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Dated: July 6, 2011.

**Tammye Treviño,**

*Administrator, Rural Housing Service.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–840]

#### **Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review, Partial Rescission, and Final No Shipment Determination**

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

**SUMMARY:** On March 4, 2011, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from India. This review covers 201 producers/exporters<sup>1</sup> of the subject merchandise to the United States. The period of review (POR) is February 1, 2009, through January 31, 2010.

Based on our analysis of the comments received, we have made no changes to the margin calculations. Therefore, the final results do not differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled “Final Results of Review.”

**DATES:** *Effective Date:* July 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood or Henry Almond, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone (202) 482–3874 or (202) 482–0049, respectively.

<sup>1</sup> This figure does not include Vaibhav Sea Foods (Vaibhav), a company for which the Department is rescinding the administrative review. This figure also treats collapsed entities as one producer/exporter. For further discussion concerning the rescission of the review with respect to Vaibhav, see the “Partial Rescission” section of this notice below.

## SUPPLEMENTARY INFORMATION:

### Background

This review covers 201 producers/exporters. The respondents which the Department selected for individual examination are Apex Exports (Apex) and Falcon Marine Exports Limited (Falcon). The respondents which were not selected for individual examination are listed in the “Final Results of Review” section of this notice.

On March 4, 2011, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on shrimp from India. *See Certain Frozen Warmwater Shrimp From India: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Preliminary No Shipment Determination*, 76 FR 12025 (Mar. 4, 2011) (*Preliminary Results*).

On March 21, 2011, in response to a request from the Department, Triveni Fisheries Pvt. Ltd. (Triveni), a respondent not selected for individual examination, clarified its previous submission to indicate that it had no shipments, entries or sales of subject merchandise during the POR. For further discussion, see the “Determination of No Shipments” section of this notice.

In April 2011, the Department verified the cost data reported by Apex in India.

We invited parties to comment on the *Preliminary Results* of review. In May 2011, we received case and rebuttal briefs from the Ad Hoc Shrimp Trade Action Committee (the petitioner), the American Shrimp Processors Association/the Louisiana Shrimp Association (collectively, “the processors”), and Apex and Falcon.

The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

### Scope of the Order

The scope of this 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>2</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

<sup>2</sup> “Tails” in this context means the tail fan, which includes the telson and the uropods.

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 (HTSUS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTSUS subheading 1605.20.10.40); (7) certain dusted shrimp; and (8) certain battered shrimp. Dusted shrimp is a shrimp-based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a “dusting” layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and ten percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to IQF freezing immediately after application of the dusting layer. Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of

dusting above, is coated with a wet viscous layer containing egg and/or milk, and par-fried.

The products covered by this order are currently classified under the following HTSUS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.

#### Period of Review

The POR is February 1, 2009, through January 31, 2010.

#### Partial Rescission

In April 2010, after receiving timely requests, the Department initiated this administrative review with respect to a number of Indian exporters/producers, including Vaibhav. *See generally Certain Frozen Warmwater Shrimp From Brazil, India, and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews*, 76 FR 18157 (Apr. 1, 2011) (*Initiation Notice*). We also included Vaibhav in the list of respondents not selected for individual review in our preliminary results. *See generally Preliminary Results*, 76 FR at 12032. However, in the 2005–2006 administrative review, we determined that this company no longer existed. *See Certain Frozen Warmwater Shrimp From India: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 52055, 52057 (Sept. 12, 2007). Because there is no evidence on the record to contradict this prior determination, we find that our initiation with respect to Vaibhav was in error. As a result, we have determined to rescind this review with respect to Vaibhav.

#### Determination of No Shipments

As noted in the *Preliminary Results*, we received no-shipment claims from 20 companies named in the *Initiation Notice*, and we confirmed the claims from 19 of these companies with U.S. Customs and Border Protection (CBP). With respect to the remaining company, Triveni, it appeared from CBP entry documents that shrimp produced by this company entered the United States during the POR; however, as noted in the “Background” section, above, Triveni clarified its no-shipment statement after the date of the *Preliminary Results* to indicate that it had no knowledge of any shipments,

entries, or sales of subject merchandise to the United States during this period. *See Triveni’s letter to the Department dated March 21, 2011.* Based on Triveni’s most recent submission, we find that Triveni had no reportable transactions during the POR.

Therefore, because we find that the record indicates that these 20 companies did not export subject merchandise to the United States during the POR, we determine that they had no reviewable transactions during the POR. These companies are:

- (1) Abad Fisheries Pvt. Ltd.
- (2) Accelerated Freeze Drying Company Ltd.<sup>3</sup>
- (3) Baby Marine International
- (4) Baby Marine Sarass
- (5) Blue Water Foods & Exports P. Ltd.
- (6) BMR Exports
- (7) Castlerock Fisheries Pvt. Ltd.
- (8) Coastal Corporation Ltd.
- (9) Diamond Seafoods Exports/Edhayam Frozen Foods Pvt. Ltd./Kadalkanny Frozen Foods/Theva & Company
- (10) G A Randerian (P) Limited<sup>4</sup>
- (11) GKS Business Associates (P) Ltd.<sup>5</sup>
- (12) Kalyan Aqua & Marine Exports India Pvt. Ltd.
- (13) L. G. Sea Foods<sup>6</sup>
- (14) Lewis Natural Foods Ltd.
- (15) Libran Cold Storages Pvt. Ltd.
- (16) Shimpo Exports
- (17) SSF Limited
- (18) Sterling Foods
- (19) Triveni Fisheries Pvt. Ltd.
- (20) Unitriveni Overseas

As we stated in the *Preliminary Results*, our former practice concerning respondents submitting timely no-shipment certifications was to rescind the administrative review with respect to those companies if we were able to confirm the no-shipment certifications through a no-shipment inquiry with CBP. *See Antidumping Duties; Countervailing Duties; Final rule*, 62 FR 27296, 27393 (May 19, 1997); *see also Stainless Steel Sheet and Strip in Coils from Taiwan: Final Results of Antidumping Duty Administrative Review*, 75 FR 76700, 76701 (Dec. 9, 2010). As a result, in such circumstances, we normally instructed CBP to liquidate any entries from the no-shipment company at the deposit rate in effect on the date of entry.

In our May 6, 2003, clarification of the “automatic assessment” regulation, we

explained that, where respondents in an administrative review demonstrate that they had no knowledge of sales through resellers to the United States, we would instruct CBP to liquidate such entries at the all-others rate applicable to the proceeding. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

As noted in the *Preliminary Results*, because “as entered” liquidation instructions do not alleviate the concerns which the May 2003 clarification was intended to address, we find it appropriate in this case to instruct CBP to liquidate any existing entries of merchandise produced by the above listed companies and exported by other parties at the all-others rate. In addition, we continue to find that it is more consistent with the May 2003 clarification not to rescind the review in part in these circumstances but, rather, to complete the review with respect to the 20 companies listed above and issue appropriate instructions to CBP based on the final results of this administrative review. *See the “Assessment Rates” section of this notice below.*

#### Cost of Production

As discussed in the *Preliminary Results*, we conducted an investigation to determine whether Apex and Falcon made third country sales of the foreign like product during the POR at prices below their costs of production (COP) within the meaning of section 773(b) of the Act. *See Preliminary Results*, 76 FR at 12029–12030. For these final results, we performed the cost test following the same methodology as in the *Preliminary Results*. *See id.* at 12030.

As explained in the *Preliminary Results*, based on the record of this administrative review we found 20 percent or more of Apex’s and Falcon’s sales of a given product during the reporting period were made at prices less than the weighted-average COP for this period. Thus, we determined that these below-cost sales were made in “substantial quantities” within an extended period of time and at prices which did not permit the recovery of all costs within a reasonable period of time in the normal course of trade. *See id.*; and sections 773(b)(1)–(2) of the Act.

Following the publication of the *Preliminary Results*, no additional information was placed on the record concerning our determination of sales made below COP. Therefore, for purposes of these final results, we continue to find that, for certain products, Apex and Falcon made below-

<sup>3</sup> This company was listed in the *Initiation Notice* as Accelerated Freeze-Drying Company Ltd.

<sup>4</sup> This company was listed in the *Initiation Notice* as G A Randerian Ltd.

<sup>5</sup> This company was listed in the *Initiation Notice* as G.K.S Business Associates Pvt. Ltd.

<sup>6</sup> This company was listed in the *Initiation Notice* as L.G Seafoods.

cost sales not in the ordinary course of trade. Consequently, we are continuing to disregard these sales for each respondent and have used the remaining sales as the basis for determining normal value pursuant to section 773(b)(1) of the Act. Additionally, for those U.S. sales of subject merchandise for which there were no third country sales in the ordinary course of trade, we continued to compare export prices to constructed value in accordance with section 773(a)(4). *See generally Preliminary Results*, 76 FR at 12031.

#### Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review, are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum (Decision Memo), which is adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room 7046, of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/>. The paper copy and electronic version of the Decision Memo are identical in content.

#### Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made no changes in the margin calculations.

#### Final Results of Review

We determine that the following weighted-average margin percentages exist for the period February 1, 2009, through January 31, 2010:

Manufacturer/Exporter	Percent margin
Apex Exports .....	2.31
Falcon Marine Exports Limited	1.36

Review-Specific Average Rate  
Applicable to the Following  
Companies:<sup>7</sup>

<sup>7</sup> This rate is based on the average of the margins calculated for those companies selected for individual review, weighted by each company's publicly-ranged quantity of reported U.S. transactions. Because we cannot apply our normal methodology of calculating a weighted-average margin due to requests to protect business-proprietary information, we find this rate to be the best proxy of the actual weighted-average margin determined for the mandatory respondents. *See Ball Bearings and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (Sept. 1, 2010) (*Bearings from France*).

Manufacturer/Exporter	Percent margin	Manufacturer/Exporter	Percent margin
Abad Fisheries Pvt. Ltd .....	*	Frigerio Conserva Allana Limited .....	1.69
Accelerated Freeze Drying Company Ltd .....	*	Frontline Exports Pvt. Ltd .....	1.69
Adani Exports Ltd .....	1.69	G A Randerian (P) Limited .....	*
Adilakshmi Enterprises .....	1.69	Gadre Marine Exports .....	1.69
Allana Frozen Foods Pvt. Ltd ..	1.69	Galaxy Maritech Exports P. Ltd ..	1.69
Allansons Ltd .....	1.69	Gayatri Sea Foods and Feeds Private Ltd .....	1.69
AMI Enterprises .....	1.69	Gayatri Seafoods .....	1.69
Amulya Sea Foods .....	1.69	Geo Aquatic Products (P) Ltd ..	1.69
Anand Aqua Exports .....	1.69	Geo Seafoods .....	1.69
Ananda Aqua Applications/Ananda Aqua Exports (P) Limited/ Ananda Foods .....	1.69	GKS Business Associates (P) Ltd .....	*
Andaman Seafoods Pvt. Ltd ....	1.69	Grandtrust Overseas (P) Ltd ....	1.69
Angelique Intl .....	1.69	GVR Exports Pvt. Ltd .....	1.69
Anjaneya Seafoods .....	1.69	Haripriya Marine Export Pvt. Ltd .....	1.69
Anjani Marine Traders .....	1.69	Harmony Spices Pvt. Ltd .....	1.69
Asvini Exports .....	1.69	HIC ABF Special Foods Pvt. Ltd .....	1.69
Asvini Feeds Limited .....	1.69	Hindustan Lever, Ltd .....	1.69
Asvini Fisheries Private Limited	1.69	Hiravata Ice & Cold Storage ....	1.69
Avanti Feeds Limited .....	1.69	Hiravati Exports Pvt. Ltd .....	1.69
Ayshwarya Seafood Private Limited .....	1.69	Hiravati International Pvt. Ltd. (located at APM—Mafco Yard, Sector—18, Vashi, Navi, Mumbai—400 705, India) .....	1.69
Baby Marine Exports .....	1.69	Hiravati International Pvt. Ltd. (located at Jawar Naka, Porbandar, Gujarat, 360 575, India) .....	1.69
Baby Marine International .....	*	IFB Agro Industries Ltd .....	1.69
Baby Marine Sarass .....	*	Indian Aquatic Products .....	1.69
Bhatsons Aquatic Products .....	1.69	Indo Aquatics .....	1.69
Bhavani Seafoods .....	1.69	Innovative Foods Limited .....	1.69
Bhisti Exports .....	1.69	International Freezefish Exports	1.69
Bijaya Marine Products .....	1.69	Interseas .....	1.69
Blue Water Foods & Exports P. Ltd .....	*	ITC Limited, International Business .....	1.69
Bluefin Enterprises .....	1.69	ITC Ltd .....	1.69
Bluepark Seafoods Pvt. Ltd .....	1.69	Jagadeesh Marine Exports .....	1.69
Britto Exports .....	1.69	Jaya Satya Marine Exports .....	1.69
BMR Exports .....	*	Jaya Satya Marine Exports Pvt. Ltd .....	1.69
C P Aquaculture (India) Ltd .....	1.69	Jayalakshmi Sea Foods Private Limited .....	1.69
Calcutta Seafoods Pvt. Ltd .....	1.69	Jinny Marine Traders .....	1.69
Capithan Exporting Co .....	1.69	Jiya Packagings .....	1.69
Castlerock Fisheries Pvt. Ltd ...	*	KNR Marine Exports .....	1.69
Chemmeens (Regd) .....	1.69	K R M Marine Exports Ltd .....	1.69
Cherukattu Industries (Marine Div.) .....	1.69	K V Marine Exports .....	1.69
Choice Canning Company .....	1.69	Kalyan Aqua & Marine Exports India Pvt. Ltd .....	*
Choice Trading Corporation Private Limited .....	1.69	Kalyanee Marine .....	1.69
Coastal Corporation Ltd .....	*	Kay Kay Exports .....	1.69
Cochin Frozen Food Exports Pvt. Ltd .....	1.69	Kings Marine Products .....	1.69
Coreline Exports .....	1.69	Koluthara Exports Ltd .....	1.69
Corlim Marine Exports Pvt. Ltd	1.69	Konark Aquatics & Exports Pvt. Ltd .....	1.69
Damco India Private .....	1.69	L. G. Sea Foods .....	*
Devi Fisheries Limited .....	1.69	Landauer Ltd. C O Falcon Marine Exports Ltd .....	1.69
Devi Marine Food Exports Private Ltd./Kader Exports Private Limited/Kader Investment and Trading Company Private Limited/Liberty Frozen Foods Pvt. Ltd./Liberty Oil Mills Ltd./Premier Marine Products/Universal Cold Storage Private Limited .....	1.69	Lewis Natural Foods Ltd .....	*
Dhanamjaya Impex P. Ltd .....	1.69	Libran Cold Storages Pvt. Ltd ..	*
Diamond Seafoods Exports/Edhayam Frozen Foods Pvt. Ltd./Kadalkanny Frozen Foods/Theva & Company .....	*	Lotus Sea Farms .....	1.69
Digha Seafood Exports .....	1.69	Lourde Exports .....	1.69
Esmario Export Enterprises .....	1.69	Magnum Estates Limited .....	1.69
Exporter Coreline Exports .....	1.69	Magnum Export .....	1.69
Five Star Marine Exports Private Limited .....	1.69	Magnum Sea Foods Limited ....	1.69
Forstar Frozen Foods Pvt. Ltd	1.69	Malabar Arabian Fisheries .....	1.69
		Malnad Exports Pvt. Ltd .....	1.69

Manufacturer/Exporter	Percent margin	Manufacturer/Exporter	Percent margin
Mangala Marine Exim India Private Ltd .....	1.69	Srikanth International Agri Exports & Imports .....	1.69
Mangala Sea Products .....	1.69	SSF Limited .....	*
Marine Exports .....	1.69	Star Agro Marine Exports .....	1.69
Meenaxi Fisheries Pvt. Ltd .....	1.69	Star Agro Marine Exports Private Limited .....	1.69
MSC Marine Exporters .....	1.69	Sterling Foods .....	*
MSRDR Exports .....	1.69	Sun Bio-Technology Ltd .....	1.69
MTR Foods .....	1.69	Supreme Exports .....	1.69
N.C. John & Sons (P) Ltd .....	1.69	Surya Marine Exports .....	1.69
Naga Hanuman Fish Packers ..	1.69	Suryamitra Exim (P) Ltd .....	1.69
Naik Frozen Foods .....	1.69	Suvarna Rekha Exports Private Limited .....	1.69
Naik Seafoods Ltd .....	1.69	Suvarna Rekha Marines P Ltd .....	1.69
Navayuga Exports Ltd .....	1.69	TBR Exports Pvt Ltd .....	1.69
Nekkanti Sea Foods Limited ....	1.69	Teekay Marine P. Ltd .....	1.69
NGR Aqua International .....	1.69	Tejaswani Enterprises .....	1.69
Nila Sea Foods Pvt. Ltd .....	1.69	The Waterbase Ltd .....	1.69
Nine Up Frozen Foods .....	1.69	Triveni Fisheries P Ltd .....	*
Overseas Marine Export .....	1.69	Unitriveni Overseas .....	*
Penver Products (P) Ltd .....	1.69	Usha Seafoods .....	1.69
Pijikay International Exports P Ltd .....	1.69	V.S Exim Pvt Ltd .....	1.69
Pisces Seafood International ....	1.69	Veejay Impex .....	1.69
Premier Seafoods Exim (P) Ltd ..	1.69	Veetejay Exim Pvt., Ltd .....	1.69
R V R Marine Products Private Limited .....	1.69	Victoria Marine & Agro Exports Ltd .....	1.69
Raa Systems Pvt. Ltd .....	1.69	Vijayalaxmi Seafoods .....	1.69
Raju Exports .....	1.69	Vinner Marine .....	1.69
Ram's Assorted Cold Storage Ltd .....	1.69	Vishal Exports .....	1.69
Raunaq Ice & Cold Storage .....	1.69	Wellcome Fisheries Limited .....	1.69
Raysons Aquatics Pvt. Ltd .....	1.69	West Coast Frozen Foods Private Limited .....	1.69
Razban Seafoods Ltd .....	1.69		
RBT Exports .....	1.69		
RDR Exports .....	1.69		
Riviera Exports Pvt. Ltd .....	1.69		
Rohi Marine Private Ltd .....	1.69		
Royal Cold Storage India P Ltd ..	1.69		
S & S Seafoods .....	1.69		
S. A. Exports .....	1.69		
S Chanchala Combines .....	1.69		
Safa Enterprises .....	1.69		
Sagar Foods .....	1.69		
Sagar Grandhi Exports Pvt. Ltd ..	1.69		
Sagarvihar Fisheries Pvt. Ltd ...	1.69		
SAI Marine Exports Pvt. Ltd .....	1.69		
SAI Sea Foods .....	1.69		
Sanchita Marine Products P Ltd ..	1.69		
Sandhya Aqua Exports .....	1.69		
Sandhya Aqua Exports Pvt. Ltd ..	1.69		
Sandhya Marines Limited .....	1.69		
Santhi Fisheries & Exports Ltd ..	1.69		
Satya Seafoods Private Limited ..	1.69		
Sawant Food Products .....	1.69		
Seagold Overseas Pvt. Ltd .....	1.69		
Selvam Exports Private Limited ..	1.69		
Sharat Industries Ltd .....	1.69		
Shimpo Exports .....	*		
Shippers Exports .....	1.69		
Shroff Processed Food & Cold Storage P Ltd .....	1.69		
Silver Seafood .....	1.69		
Sita Marine Exports .....	1.69		
SLS Exports Pvt. Ltd .....	1.69		
Sprint Exports Pvt. Ltd .....	1.69		
Sri Chandrantha Marine Exports ..	1.69		
Sri Sakthi Cold Storage .....	1.69		
Sri Sakthi Marine Products P Ltd ..	1.69		
Sri Satya Marine Exports .....	1.69		
Sri Venkata Padmavathi Marine Foods Pvt. Ltd .....	1.69		
Srikanth International .....	1.69		

\* No shipments or sales subject to this review.

#### Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), because Apex and Falcon reported the entered value for all of their U.S. sales, we have calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales for which entered value was reported. 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 have calculated importer-specific *ad valorem* ratios based on the entered value.

For the companies which were not selected for individual examination, we have calculated an assessment rate based on the average of the margins calculated for those companies selected for individual examination, weighted by each company's publicly-ranged quantity of reported U.S. transactions. In situations where we cannot apply our normal methodology of calculating a weighted-average margin due to requests to protect business-proprietary information but where use of a simple average does not yield the best proxy of

the weighted-average margin relative to publicly available data, normally we will use the publicly available figures as a matter of practice. *See Bearings from France*, 75 FR at 53663.

Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (i.e., less than 0.50 percent). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. *See Assessment Policy Notice*. This clarification applies to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

#### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of subject merchandise<sup>8</sup> entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above, except if the rate is less than 0.50 percent, *de minimis* within the meaning of 19 CFR 351.106(c)(1), the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, as well as those companies listed in the "Determination of No

<sup>8</sup> On April 26, 2011, the Department amended the scope of the antidumping duty orders on certain frozen warmwater shrimp from Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam to include dusted shrimp within the scope of the orders. *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, 23279 (April 26, 2011). Accordingly, for all entries made on or after April 26, 2011, we will instruct CBP to collect cash deposits on imports of the subject merchandise (including dusted shrimp) entered, or withdrawn from warehouse, for consumption at the rates noted above.

Shipments” section, above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 10.17 percent, the all-others rate established in the LTFV investigation. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India*, 70 FR 5147, 5148 (Feb. 1, 2005). These deposit requirements shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final 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 review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 5, 2011.

**Ronald K. Lorentzen,**

Deputy Assistant Secretary for Import Administration.

#### Appendix—Issues in Decision Memorandum

##### General Issues

1. Offsetting of Negative Margins
2. Selection of Respondents Using a Sampling Methodology
3. Treatment of Assessed Antidumping Duties

#### 4. Treatment of Income Earned on Antidumping Duty Deposits

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–601]

#### **Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People’s Republic of China: Preliminary Results of the 2009–2010 Administrative Review of the Antidumping Duty Order and Intent To Rescind Administrative Review, in Part**

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce (“Department”) is currently conducting the 2009–2010 administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (“TRBs”), from the People’s Republic of China (“PRC”), covering the period June 1, 2009, through May 31, 2010. We have preliminarily determined that sales have been made below normal value (“NV”) by certain companies subject to this review. Additionally, we are announcing that we intend to rescind the review with respect to entries of TRBs exported by Tainshui Hailin Import and Export Corporation (“Hailin I&E”) produced by any manufacturer other than Hailin Bearing Factory (“HB Factory”). We have preliminarily determined that Gansu Hailin Zhongke Science & Technology Co., Ltd. (“Hailin Zhongke”) is successor-in-interest to HB Factory. If these preliminary results are adopted in our final results of this review, we will instruct U.S. Customs and Border Protection (“CBP”) to assess antidumping duties on entries of subject merchandise during the period of review (“POR”) for which the importer-specific assessment rates are above *de minimis*.

Interested parties are invited to comment on these preliminary results. We will issue the final results no later than 120 days from the date of publication of this notice.

**DATES:** *Effective Date:* July 13, 2011.

#### **FOR FURTHER INFORMATION CONTACT:**

Demitri Kalogeropoulos or Frances Veith, 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) 482–2623 or (202) 482–4295, respectively.

#### Background

On June 15, 1987, the Department published in the **Federal Register** the antidumping duty order on TRBs from the PRC.<sup>1</sup> On June 1, 2010, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on TRBs from the PRC.<sup>2</sup> On June 30, 2010, we received the following requests for review: (1) The Timken Company, of Canton, Ohio (“Petitioner”) requested that the Department conduct an administrative review of all entries of TRBs during the POR exported by Peer Bearing Co., Ltd.—Changshan (“CPZ/SKF”) and by Hailin I&E (produced by any manufacturer other than HB Factory); (2) CPZ/SKF and its affiliate Peer Bearing Company (“Peer/SKF”) requested that the Department conduct an administrative review of all entries of TRBs during the POR exported by CPZ/SKF; and (3) Bosda International USA LLC (“Bosda”), a U.S. importer of subject merchandise, requested that the Department conduct an administrative review of all entries of TRBs during the POR exported by Zhejiang Sihe Machine Co., Ltd. (“Sihe”) and Xinchang Kaiyuan Automotive Bearing Co., Ltd. (“Kaiyuan”).

On July 28, 2010, the Department initiated the administrative review of the antidumping duty order on TRBs from the PRC for the period June 1, 2009, through May 31, 2010.<sup>3</sup> On August 31, 2010, we amended the *Initiation Notice* with respect to TRBs exported by Hailin I&E.<sup>4</sup> In the *Amended Initiation Notice*, we clarified that this administrative review covers TRBs exported by Hailin I&E that were produced by any manufacturer other than HB Factory, because the Department previously revoked the order with respect to TRBs exported by

<sup>1</sup> See *Notice of Antidumping Duty Order: Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People’s Republic of China*, 52 FR 22667 (June 15, 1987).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 75 FR 30383 (June 1, 2010).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 75 FR 44224 (July 28, 2010) (“*Initiation Notice*”).

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Initiation of Administrative Review*, 75 FR 53274, 53276 (August 31, 2010) (“*Amended Initiation Notice*”).