aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off, 6 devenied or not devenied, cooked or raw, or otherwise processed in frozen form, regardless of size.

The frozen warmwater shrimp and prawn products included in the scope, regardless of definition 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 Penaedae family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (Penaeus vannamei), banana prawn (Penaeus merguiensis), fleshy prawn (Penaeus chinensis), giant river prawn (Macrobrachium rosenbergii), giant tiger prawn (Penaeus monodon), redspotted shrimp (Penaeus brasiliensis), southern brown shrimp (Penaeus subtilis), southern pink shrimp (Penaeus notialis), southern rough shrimp (Trachypenaeus curvirostris), southern white shrimp (Penaeus semnittii), blue shrimp (Penaeus stylirostris), western white shrimp (Penaeus occidentalis), and Indian white prawn (Penaeus indicus).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope. In addition, food preparations (including dusted shrimp), which are not "prepared meals," that contain more than 20 percent by weight of shrimp or prawn are also included in the scope. Excluded from the scope are: (1) Breaded shrimp and prawns; (2) shrimp and prawns generally classified in the Fandalidae family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled; (4) shrimp and prawns in prepared meals; (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns; and (7) certain "battered shrimp" (see below).

"Battered 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 10 percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick-frozen ("IQF") freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and par-fried.

The products included in the scope of this investigation are currently classified under the following HTSUS subheadings: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope is dispositive.

Appendix II

List of Comments and Issues in the Decision Memorandum

Comment 1 Whether the Department Should Investigate Petitioner’s Timely Filed New Subsidy Allegation

Comment 2 Whether the Department Should Apply Adverse Facts Available to the DEPS Program

Comment 3 Whether the Department Should Include the Benefits Found for the DEPS Program in the Final Cash Deposit Rates

Comment 4 Whether the Department Used the Incorrect Rate for Exports of Prepared Shrimp in Its Calculation of the Benefit Received by Devi Seafoods from the Duty Drawback Program

Comment 5 Whether the Department Should Correct the Calculation of the Benefit Received by Devi Seafoods under the Chapter 18 Program

Comment 6 Whether the Department used an Incorrect Benchmark in the Calculation of Pre-Shipment Export on Benefit Financing Denominated in INR

Comment 7 Whether the Department Erred in the Calculation of the Post-Shipment INR Benefits by using the Incorrect Number of Days for Several Post-Shipment INR Loans

Comment 8 The Determination Not to Investigate VAT Exemptions

Comment 9 Whether the Department Improperly Omitted Sales by Satya from the Denominator when Calculating the Benefit Received

[F.R. Doc. 2013–20167 Filed 8–16–13; 8:45 am]

BILLING CODE 3510–05–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–815]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination

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

SUMMARY: The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and/or exporters of certain frozen warmwater shrimp (frozen shrimp) from the Socialist Republic of Vietnam (Vietnam). For information on the estimated subsidy rates, see the “Suspension of Liquidation” section of this notice.

DATES: Effective Date: August 19, 2013.

FOR FURTHER INFORMATION CONTACT: Michael Romani or Dustin Ross, AD/ CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0198 and (202) 482–0747, respectively.

Background

The petitioner in this investigation is the Coalition of Gulf Shrimp Industries (Petitioner). 1 In addition to the Government of Vietnam, the respondents in this investigation are Minh Qui Seafood Co., Ltd. (Minh Qui) 2 and Nha Trang Seafood Company (Nha Trang).

Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is January 1, 2011, through December 31, 2011.

Case History

The events that have occurred since the Department published the Preliminary Determination on June 4, 2013, are discussed in the Memorandum to Paul Piquado, Assistant Secretary for Import Administration, “Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam” (Decision Memorandum). 3

1 The members of the Coalition of Gulf Shrimp Industries are: Bayou Shrimp Processors, Inc.; Biloxi Shrimp Company; Carson & Co., Inc.; C.F. Gollott & Sons Seafood, Inc.; Dean Blanchard Seafood, Inc.; Dominick Seafood; Fisherman’s Reef Packing Plant; Golden Gulf Coast Pkg., Inc. (and Gollott Oil Deck & Ice House); Graham Fisheries, Inc.; Gulf Shrimp, Inc.; Gulf Crown Seafood Co., Inc.; Gulf Fish Inc.; Gulf Island Shrimp & Seafood, LLC; Gulf Pride Enterprises, Inc.; Hi-Seas of Daluc; Inc.; Indian Ridge Shrimp Co.; JBS Packing Co., Inc.; Lafitte Frozen Foods Corp.; M&M Shrimp (Biloxi Freezing and Processing); Ocean Springs Seafood Market, Inc.; Paul Piazza & Sons, Inc.; R.A. Lesso Brokerage Co., Inc.; Sea Pearl Seafood Co., Inc.; Smith and Sons Seafood; Tidelands Seafood Co., Inc.; Tommy’s Seafood; Vincent Piazza & Sons Seafood, Inc.; World’s Fisheries; Marlin Seafood Company, LLC; David Chauvin’s Seafood Company, LLC; and Rountree Enterprises, Inc. (dba Leonard & Sons Shrimp Co. and R&R Fisheries).


3 Public versions of all business proprietary documents and all public documents are on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized goofy.
Decision Memorandum are identical in
and the electronic version of the
http://www.trade.gov/
Memorandum can be accessed directly
Commerce building. In addition, a
7046 of the main Department of
iaaccess.trade.gov
via IA ACCESS. IA ACCESS is available
attached to this notice as Appendix II.
have raised, and to which we responded
Decision Memorandum, which is hereby
this investigation are discussed in the
Analysis of Subsidy Programs and
Comments Received
The subsidy programs under
investigation and the issues raised in
the case and rebuttal briefs by parties in
this investigation are discussed in the
Decision Memorandum, which is hereby
adopted by this notice. A list of subsidy
programs and the issues that parties
have raised, and to which we responded in
the Decision Memorandum, is
attached to this notice as Appendix II.
The Decision Memorandum is a public
document and is on file electronically
via IA ACCESS. IA ACCESS is available to
registered users at http://
iaaccess.trade.gov and in the CRU, room
7046 of the main Department of Commerce building. In addition, a
complete version of the Decision
Memorandum can be accessed directly
on the Internet at http://www.trade.gov/
ia/. The signed Decision Memorandum and the electronic version of the
Decision Memorandum are identical in
content.
Suspension of Liquidation
In accordance with section
705(c)(1)(B)(i) of the Tariff Act of 1930,
as amended (the Act), we have
calculated a rate for each company
respondent. Section 705(c)(5)(A)(i) of
the Act states that for companies not
individually investigated, we will
determine an “all others” rate equal to
the weighted average countervailable
subsidy rates established for exporters
and producers individually
investigated, excluding any zero and de
minimis countervailable subsidy rates,
and any rates determined entirely under
section 776 of the Act.
Notwithstanding the language of
section 705(c)(5)(A)(i) of the Act, we
have not calculated the “all others” rate by
weight averaging the rates of Minh
Qui and Nha Trang, because doing so
risks disclosure of proprietary
information. Therefore, we have
calculated a simple average of the rates
calculated for Minh Qui and Nha Trang.
Since both Minh Qui and Nha Trang
received countervailable export
subsidies and the “all others” rate is an
average based on the individually
investigated respondents, the “all
others” rate includes export subsidies.
We determine the total estimated net
countervailable subsidy rates to be:

<table>
<thead>
<tr>
<th>Company</th>
<th>Subsidy rate (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minh Qui Seafood Co., Ltd.</td>
<td>7.88 (ad valorem)</td>
</tr>
<tr>
<td>Nha Trang Seaproduction Company</td>
<td>1.15 (ad valorem)</td>
</tr>
<tr>
<td>All Others</td>
<td>4.52 (ad valorem)</td>
</tr>
</tbody>
</table>

As a result of our Preliminary
Determination, and pursuant to section
703(d) of the Act, we instructed U.S.
Customs and Border Protection (CBP) to
suspend liquidation of all entries of
subject merchandise from Vietnam that
were entered, or withdrawn from
warehouse, for consumption on or after
June 4, 2013, the date of publication of
the Preliminary Determination in the
Federal Register.
In accordance with section
705(c)(1)(B)(ii) of the Act, we are
instructing CBP to continue to suspend
liquidation of all imports of subject
merchandise from Vietnam that are
entered, or withdrawn from warehouse,
for consumption on or after the date of
publication of this notice in the Federal
Register, and to collect estimated duties
in the amounts shown above. The
suspension of liquidation will remain in
effect until further notice.
If the U.S. International Trade
Commission (ITC) issues a final
affirmative injury determination, we will
issue a countervailing duty order
under section 706(a) of the Act.
If the ITC determines that material
injury, or threat of material injury, does
not exist, this proceeding will be
terminated and all estimated duties
deposited or securities posted as a result
of the suspension of liquidation will be
refunded or canceled. Moreover, in
accordance with section 705(c)(2) of the
Act, we will instruct CBP to release any
bond or other security and refund any
cash deposits that were collected for
shipments of subject merchandise
entered, or withdrawn from warehouse,
on or after June 4, 2013, the date that we
instructed CBP to suspend liquidation
following the Preliminary
Determination. The interest provisions
of section 778 of the Act do not apply.
ITC Notification
In accordance with section 705(d) of
the Act, we will notify the ITC of our
determination. In addition, we are
making available to the ITC all non-
privileged and non-proprietary
information related to this investigation.
We will allow the ITC access to all
privileged and business proprietary
information in our files, provided the
ITC confirms that it will not disclose
such information, either publicly or
under an administrative protective order
(APO), without the written consent of
the Assistant Secretary for Import
Administration.
Return or Destruction of Proprietary
Information
In the event that the ITC issues a final
negative injury determination, this
notice will serve as the only reminder
to parties subject to an APO of their
responsibility concerning the
destruction of proprietary information
disclosed under APO in accordance
with 19 CFR 351.305(a)(3). 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 terms of an
APO is a violation that is subject to
sanction.
This determination is issued and
published pursuant to sections 705(d)
and 777(i) of the Act.
Dated: August 12, 2013.
Paul Piquado,
Assistant Secretary for Import
Administration.
Appendix I
Scope of the Investigation
The products covered by this investigation
are certain frozen warmwater shrimp and
prawns, whether wild-caught (ocean
harvested) or farm-raised (produced by
aquaculture), 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, regardless of size. The frozen warmwater shrimp and prawn products included in the scope, 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, whiteleg shrimp (*Peneaus vannamei*), banana prawn (*Peneaus merguiensis*), fleshy prawn (*Peneaus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Peneaus monodon*), reispotted shrimp (*Peneaus semisulcatus*), southern brown shrimp (*Peneaus subtilis*), southern pink shrimp (*Peneaus notialis*), southern rough shrimp (*Trachypeneaus curvirostris*), 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. In addition, food preparations (including dusted shrimp), which are not “prepared meals,” that contain more than 20 percent by weight of shrimp or prawn are also included in the scope.

Excluded from the scope are: (1) Breaded shrimp and prawns; (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; (4) shrimp and prawns in prepared meals; (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns; and (7) certain “battered shrimp” (see below). “Battered 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 floured thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and 10 percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick frozen (“IQF”) freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and may be further processed.

The products included in the scope of this investigation are currently classified under the following HTSUS subheadings: 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30 and 1605.29.10.10. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope is dispositive.

**Appendix II**

**List of Comments and Issues in the Decision Memorandum**

Comment 1: Aquaculture and Seafood Processing Plans Serving as Basis for Providing Countervailable Subsidies

Comment 2: Specificity of Sectoral Plans with Respect to Policy Lending and the Provision of Land

Comment 3: Interest Rate Support Program under the State Bank of Vietnam (SBV)

Comment 4: Vietinbank Export Lending Program

Comment 5: Loan Benchmarks

Comment 6: Land Benchmarks

Comment 7: Whether Minh Phu Group Benefitted from Import Duty Exemptions for Raw Materials

Comment 8: The Application of Section 771B of the Act (the Agricultural Processing Provision) to Subsidies to Fresh Shrimp Farmers

Comment 9: The Attribution of Fresh Shrimp Subsidies to the Respondent Processors: Use of a Simple or Weighted Average

Comment 10: The Attribution of Fresh Shrimp Subsidies to Respondent Processors: Proper Sales Denominator

Comment 11: Two Percent de minimis Standard

Comment 12: Income Tax Preference under Chapter V of Decree 24

**BILLING CODE 3510–05–P**

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[C–331–803]**

**Certain Frozen Warmwater Shrimp From Ecuador: Final Affirmative Countervailing Duty Determination**

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

**SUMMARY:** The Department of Commerce (the Department) determines that countervailable subsidies are being provided to producers and/or exporters of certain frozen warmwater shrimp (frozen shrimp) from Ecuador. For information on the estimated subsidy rates, see the “Suspension of Liquidation” section of this notice.

**DATES:** Effective Date: August 19, 2013.

**FOR FURTHER INFORMATION CONTACT:** Joshua Morris and Austin Redington, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1779 and (202) 482–1664, respectively.

**Background**

The petitioner in this investigation is the Coalition of Gulf Shrimp Industries (Petitioner). This investigation covers seven government programs. The respondents in this investigation are the Government of Ecuador (the GOE), and two companies—Promarisco S.A. (Promarisco) and Sociedad Nacional de Galapagos C.A. (Songa).

**Period of Investigation**

The period for which we are measuring subsidies, or period of investigation, is January 1, 2011, through December 31, 2011.

**Case History**

The events that have occurred since the Department published the Preliminary Determination on June 4, 2013, are discussed in the Memorandum to Paul Piquado, Assistant Secretary for Import Administration, “Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain Frozen Warmwater Shrimp from Ecuador” (Decision Memorandum), which is hereby adopted by this notice.

**Scope Comments**

On March 28, 2013, Petitioner asked the Department to clarify that the scope of this investigation does not include...