

conducting this NSR concurrently with the first administrative review.

On March 23, 2011, Petitioners submitted rebuttal comments.<sup>4</sup> With respect to PTDT's argument that the rescission would render significant time and effort a nullity, Petitioners note that this NSR was undertaken at PTDT's request and certification. PTDT's certification at the time of the request for the NSR did not state that PTDT had exported a low volume of subject merchandise produced by a company that exported during the POI. With respect to PTDT's argument that the Department should exercise its discretion and overlook this technical violation, Petitioners note that 19 CFR 351.214(b)(2)(ii) requires in cases where an exporter is not the producer of all merchandise it ships to the United States, a secondary certification that the supplier did not export subject merchandise to the United States during the POI. Petitioners further note that as the Department already stated, the regulations do not require the consideration of relative volumes sourced from a company that exported to the United States during the POI, with respect to the secondary certification requirement. Therefore, Petitioners argue, PTDT is not entitled to an NSR.

#### Final Rescission of Review

As stated in the Preliminary Intent to Rescind, the Department has determined that PTDT does not meet the minimum requirements for establishing its qualification for an NSR under 19 CFR 351.214(b)(2)(ii)(B) because PTDT sold and exported subject merchandise to the United States during the POR that had been produced by a company that had exported to the United States during the POI. Because PTDT could not produce a certification that none of the merchandise it exported during the POR had been produced by a company that had exported during the POI, PTDT does not meet the minimum requirements for establishing qualification for an NSR. Furthermore, we note that the regulations provide a basis for extending the POR of NSRs<sup>5</sup>

<sup>4</sup> We note that the deadline for submitting rebuttal comments was March 21, 2011. However, according to Petitioners, although PTDT certified as to service, Petitioners still had not received a service copy of PTDT's submission as of March 23, 2011. Therefore, we find good cause under 19 CFR 351.302(b) to extend the time limit to submit rebuttal comments and, accordingly, accept Petitioners' submission. Moreover, because PTDT certified that it served Petitioners with its submission and subsequently submitted a letter confirming service, we have not rejected PTDT's submission, as requested by Petitioners.

<sup>5</sup> See 19 CFR 351.214(f)(2)(iii).

and applying the *de minimis* provision for margins of less than 0.5 percent,<sup>6</sup> but there is no basis for overlooking the requirements set forth in 19 CFR 351.214(b)(2)(ii)(B). Accordingly, we are rescinding this NSR. As the Department is rescinding this NSR, we are not calculating a company-specific rate for PTDT, and PTDT will remain part of the PRC-wide entity subject to the PRC-wide rate.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this final rescission of this NSR for all shipments of subject merchandise by PTDT, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended ("Act"): (1) For subject merchandise produced and exported by PTDT, as part of the PRC-wide entity the cash deposit rate will be 164.09 percent; (2) for subject merchandise exported by PTDT, but not manufactured by PTDT, as part of the PRC-wide entity the cash deposit rate will continue to be the PRC-wide rate of 164.09 percent; and (3) for subject merchandise manufactured by PTDT, but exported by any party other than PTDT, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements will remain in effect until further notice.

#### 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/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.

We are issuing and publishing this determination in accordance with sections 751(a)(2)(B) and 777(i) of the Act, and 19 CFR 351.214(h) and 351.221(b)(5).

Dated: April 6, 2011.

**Gary Taverman,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-802]

#### Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Initiation and Preliminary Results of Changed Circumstances Review

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

**SUMMARY:** In response to a petition for a changed circumstances review ("CCR") of Grobest & I-Mei Industrial (Vietnam) Co., Ltd. ("Grobest & I-Mei"), the Department of Commerce (the "Department") is initiating a CCR of the antidumping duty order on frozen warmwater shrimp from the Socialist Republic of Vietnam ("Vietnam"). We have preliminarily concluded that Viet I-Mei Frozen Foods Co., Ltd. ("Viet I-Mei") is the successor-in-interest to Grobest & I-Mei, and, as a result, should be accorded the same treatment previously accorded to Grobest & I-Mei, with regard to the antidumping duty order on frozen warmwater shrimp from Vietnam. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* April 12, 2011.

**FOR FURTHER INFORMATION CONTACT:** Toni Dach at (202) 482-1655, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department published the antidumping duty order on certain frozen warmwater shrimp from Vietnam on February 1, 2005. See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam*, 70 FR 5152 (February 1, 2005) ("VN Shrimp Order"). Grobest & I-Mei participated in a new shipper review; the second, third, fourth, and fifth administrative reviews of the VN Shrimp Order; and requested an administrative review for the sixth

<sup>6</sup> See 19 CFR 351.106(c)(1).

administrative review of the *VN Shrimp Order*. On February 28, 2011, Viet I-Mei informed the Department that Grobest & I-Mei had ended their partnership, and petitioned the Department to conduct a CCR to confirm that Viet I-Mei is the successor-in-interest to Grobest & I-Mei, for purposes of determining antidumping duties due as a result of the *VN Shrimp Order*.

### Scope of the Order

The scope of the order includes 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,<sup>1</sup> 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, whiteleg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguensis*), 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 schmitti*), 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 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 (HTS subheading 1605.20.1020); (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 (HTS subheadings 0306.23.0020 and 0306.23.0040); (4) shrimp and prawns in prepared meals (HTS subheading 1605.20.0510); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTS subheading 1605.20.1040); (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 10 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 pan-fried.

The products covered by the order are currently classified under the following HTSUS subheadings: 0306.13.0003, 0306.13.0006, 0306.13.0009, 0306.13.0012, 0306.13.0015, 0306.13.0018, 0306.13.0021, 0306.13.0024, 0306.13.0027, 0306.13.0040, 1605.20.1010 and 1605.20.1030. 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 the order is dispositive.

### Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.216, the Department will conduct a CCR upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. The information submitted by Viet I-Mei supporting its claim that Viet I-Mei is the successor-in-interest to Grobest & I-Mei, demonstrates changed circumstances sufficient to warrant such a review. See 19 CFR 351.216(d); see also *Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Carbon and Certain Alloy Steel Wire Rod From*

*Mexico*, 75 FR 67685 (November 3, 2010).

In accordance with the above-referenced regulation, the Department is initiating a CCR to determine whether Viet I-Mei is the successor-in-interest to Grobest & I-Mei. In determining whether one company is the successor-in-interest to another, the Department examines a number of factors including, but not limited to, changes in management, production facilities, supplier relationships, and customer base. See *Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944 (February 14, 1994). Although no single factor will necessarily provide a dispositive indication of succession, generally, the Department will consider one company to be a successor-in-interest to another company if its resulting operation is similar to that of its predecessor. See *Brass Sheet and Strip From Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the prior company, the Department will assign the new company the cash-deposit rate of its predecessor. *Id.*; *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber From Japan*, 67 FR 58 (January 2, 2002); see also *Ball Bearings and Parts Thereof from France; Final Results of Changed Circumstances Review*, 75 FR 34688 (June 18, 2010) (the Department found successorship where the company changed its ownership structure, but made only minor changes to its operations, management, supplier relationships, and customer base).

In its February 28, 2011, submission, Viet I-Mei provided information to demonstrate that it is the successor-in-interest to Grobest & I-Mei. With respect to management prior to and following the name change, the submission indicates that the Deputy General Manager of Grobest & I-Mei is now the General Manager of Viet I-Mei, and three out of five additional senior managers have retained their management positions. Additionally, Viet I-Mei's submission shows only minor changes to the organizational structure of Viet I-Mei from the structure of Grobest & I-Mei. Specifically, the majority of departments in Viet I-Mei are identical to the departments in Grobest & I-Mei. Thus, the majority of Viet I-Mei's

<sup>1</sup> "Tails" in this context means the tail fan, which includes the telson and the uropods.

managers remain in positions identical to those they held in Grobest & I-Mei. See Attachment 3 of Viet I-Mei's February 28, 2011, submission.

In addition, the submission indicates that the production facilities for Viet I-Mei and Grobest & I-Mei are identical. Following the name and investment changes, Viet I-Mei retained the same address and assets as Grobest & I-Mei. See Attachments 2 and 4 of Viet I-Mei's February 28, 2011, submission.

In its March 18, 2011, submission, Viet I-Mei identifies Grobest & I-Mei's raw materials suppliers and Viet I-Mei's raw materials suppliers, showing that Viet I-Mei's raw material suppliers are identical to Grobest & I-Mei's. Additionally, Viet I-Mei provides representative invoice samples from raw material suppliers to Grobest & I-Mei and Viet I-Mei. See Attachments 1 and 2 of Viet I-Mei's March 18, 2011, submission.

Further, Viet I-Mei addressed changes to its customer base by providing customer lists and representative invoices and packing lists. The lists show that the customers of Viet I-Mei were customers of Grobest & I-Mei. See Attachments 3, 4, and 5 of Viet I-Mei's March 18, 2011, submission.

Given the few changes noted above, we have preliminarily determined that no major changes have occurred with respect to Viet I-Mei's management, production facilities, suppliers, or customer base as a result of the dissolution of the partnership of Grobest & I-Mei.

When it concludes that expedited action is warranted, the Department may publish the notice of initiation and preliminary results for a CCR concurrently. See 19 CFR 351.221(c)(3)(ii); see also *Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Canned Pineapple Fruit From Thailand*, 69 FR 30878 (June 1, 2004). We have determined that expedition of this CCR is warranted because we have the information necessary to make a preliminary finding already on the record. See *Ball Bearings and Parts Thereof from Japan: Initiation and Preliminary Results of Changed-Circumstances Review*, 71 FR 14679 (March 23, 2006). In this case, we preliminarily find that Viet I-Mei is the successor-in-interest to Grobest & I-Mei and, as such, is entitled to Grobest & I-Mei's cash-deposit rate with respect to entries of subject merchandise.

Should our final results remain the same as these preliminary results, effective the date of publication of the final results, we will instruct U.S. Customs and Border Protection to assign

entries of merchandise produced or exported by Viet I-Mei the antidumping duty cash-deposit rate applicable to Grobest & I-Mei.

#### Public Comment

Any interested party may request a hearing within 14 days of publication of this notice. See 19 CFR 351.310(c). Any hearing, if requested, will be held 28 days after the date of publication of this notice or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed no later than 21 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this CCR are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included. Consistent with 19 CFR 351.216(e), we will issue the final results of this CCR no later than 270 days after the date on which this review was initiated or within 45 days of publication of these preliminary results if all parties agree to our preliminary finding.

We are issuing and publishing this initiation and preliminary results notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: March 31, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Renewable Energy and Energy Efficiency Executive Business Development Mission

**AGENCY:** International Trade Administration.

**ACTION:** Notice.

#### Mission Description

The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (CS) is organizing a Renewable Energy and Energy Efficiency Trade Mission to Turkey on October 23-29, 2011. Led by a senior Department of Commerce official, the mission will include representatives

from a variety of U.S. firms specializing in the following product areas:

- Wind Turbines;
- Geothermal Exploration, Drilling and Geophysical Engineering Services;
- Geothermal Power Plant

Equipment;

- Biomass Power Generation;
- Hydroelectric Power Plant

Equipment Supply;

- Solar Power Generation Systems;
- Cogeneration Systems;
- Energy Efficiency Systems and

Solutions;

- Fuel Cells, Heat Pumps Exc.

Mission participants will be introduced to international agents, distributors, and end-users whose capabilities and services are targeted to each participant's needs. This mission will contribute to the National Export Initiative and the Renewable Energy and Energy Efficiency Export Initiative goals through increased sales of U.S. equipment/services in Turkey. The participants will also have a site visit to the Izmir Ataturk Organized Industrial Zone, targeted by the U.S. Department of Energy for a Near-Zero Zone Project (NZZ) to promote industrial energy efficiency and potential U.S. export opportunities. The U.S. Department of Energy (DOE), in coordination with other U.S. agencies, is launching the Near-Zero Zone project. This interagency project has the support of the Turkish government and business organizations, and will help industrial companies operating within the Izmir Ataturk Organized Industrial Zone (IAOSB) reduce their energy usage through a series of cost-effective efficiency upgrades.

One-on-one meetings with NZZ industrial participants will also be included, to follow quickly on an energy efficiency survey to be completed in September 2011. This mission will be an important deliverable for our bilateral Framework for Strategic Economic and Commercial Cooperation mechanism, a new process of engagement with the government of Turkey on economic and trade issues, chaired by Secretary Locke and U.S. Trade Representative, Ron Kirk.

Participants will have an opportunity to meet with major buyers, and potential agents and distributors operating in Ankara, Istanbul, and Izmir, Turkey. The U.S. and Foreign Commercial Service is targeting a minimum of 15 and a maximum of 20 U.S. companies.

#### Commercial Setting

Turkey is a country offering significant opportunities for foreign investors and exporters with its geographically favorable position to