head-on or head-off, shell-on or peeled, tail-on or tail-off, deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the Penaeidae family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, the Penaeidae family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (Peneaus vanneumci), banana prawn (Peneaus merguiensis), fleshy prawn (Peneaus chinensis), giant river prawn (Macrobrachium rosenbergii), giant tiger prawn (Peneaus monodon), redspotted shrimp (Peneaus brasiliensis), southern brown shrimp (Peneaus subtilis), southern pink shrimp (Peneaus notialis), southern rough shrimp (Trachypenaeus cuvirostris), southern white shrimp (Peneaus schmitti), blue shrimp (Peneaus stylirostris), western white shrimp (Peneaus occidentalis), and Indian white prawn (Peneaus indicus).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this order. In addition, food preparations, which are not “prepared meals,” that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this order.

Excluded from the scope are: (1) Breaded shrimp and prawns (HTSUS subheadings 1605.20.10.20); (2) shrimp and prawns generally classified in the Pandalidae family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTSUS subheading 1605.20.10.40); (7) certain dusted shrimp; and (8) certain battered shrimp. Dusted shrimp is a shrimp-based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a “dusting” layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and ten percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to IQF freezing immediately after application of the dusting layer. Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and par-fried. The products covered by this order are currently classified under the following HTSUS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.

Rescission of Changed Circumstances Review

Although it does not specifically reference changed circumstances reviews, section 351.213(d)(1) of the Department’s regulations provides that the Department will rescind an administrative review if the party requesting the review withdraws its request within ninety days of the date of publication of the notice of initiation of the requested review. The Department’s practice has been to apply this ninety-day deadline to changed circumstances review requests. See, e.g., Certain Softwood Lumber Products from Canada: Notice...
FTZ 167 currently consists of two "sites" totaling 4,001 acres in the Green Bay area. The current update does not alter the physical boundaries that have previously been approved, but instead involves an administrative renumbering that separates certain non-contiguous sites for record-keeping purposes.

Under this revision, the site list for FTZ 167 will be as follows: Site 1 (60 acres)—located at South Point Road and Airport Road adjacent to Austin Straubel Airport in Ashwaubenon, Brown County; Site 2 (289 acres)—Oshkos Southwest Development Park located west of Oakwood Road, north of State Highway 91, east of Clairville Road and south of 20th Avenue in the City of Oshkosh and Town of Algoma, Winnebago County; Site 3 (1,654 acres)—Austin Straubel Airport located in Ashwaubenon and Hobart, Brown County; Site 4 (650 acres)—Ashwaubenon Industrial Park located at Adam Drive and Ridge Road in Ashwaubenon and Hobart, Brown County; Site 5 (20 acres)—Seven Generations Corporation (Oneida Tribe Economic Development) facility located west of Packerland Drive, north of Partnership Drive, east of Commodity Lane and south of Glory Road in Ashwaubenon, Brown County; Site 6 (162 acres)—Oneida Industrial Park located at the intersection of East Adam Drive and Short Road in Ashwaubenon, Brown County; Site 7 (10 acres)—the SJ Spanbaurer (Fox Valley Technical College) facility bounded by West 20th Avenue to the north, Oregon Street to the east, West 23rd Avenue to the south, and Minnesota Street to the west, in the City of Oshkosh, Winnebago County; and, Site 8 (1,318 acres)—Wittman Regional Airport located in the City of Oshkosh and the Townships of Algoma and Nekimi, Winnebago County.

For further information, contact Elizabeth Whiteman at Elizabeth.Whiteman@trade.gov or (202) 482–0473.