

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-893]

Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Preliminary Reconsideration of Changed Circumstances Review

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

SUMMARY: The Department of Commerce ("Department") has received information sufficient to warrant reconsideration of a completed changed circumstances review ("CCR") of the antidumping duty order on certain frozen warmwater shrimp from the People's Republic of China ("PRC") originally conducted in 2007.¹ Based on evidence uncovered in the sixth administrative review ("AR6") of this proceeding,² we find the information submitted by Hilltop International ("Hilltop")³ in this CCR contains material misrepresentations and, consequently, is unusable for any purposes. Accordingly, our original determination that Hilltop is the successor-in-interest to Yelin Enterprise Co. Hong Kong ("Yelin") is preliminarily reversed such that Hilltop should properly be considered part of the PRC-wide entity, absent a determination of its own rate, separate from the PRC-wide entity.⁴

¹ See *Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Final Results of Changed Circumstances Review*, 72 FR 33447 (June 18, 2007).

² See *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results, Partial Rescission of Sixth Antidumping Duty Administrative Review and Determination Not To Revoke in Part*, 77 FR 53856, and accompanying Issues and Decision Memorandum.

³ Hilltop is affiliated with Yangjiang City Yelin Haitat Quick Frozen Seafood Co., Ltd., Fuqing Yihua Aquatic Food Co., Ltd., Yelin Enterprise Co., Ltd., Ocean Beauty Corporation, Ever Hope International Co., Ltd., Ocean Duke Corporation and Kingston Foods Corporation. Further, the Department has found Hilltop, Yelin Enterprise Co., Ltd., Ocean Beauty Corporation, and Ever Hope International Co., Ltd. to be a single entity. See *Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary Results, Partial Rescission, Extension of Time Limits for the Final Results, and Intent To Revoke, in Part, of the Sixth Antidumping Duty Administrative Review*, 77 FR 12801, 12804 (March 2, 2012); unchanged in *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 51940 (August 19, 2011).

⁴ See, e.g., *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Changed Circumstances Review*, 75 FR 46914, 46916 (August 4, 2010); *Frozen Warmwater Shrimp from Vietnam: Notice of Final Results of*

DATES: Effective February 27, 2013.

FOR FURTHER INFORMATION CONTACT:

Kabir Archuleta, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2593.

SUPPLEMENTARY INFORMATION:**Background**

Yelin was formally dissolved on December 12, 2006.⁵ On March 16, 2007, Hilltop filed a submission requesting that the Department conduct a CCR of the antidumping duty order on certain frozen warmwater shrimp from the PRC to confirm that Hilltop is the successor-in-interest to Yelin.⁶ On May 2, 2007, the Department published a combined initiation and preliminary results finding that Hilltop was the successor-in-interest to Yelin.⁷ On June 18, 2007, this finding was confirmed in the final results of this CCR.⁸

On December 5, 2012, we determined that we would reconsider this CCR determination in light of certain evidence discovered in AR6.⁹ On December 13, 2012, the Department placed public documents submitted in AR6 on the record of this proceeding.¹⁰ On December 17, 2012, the Department placed documents containing business proprietary information obtained during the first administrative review and AR6 on the record of this proceeding.¹¹

On December 31, 2012, the Department received comments from Petitioner on the documents placed on the record of this CCR.¹² On January 7,

Antidumping Duty Changed Circumstances Reviews, 74 FR 42050, 42051 (August 20, 2009).

⁵ See Letter from Hilltop to the Secretary of Commerce "Request for Expedited Changed Circumstances Determination" (March 16, 2007).

⁶ See *id.*

⁷ *Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Initiation and Preliminary Results of Changed Circumstances Review*, 72 FR 24273 (May 2, 2007).

⁸ See *Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Final Results of Changed Circumstances Review*, 72 FR 33447 (June 18, 2007).

⁹ See Letter to All Interested Parties from Catherine Bertrand, Program Manager, Office 9, "Certain Frozen Warmwater Shrimp from the People's Republic of China: Reopening the Record of Changed Circumstance Review" (December 5, 2012).

¹⁰ See Memo to the File from Kabir Archuleta, International Trade Analyst, Office 9, "Placing Documents on the Record of Changed Circumstances Review" (December 13, 2012).

¹¹ See Memo to the File from Kabir Archuleta, International Trade Analyst, Office 9, "Placing Documents on the Record of Changed Circumstances Review" (December 17, 2012).

¹² See Letter from the Ad Hoc Shrimp Trade Action Committee to the Secretary of Commerce

2013, the Department received rebuttal comments from Hilltop.¹³

Scope of Order

The merchandise that is subject to the order is certain frozen warmwater shrimp from the PRC. The products subject to the order at the time of this CCR was originally conducted¹⁴ were classified under U.S. Harmonized Tariff Schedule ("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. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise remains dispositive.¹⁵

Preliminary Reconsideration

For a full description of our findings in this preliminary reconsideration, please see the Preliminary Reconsideration Memorandum.¹⁶ The Preliminary Reconsideration Memorandum is a public document 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

"Comments on Record Evidence" (December 31, 2012).

¹³ See Letter from Hilltop to the Secretary of Commerce "Hilltop Rebuttal Comments: Certain Frozen Warmwater Shrimp from the PRC: Reopening the Record of Changed Circumstances Review" (January 7, 2013).

¹⁴ We note that on April 26, 2011, the Department amended the antidumping duty order to include dusted shrimp, pursuant to the U.S. Court of International Trade ("CIT") decision in *Ad Hoc Shrimp Trade Action Committee v. United States*, 703 F. Supp. 2d 1330 (CIT 2010) and the U.S. International Trade Commission determination, which found the domestic like product to include dusted shrimp. See *Certain Frozen Warmwater Shrimp From Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision*, 76 FR 23277 (April 26, 2011). The scope referenced here is the scope that was in effect when the Department conducted this original CCR proceeding.

¹⁵ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the People's Republic of China*, 70 FR 5149 (February 1, 2005).

¹⁶ See "Decision Memorandum for Preliminary Reconsideration of Changed Circumstances Review: Certain Frozen Warmwater Shrimp from the People's Republic of China," ("Preliminary Reconsideration Memorandum") from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piguado, Assistant Secretary for Import Administration, dated concurrently with these results and hereby adopted by this notice.

Department of Commerce building. In addition, a complete version of the Preliminary Reconsideration Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Reconsideration Memorandum and the electronic versions of the Preliminary Reconsideration Memorandum are identical in content.

For the reasons detailed in the Preliminary Reconsideration Memorandum, we preliminarily determine that Hilltop is not the successor-in-interest to Yelin and is considered part of the PRC-wide entity. In making this determination we have relied on adverse facts available, in accordance with section 776(a) and (b) of the Tariff Act of 1930, as amended ("the Act").

Public Comment

Any interested party may request a hearing within 14 days of publication of this notice in accordance with 19 CFR 351.310(c). Interested parties may submit case briefs no later than 14 days after the date of publication of this notice, in accordance with 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed no later than five days after the case briefs, in accordance with 19 CFR 351.309(d)(1). Any hearing, if requested, will normally be held two days after rebuttal briefs are due, in accordance with 19 CFR 351.310(d)(1).

The Department will issue its final results of review within 270 days after the date on which the preliminary reconsideration of this CCR is published in the **Federal Register**, or within 45 days if all parties to the proceeding agree to the outcome of the review, in accordance with 19 CFR 351.216(e), and will publish these results in the **Federal Register**.

The current requirement for a cash deposit of estimated antidumping duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this CCR. We note that Hilltop was determined to be part of the PRC-wide entity in AR6 and is currently subject to the cash deposit requirements applicable to the PRC-wide entity.

This notice is published in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216.

Dated: February 21, 2013.

Paul Piquado,
Assistant Secretary for Import Administration.

[FR Doc. 2013-04550 Filed 2-22-13; 4:15 pm]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-989, C-331-803, C-533-854, C-560-825, C-557-814, C-549-828, and C-552-815]

Certain Frozen Warmwater Shrimp From the People's Republic of China, Ecuador, India, Indonesia, Malaysia, Thailand, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations

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

DATES: *Effective Date:* February 27, 2013.

FOR FURTHER INFORMATION CONTACT: Eric Greynolds or Christopher Hargett, AD/CVD Operations, Office 8, Import Administration, U.S. Department of Commerce, Room C-100, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-6071 and 202-482-4161, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 17, 2013, the Department of Commerce (the Department) initiated countervailing duty investigations of certain frozen warmwater shrimp from the People's Republic of China, Ecuador, India, Indonesia, Malaysia, Thailand, and the Socialist Republic of Vietnam.¹ Currently, the preliminary determinations are due no later than March 23, 2013. In the *Initiation Notice*, the Department incorrectly listed the case number for *Certain Frozen Warmwater Shrimp From the People's Republic of China* as C-570-988; however, the case number should read C-570-989.

Postponement of Due Date for Preliminary Determinations

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 petitioner makes a timely request for an extension, section 703(c)(1)(A) 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.

On February 8, 2013, the Coalition of Gulf Shrimp Industries, the petitioner in these investigations, requested that the deadline for the preliminary determination in each of these cases be extended to 130 days from the date of initiation in accordance with 19 CFR § 351.205(b)(2). Therefore, in accordance with section 703(c)(1)(A) of the Act, we are fully extending the due date for the preliminary determinations to no later than 130 days after the day on which the investigations were initiated. However, as that date falls on a federal holiday (*i.e.*, May 27, 2013), the deadline for completion of the preliminary determinations is now May 28, 2013, the next business day.

This notice is issued and published pursuant to section 703(c)(2) of the Act.

Dated: February 21, 2013.

Paul Piquado,
Assistant Secretary for Import Administration.

[FR Doc. 2013-04577 Filed 2-26-13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Research on Evacuating Persons With Mobility Impairments

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 29, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kathryn Butler, 100 Bureau Drive, Mailstop 8662, Gaithersburg, MD

¹ See *Certain Frozen Warmwater Shrimp From the People's Republic of China, Ecuador, India, Indonesia, Malaysia, Thailand, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations*, 78 FR 5416 (January 25, 2013) (*Initiation Notice*).