

of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Assessment Rates

Upon issuance of these final results, the Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁰ The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review. Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.¹¹

The Department announced a refinement to its assessment practice in non-market economy cases. Pursuant to

Aquatic Co., Ltd., Hainan Brich Aquatic Products Co., Ltd., Hainan Hailisheng Food Co., Ltd., Hainan Xiangtai Fishery Co., Ltd., Haizhou Aquatic Products Co., Ltd., Hilltop International, Hua Yang (Dalian) International Transportation Service Co., Kingston Foods Corporation, Maoming Xinzhou Seafood Co., Ltd., Ocean Duke Corporation, Olanya (Germany) Ltd., Qingdao Yuanqiang Foods Co., Ltd., Rizhao Xinghe Foodstuff Co., Ltd., Rui’an Huasheng Aquatic Products Processing Factory, Savvy Seafood Inc., Sea Trade International Inc., Shandong Meijia Group Co., Ltd., Shanghai Linghai Fisheries Trading Co. Ltd., Shanghai Lingpu Aquatic Products Co., Shanghai Smiling Food Co., Ltd., Shanghai Zhoulian Foods Co., Ltd., Shantou Jiazhou Foods Industry, Shantou Jin Cheng Food Co., Ltd., Shantou Longsheng Aquatic Product Foodstuff Co., Ltd., Shantou Ruiyuan Industry Company Ltd., Shantou Wanya Foods Fty. Co., Ltd., Shenzhen Allied Aquatic Produce Development Ltd., Shenzhen Yudayuan Trade Ltd., Thai Royal Frozen Food Zhanjiang Co., Ltd., Xiamen Granda Import & Export Co., Ltd., Yancheng Hi-king Agriculture Developing Co., Ltd., Yanfeng Aquatic Product Foodstuff, Yangjiang Anyang Food Co., Ltd., Yangjiang City Yelin Hoi Tat Quick Frozen Seafood Co., Ltd., Yangjiang Wanshida Seafood Co., Ltd., Yelin Enterprise Co., Ltd., Zhangzhou Xinwanyan Aquatic Product, Zhangzhou Yanfeng Aquatic Product, Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd., Zhanjiang Fuchang Aquatic Products Co., Ltd., Zhanjiang Go Harvest Aquatic Products Co., Ltd., Zhanjiang Haizhou Aquatic Product Co. Ltd., Zhanjiang Hengrun Aquatic Co. Ltd., Zhanjiang Jinguo Marine Foods Co., Ltd., Zhanjiang Join Wealth Aquatic Products Co., Ltd., Zhanjiang Longwei Aquatic Products Industry Co., Ltd., Zhanjiang Newpro Foods Co., Ltd., Zhanjiang Rainbow Aquatic Development, Zhanjiang Universal Seafood Corp., Zhejiang Daishan Baofa Aquatic Products Co., Ltd., Zhejiang Xinwang Foodstuffs Ltd., Zhejiang Zhoufu Food Co., Ltd., Zhoushan Corporation, and Zhoushan Haiwang Seafood Co., Ltd.

¹⁰ See 19 CFR 351.212(b).

¹¹ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification for Reviews*, 77 FR 8101 (February 14, 2012).

this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter’s case number (*i.e.*, at that exporter’s rate) will be liquidated at the PRC-wide rate.¹²

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Tariff Act of 1930, as amended (“Act”): (1) Because we have revoked the order with respect to subject merchandise produced and exported by Regal, we will instruct CBP to terminate the suspension of liquidation for imports of such merchandise entered, or withdrawn from warehouse, for consumption on or after February 1, 2012, and to refund all cash deposits collected; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a 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 the Department’s presumption that reimbursement of antidumping duties

occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a 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, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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 which is subject to sanction.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: September 6, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix—List of Topics Discussed in the Final Decision Memorandum

1. Respondent Selection
2. India as the Surrogate Country for Regal’s AR5 Analysis
3. Market Economy Purchases
4. Surrogate Value for Scrap
5. Regal’s Reported Scrap Data
6. Revocation of Regal
7. Hilltop as Part of PRC-Wide Entity
8. Assignment of AFA to the PRC-Wide Entity

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review, 2011–2012

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

SUMMARY: On March 12, 2013, the Department of Commerce (“Department”) published in the *Federal Register* the *Preliminary Results of the seventh administrative review of the antidumping duty Order*¹ on certain

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp*

Continued

warmwater shrimp from the Socialist Republic of Vietnam (“Vietnam”).² Based upon our analysis of the comments and information received, we have determined that Minh Phu Group,³ and Nha Trang Seafoods,⁴ the two mandatory respondents, and Quoc Viet,⁵ the voluntary respondent, have not sold subject merchandise at less than normal value during the period of review (“POR”), February 1, 2011, through January 31, 2012. Additionally, the Department has determined not to revoke the *Order* in part, with respect to Minh Phu Group and Nha Trang Seafoods.

DATES: *Effective Date:* September 12, 2013.

FOR FURTHER INFORMATION CONTACT: Bob Palmer or Irene Gorelik, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–9068 or (202) 482–6905, respectively.

SUPPLEMENTARY INFORMATION: On March 12, 2013, the Department published the *Preliminary Results*. On May 22, 2013, the Department extended the time limit for these final results by 60 days. On April 15, 2013, Petitioner,⁶ Minh Phu Group, and Nha Trang Seafoods, submitted additional surrogate value (“SV”) information. On April 25, 2013, Petitioner, Minh Phu Group and Nha Trang Seafoods submitted rebuttal SV comments.

We gave interested parties an opportunity to comment on the *Preliminary Results*. On May 31, 2013, Petitioner, Domestic Processors,⁷ Quoc Viet, Minh Phu Group and Nha Trang Seafoods submitted case briefs. On June

5, 2013, Petitioner, Domestic Processors, Quoc Viet, Minh Phu Group and Nha Trang Seafoods submitted rebuttal briefs.

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States item numbers: 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. The written description of the scope of the order is dispositive. A full description of the scope of the order is available in the accompanying Issues and Decision Memorandum.⁸

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the accompanying Issues and Decision Memorandum.⁹ A list of the issues which parties raised, and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, Room 7046 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://www.trade.gov/ia/>. The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Determination of No Shipments

In the *Preliminary Results*, the Department preliminarily determined the following companies did not have any reviewable transactions during the POR: Amanda Food (Vietnam) Ltd., Anfish Joint Stock Company, Bien Dong Seafood Co., Ltd., Binh An Seafood Joint Stock Company, Camranh

Seafoods, Thong Thuan Seafood Company, Vietnam Clean Seafood Corporation, and Vinh Hoan Corporation. We have not received any information to contradict this determination. Therefore, the Department has made the final determination that the above-named companies did not have any reviewable entries of subject merchandise during the POR, and will issue appropriate instructions that are consistent with our “automatic assessment” clarification, for these final results.

Verification

Pursuant to 19 CFR 351.307(b)(iv), the Department conducted a verification of Minh Phu Group’s sales and factors of production between April 16, 2013 and April 26, 2013.¹⁰ Based on Minh Phu Group’s minor corrections presented to the Department and other findings, the Department requested Minh Phu Group submit revised data.^{11 12}

Changes Since the Preliminary Results

The Department has made changes to certain surrogate values and company-specific margin calculations since the *Preliminary Results*. Specifically, we changed the surrogate value for domestic cold storage warehousing and the surrogate values for certain export-related expenses incurred by Minh Phu Group and Nha Trang. The Department also made company-specific changes to the margin calculation programs resulting from verification in Minh Phu Group’s case, and other programming changes for Minh Phu Group, Nha Trang, and Quoc Viet based on arguments made in case and rebuttal briefs. For detailed information, see the Issues and Decision Memorandum and the company-specific final results analysis memoranda.

¹⁰ See “Memorandum to the File, though Catherine Bertrand, Program Manager, Office 9, from Irene Gorelik, Analyst, Office 9; re: Verification of the CEP Sales Response of the MPG in the 2011–2012 Administrative Review of Certain Warmwater Shrimp from the Socialist Republic of Vietnam,” dated May 3, 2013; see also “Memorandum to the File, though Catherine Bertrand, Program Manager, Office 9, from Irene Gorelik, Analyst, Office 9; re: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Verification of Sales and Factors of Production for Minh Phu Seafood Corporation,” dated May 16, 2013 (“Minh Phu Group Verification Report”).

¹¹ See Minh Phu Group’s revised sales and factors of production data, dated May 23, 2013.

¹² The details of the changes to Minh Phu Group’s margin calculation program are provided in “Memorandum to the File through Catherine Bertrand, Program Manager, Office 9 from Irene Gorelik, Analyst, Office 9, re: Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Analysis for the Final Results of Minh Phu Group,” dated concurrently with this notice.

From the Socialist Republic of Vietnam, 70 FR 5152 (February 1, 2005) (“Order”).

² See *Certain Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review. 2011–2012*, 78 FR 15699 (March 12, 2013) (“*Preliminary Results*”), and accompanying Preliminary Decision Memorandum.

³ Minh Phu Seafood Export Import Corporation (and affiliated Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.); Minh Phu Seafood Corporation, Minh Phu Seafood Corp., Minh Qui Seafood Co., Ltd., Minh Qui Seafood, Minh Phat Seafood Co., Ltd., Minh Phat Seafood, and Minh Phu Hau Giang Seafood Co., Ltd. (collectively, the “Minh Phu Group”).

⁴ Nha Trang Seaproduct Company and its affiliates, NT Seafoods Corporation, Nhatrang Seafoods-F.89 Joint Stock Company, and NTSF Seafoods Joint Stock Company (collectively, the “Nha Trang Seafoods”).

⁵ Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd. (“Quoc Viet”).

⁶ The Ad Hoc Shrimp Trade Action Committee (“Petitioner”).

⁷ American Shrimp Processors Association (“Domestic Processors”).

⁸ See Memorandum to Paul Piquado, Assistant Secretary for Import Administration, From Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Issues and Decision Memorandum for the Final Results, (“Issues and Decision Memorandum”) dated concurrently and hereby adopted by this notice.

⁹ See *id.*

Request for Revocation, In Part

In the *Preliminary Results*, we determined that Minh Phu Group and Nha Trang Seafoods have not met the regulatory criteria for revocation set forth in 19 CFR 351.222(b).¹³ We have not received any further information following the issuance of the *Preliminary Results* that would warrant revocation of the order with regard to either Minh Phu Group or Nha Trang Seafoods.¹⁴ Therefore, we will not revoke the *Order* with respect to Minh Phu Group and Nha Trang Seafoods because they have not met the regulatory criteria for revocation set forth in 19 CFR 351.222(b).¹⁵

Separate Rates

In the *Preliminary Results*, we determined that 30 companies¹⁶ (“Separate Rate Respondents”) in addition to Minh Phu Group and Nha Trang Seafoods, and the voluntary respondent, Quoc Viet, met the criteria

for separate rate status. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this preliminary determination. Therefore, the Department continues to find that these 33 companies meet the criteria for a separate rate for the final results.

Rate for Non-Selected Companies

For the final results, we continue to calculate zero rates for both mandatory respondents. Therefore, there is no change to the separate rate assigned to the Separate Rate Respondents for the final results of this review, and we continue to determine that a “reasonable method for determining the weighted-average dumping margins for the non-selected respondents in this review is to average the weighted-average dumping margins calculated for the mandatory respondents,” as noted in the *Preliminary Results*.¹⁷ For a detailed discussion of the Department’s separate rate calculation, see the Issues

and Decision Memorandum at Comment 9.

Vietnam-Wide Entity

In the *Preliminary Results*, we determined that 41 companies failed to demonstrate their eligibility for a separate rate. In NME proceedings, “rates” may consist of a single dumping margin applicable to all exporters and producers.¹⁸ Therefore, we assigned the Vietnam-wide entity a rate of 25.76 percent, the only rate ever determined for the Vietnam-wide entity in this proceeding. We have not received any information since the *Preliminary Results* that provides a basis for reconsidering this determination. We, therefore, continue to apply the Vietnam-wide entity rate of 25.76 percent to these 41 companies.¹⁹

Final Results of Review

The Department determines that the following final dumping margins exist:

Exporter	Margin (percent)
Minh Phu Group: ²⁰ Minh Phu Seafood Corp., aka Minh Phu Seafood Corporation, aka Minh Phu Seafood Pte, aka Minh Phu Hau Giang Seafood Co., Ltd., aka Minh Phat Seafood Co., Ltd., aka Minh Qui Seafood Co., Ltd., aka Minh Qui Seafood	0.00
Nha Trang Seafoods: ²¹ Nha Trang Seaproducts Company, aka Nha Trang Seafoods, aka NT Seafoods Corporation, aka NT Seafoods, aka Nha Trang Seafoods—F.89 Joint Stock Company, aka Nha Trang Seafoods—F.89, aka NTSF Seafoods Joint Stock Company, aka NTSF Seafoods	0.00
Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd. ²²	0.00
Bac Lieu Fisheries Joint Stock Company, aka Bac Lieu Fisheries Company Limited, aka Bac Lieu Fisheries Co., Ltd., aka Bac Lieu Fisheries Limited Company, aka	

¹³ See *Preliminary Results*, 78 FR at 15699–15700, and accompanying Preliminary Decision Memorandum at 5; see also “Memorandum to Christian Marsh, Deputy Assistant Secretary, Import Administration, through Edward Yang, Senior Director, from James Doyle, Office Director, Office 9, re; Seventh Antidumping Duty Administrative Review of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Addendum to the Preliminary Results Regarding the Minh Phu Group Revocation Request,” dated April 4, 2013.

¹⁴ See Issues and Decision Memorandum at Comment 12.

¹⁵ The Department recently modified the section of its regulations concerning the revocation of antidumping and countervailing duty orders in whole or in part, but that modification does not apply to this administrative review. See *Modification to Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders*, 77 FR 29875 (May 21, 2012). Reference to 19 CFR 351.222(b) thus refers to the Department’s regulations prior to the modification.

¹⁶ See Issues and Decision Memorandum at Appendix.

¹⁷ See *Preliminary Results*, and accompanying Preliminary Decision Memorandum at 10–11.

¹⁸ See 19 CFR 351.107(d).

¹⁹ See Issues and Decision Memorandum at Appendix II for a list of the companies included in the Vietnam-Wide Entity.

²⁰ In *AR6 VN Shrimp*, the Department found the companies comprising Minh Phu Group are a single entity and, because the facts resulting in that determination have not changed, we continue to find these companies to be part of a single entity. Therefore, we will assign this rate to the companies in the single entity. See *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Administrative Review*, 77 FR 13547, 13549 (March 7, 2012), unchanged in *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 77 FR 55800 (September 11, 2012) (“*AR6 VN Shrimp*”).

²¹ In *AR5 VN Shrimp*, the Department found the companies comprising Nha Trang Seafoods are a single entity and, because there have been no changes to this determination since the fifth administrative review; we continue to find these companies to be part of a single entity. Therefore, we will assign this rate to the companies in the single entity. See *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results, Partial Rescission, and Request for Revocation, In Part, of the Fifth Administrative Review*, 76 FR 12054, 12056 (March 4, 2012), unchanged in *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 56158 (September 12, 2011) (“*AR5 VN Shrimp*”).

²² The Department selected Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd. as a voluntary respondent in this review. See *Preliminary Results*, and accompanying Preliminary Decision Memorandum at 3.

Exporter	Margin (percent)
Bac Lieu Fis	0.00
BIM Seafood Joint Stock Company	0.00
Camau Frozen Seafood Processing Import Export Corporation, aka	
Camimex, aka	
Camau Seafood Factory No. 4, aka	
Camau Seafood Factory No. 5, aka	
Camau Frozen Seafood Processing Import Export Corp. (CAMIMEX-FAC 25), aka	
Frozen Factory No. 4	0.00
C.P. Vietnam Corporation, aka	
C.P. Vietnam Livestock Corporation, aka	
C.P. Vietnam Livestock Company Limited, aka	
C.P. Vietnam Livestock Co., Ltd., aka	
C.P. Vietnam	0.00
Cadovimex Seafood Import-Export and Processing Joint Stock Company, aka	
Cai Doi Vam Seafood Import-Export Company, aka	
Caidovam Seafood Company, aka	
Cadovimex-Vietnam, aka	
Cadovimex	0.00
Cafatex Fishery Joint Stock Corporation, aka	
Cafatex Corporation, aka	
Cafatex Corp., aka	
Cafatex, aka	
Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), aka	
Cafatex, aka	
Taydo Seafood Enterprise, aka	
Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho	0.00
Can Tho Import Export Fishery Limited Company, aka	
CAFISH	0.00
Coastal Fisheries Development Corporation, aka.	
COFIDEC, aka	
Coastal Fisheries Development Corp., aka	
Coastal Fisheries Development Co. aka	
Coastal Fisheries Development	0.00
Cuu Long Seaproducts Company, aka	
Cuu Long Seaproducts Limited, aka	
Cuulong Seapro aka	
Cuu Long Seapro	0.00
Danang Seaproducts Import Export Corporation, aka	
Danang Sea Products Import Export Corporation, aka	
Danang Seaproduct Import-Export Corporation, aka	
Danang Seaproducts Import Export, aka	
Tho Quang Seafood Processing & Export Company, aka	
Tho Quang Seafood Processing and Export Company, aka	
Tho Quang, aka	
Tho Quang Co., aka	
Seaprodex Danang	0.00
Viet I-Mei Frozen Foods Co., Ltd., aka	
Grobest & I-Mei Industrial (Vietnam) Co., Ltd., aka	
Grobest & I-Mei Industry (Vietnam) Co., Ltd., aka	
Grobest	0.00
Gallant Ocean (Vietnam) Co., Ltd., aka	
Gallant Ocean (Quang Ngai) Co., Ltd.	0.00
Investment Commerce Fisheries Corporation, aka	
Investment Commerce Fisheries Corp., aka	
Investment Commerce Fisheries, aka	
Incomfish, aka	
Incomfish Corp., aka	
Incomfish Corporation	0.00
Kim Anh Company Limited, aka	
Kim Anh Co, Ltd.	0.00
Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka	
Minh Hai Jostoco, aka	
Minh Hai Export Frozen Seafood Processing Joint Stock Company, aka	
Minh Hai Export Frozen Seafood Processing Joint-Stock Co., aka	
Minh-Hai Export Frozen Seafood Processing Joint-Stock Company	0.00
Minh Hai Joint-Stock Seafoods Processing Company, aka	
Seaprodex Minh Hai, aka	
Sea Minh Hai, aka	
Seaprodex Min Hai, aka	
Seaprodex Minh Hai-Factory No. 78, aka	
Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.), aka	
Seaprodex Minh Hai (Workshop 1), aka	
Seaprodex Minh Hai Factory No. 69	0.00

of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (“the Act”) and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. In these final results, the Department applied the assessment rate calculation method adopted in *Final Modification for Reviews*, *i.e.*, on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.²⁴

Where we do not have entered values for all U.S. sales to a particular importer/customer, we calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).²⁵ To determine whether the duty assessment rates are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. Where either a respondent’s weighted average dumping

Ltd., Minh Chau Imp. Exp. Seafood Processing Co., Ltd., Mp Consol Co., Ltd., Ngoc Chau Co., Ltd. and/ or Ngoc Chau Seafood Processing Company, Nhat Du Co., Ltd., Quang Ninh Export Aquatic Products Factory aka Quang Ninh Seaproducts Factory, S.R.V. Freight Services Co., Ltd. Sea Product, Sustainable Seafood, Tan Thanh Loi Frozen Food Co., Ltd., Thanh Doan Seaproducts Import & Export Processing Joint-Stock Company (THADIMEXCO), Thanh Hung Frozen Seafood Processing Import Export Co., Ltd., Thanh Tri Seafood Processing Co. Ltd., Tho Quang Seafood Processing and Export Company, Tien Tien Garment Joint Stock Company, Tithi Co., Ltd., Trang Corporation, Vietnam Northern Viking Technologies Co., Ltd., Vinatex Danang/Viet Cuong Seafood Processing Import Export Joint-Stock Company, Viet Cuong Seafood Processing Import Export, Vinh Loi Import Export Company (“Vimexco”), aka Vinh Loi Import Export Company (“VIMEX”), aka VIMEXCO, aka VIMEX, aka Vinh Loi Import/Export Co., aka Vinhloi Import Export Company, aka Vinh Loi Import-Export Company, Vinh Loi Import Export Company (“Vimexco”) and/or Vinh Loi Import Export Company (“VIMEX”).

²⁴ See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings*; *Final Modification*, 77 FR 8101, 8103 (February 14, 2012) (“*Final Modification for Reviews*”).

²⁵ See 19 CFR 351.212(b)(1).

margin is zero or *de minimis*, or an importer- (or customer-) specific *ad valorem* rate is zero or above *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.²⁶

Additionally, pursuant to a refinement to its assessment practice in NME cases, if the Department continues to determine that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter’s case number (*i.e.*, at that exporter’s rate) will be liquidated at the NME-wide rate.²⁷

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed Vietnam and non-Vietnam exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the Vietnam-wide entity; and (4) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a 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 the Department’s presumption that reimbursement of antidumping duties

²⁶ See 19 CFR 351.106(c)(2); and *Final Modification for Reviews*.

²⁷ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a 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, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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 which is subject to sanction.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: September 6, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

General Issues

- Comment 1: Surrogate Country
 - A. Economic Comparability
 - B. Data Considerations
- Comment 2: Financial Statements to Use When Selecting Indonesia as Surrogate Country
- Comment 3: Market Economy Purchases
- Comment 4: Whether the Surrogate Value For Export-Related Non-Market Economy Expenses Incurred is Double-Counted
- Comment 5: Movement Expenses
- Comment 6: Cold Storage Surrogate Value
- Comment 7: Sauce Surrogate Value
- Comment 8: Targeted Dumping
- Comment 9: Calculation of the Separate Rate and Whether to Revise the Separate Rate Liquidation Instructions
- Comment 10: Whether to Revise U.S. Customs and Border Patrol Liquidation and Cash Deposit Instructions
- Comment 11: Whether to Include an Additional Company in Phu Cuong Jostoco’ Separate Rate
- Comment 12: Whether to Revoke From the Order Minh Phu Group and Nha Trang Seafoods

Company-Specific Issues

- Minh Phu Group:*
- Comment 13: Whether Minh Phu Group’s Reported Sample Sales Are Properly Excluded
- Comment 14: Whether Certain Factors of Production Reported by Minh Phu Group are Properly Classified as Direct Materials
- Comment 15: Whether the Department Applied an Incorrect Unit of Measure for Sauce
- Comment 16: Whether the Department Incorrectly Applied Minh Phu Group’s

Reported Entered Value
 Comment 17: Whether Minh Phu Group's
 Minor Corrections from Verification Are
 Properly Applied
 Comment 18: Whether MPG's Indirect Selling
 Expenses Are Properly Calculated
Nha Trang Seafoods:
 Comment 19: Whether to Adjust Electricity
 and Water Consumption
 Comment 20: Whether Nha Trang Seafoods
 Included Transfer Costs between
 Factories
Quoc Viet:
 Comment 21: Treatment of Sauce
 Comment 22: Marine Insurance
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DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-856]

Steel Threaded Rod from India: Postponement of Preliminary Determination of Countervailing Duty Investigation

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

DATES: *Effective Date:* September 12,
 2013.

FOR FURTHER INFORMATION CONTACT:
 Brooke Kennedy, AD/CVD Operations,
 Office 8, Import Administration,
 International Trade Administration,
 U.S. Department of Commerce, 14th
 Street and Constitution Avenue NW.,
 Washington, DC 20230; telephone: (202)
 482-3818.

SUPPLEMENTARY INFORMATION:

Background

On July 17, 2013, the Department of
 Commerce ("the Department") initiated
 a countervailing duty investigation on
 steel threaded rod from India.¹ The
 current deadline for the preliminary
 determination of this investigation is no
 later than September 20, 2013.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of
 1930, as amended ("the Act"), requires
 the Department to issue the preliminary
 determination in a countervailing duty
 investigation within 65 days after the
 date on which the Department initiated
 the investigation. However, if the
 Department concludes that the parties
 concerned are cooperating and
 determines that the case is
 extraordinarily complicated and that

additional time is necessary to make the
 preliminary determination, section
 703(c)(1)(B) of the Act allows the
 Department to postpone making the
 preliminary determination until no later
 than 130 days after the date on which
 the administering authority initiated the
 investigation. We have concluded that
 the parties concerned are cooperating
 and that the case is extraordinarily
 complicated due to the complexity of
 the alleged subsidy programs, such that
 we need more time to make the
 preliminary determination. Specifically,
 the analysis of two of the alleged
 subsidy programs will involve not only
 the usual consideration of financial
 contribution and specificity, but will
 also involve the more complex
 consideration of whether the program
 has been terminated and, if so, whether
 there are any residual benefits. In
 addition, any analysis of the National
 Manufacturing Competitiveness
 Program—Marketing Assistance Scheme
 is likely to be complex as the program
 allegedly provides for a variety of
 subsidies including grants for rental
 space, freight charges, airfare and
 advertising. The deadline for
 completion of the preliminary
 determination is now November 25,
 2013.²

We also note that, on September 3,
 2013, All America Threaded Products
 Inc., Bay Standard Manufacturing Inc.,
 and Vulcan Threaded Products Inc., the
 petitioners in this investigation,
 requested that the deadline for the
 preliminary determination be postponed
 to 130 days from the date of initiation
 in accordance with 19 CFR
 351.205(b)(2). This notice is issued and
 published pursuant to section 703(c)(2)
 of the Act.³

September 6, 2013.

Paul Piquado,
*Assistant Secretary for Import
 Administration.*

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BILLING CODE 3510-DS-P

² As the actual due date of November 24, 2013
 falls on a weekend, the preliminary determination
 is due the next business day, *i.e.*, November 25,
 2013. See *Notice of Clarification: Application of
 "Next Business Day" Rule for Administrative
 Determination Deadlines Pursuant to Tariff Act of
 1930, As Amended*, 70 FR 24533 (May 10, 2005).

³ We acknowledge that the Department
 inadvertently did not notify the parties to this
 investigation of this postponement within the
 timeframe provided in section 703(c)(2) of the Act.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC859

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fisheries of the Gulf of Mexico and Southern Atlantic States

AGENCY: National Marine Fisheries
 Service (NMFS), National Oceanic and
 Atmospheric Administration (NOAA),
 Commerce.

ACTION: Notice of receipt of an
 application for an exempted fishing
 permit; request for comments.

SUMMARY: NMFS announces the receipt
 of an application for an exempted
 fishing permit (EFP) from the Gulf and
 South Atlantic Fisheries Foundation,
 Inc (Foundation). If granted, the EFP
 would authorize the applicant, with
 certain conditions, to collect and retain
 limited numbers of specimens that
 would otherwise be prohibited from
 possession and retention. This study, to
 be conducted in the exclusive economic
 zone (EEZ) of the Gulf of Mexico (Gulf)
 and South Atlantic, is intended to
 characterize catch and bycatch within
 the shrimp fisheries of the Gulf and
 South Atlantic.

DATES: Comments must be received on
 or before October 15, 2013.

ADDRESSES: You may submit comments,
 identified by "NOAA-NMFS-2013-
 0141", by any of the following methods:

- *Electronic Submission:* Submit all
 electronic public comments via the
 Federal e-Rulemaking Portal. Go to
www.regulations.gov/
 #!docketDetail;D=NOAA-NMFS-2013-
 0141, click the "Comment Now!" icon,
 complete the required fields, and enter
 or attach your comments.

- *Mail:* Submit written comments to
 Susan Gerhart, Southeast Regional
 Office, NMFS, 263 13th Avenue South,
 St. Petersburg, FL 33701.

Instructions: Comments sent by any
 other method, to any other address or
 individual, or received after the end of
 the comment period, may not be
 considered by NMFS. All comments
 received are a part of the public record
 and will generally be posted for public
 viewing on www.regulations.gov
 without change. All personal identifying
 information (*e.g.*, name, address, etc.),
 confidential business information, or
 otherwise sensitive information
 submitted voluntarily by the sender will
 be publicly accessible. NMFS will
 accept anonymous comments (enter "N/
 A" in the required fields if you wish to

¹ See *Steel Threaded Rod From India: Initiation
 of Countervailing Duty Investigation*, 78 FR 44532
 (July 24, 2013).