

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-549-502]

**Circular Welded Carbon Steel Pipes and Tubes From Thailand: Rescission of Antidumping Duty Administrative Review**

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

**DATES:** *Effective Date:* June 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Arrowsmith or Milton Koch, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5255 or (202) 482-2584, respectively.

*Background*

On March 1, 2010, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 75 FR 9162 (March 1, 2010). On March 31, 2010, we received a timely request from Saha Thai Steel Pipe Company, Ltd. (Saha Thai) to conduct an administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand for the period March 1, 2009 through February 28, 2010. In accordance with 19 CFR 351.221(c)(1)(i), the Department published a notice initiating an administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 75 FR 22107 (April 27, 2010).

**Rescission of Antidumping Duty Administrative Review**

The Department's regulations provide that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation. *See* 19 CFR 351.213(d)(1). On May 28, 2010, Saha Thai submitted a letter withdrawing its request of the review within the 90-day deadline. No other party requested a review of the

order. Therefore, the Department is rescinding this administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes from Thailand for the period March 1, 2009 through February 28, 2010. The Department intends to issue appropriate assessment instructions to U.S. Customs and Border Protection 15 days after the date of publication of this notice.

**Notification to Importers**

This notice 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 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 Regarding Administrative Protective Order**

This notice serves as a final reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3) of the Department's regulations, 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.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 22, 2010.

**John M. Andersen,**

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

[FR Doc. 2010-15640 Filed 6-25-10; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-552-802]

**Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Rescission of New Shipper Review**

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

**SUMMARY:** The Department of Commerce ("Department") is conducting a new shipper review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam ("Vietnam") with respect to Nhat Duc Co., Ltd. ("Nhat Duc") covering the period of review ("POR") of February 1, 2008, through January 31, 2009. *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) ("*Shrimp Order*"). We announced our preliminary intent to rescind the new shipper review for Nhat Duc, finding that Nhat Duc's sole U.S. sale during the POR was non-*bona fide*, and, therefore, Nhat Duc had no reviewable sales during the POR. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Intent to Rescind New Shipper Review*, 75 FR 3446 (January 21, 2010) ("*Preliminary Rescission*"). We have analyzed the comments received, and we have made no changes to the *Preliminary Rescission*.

**DATES:** *Effective Date:* June 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Toni Dach or Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1655 or (202) 482-0413, respectively.

**SUPPLEMENTARY INFORMATION:****Case History**

On January 21, 2010, the Department published in the **Federal Register** the *Preliminary Rescission*. On March 2, 2010, Nhat Duc filed comments regarding the Department's *Preliminary Rescission*. On March 8, 2010, the Ad Hoc Shrimp Trade Action Committee ("domestic producers"), filed comments regarding the Department's *Preliminary Rescission*. On April 20, 2010, the Department extended the time limit for the completion of the final results of

this new shipper review by 30 days. See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Extension of Final Results of Antidumping Duty New Shipper Review*, 75 FR 20563 (April 20, 2010). On May 18, 2010, the Department fully extended the time limit for the completion of the final results of this new shipper review by an additional 30 days. See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Extension of Final Results of Antidumping Duty New Shipper Review*, 75 FR 27705 (May 18, 2010).

#### 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 the 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 the 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 the 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 10 percent of the product's total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick frozen ("IQF") freezing immediately after application of the dusting layer. 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 the 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 the order is dispositive.

#### Analysis of Comments Received

Issues raised in the comments by Nhat Duc and domestic producers are addressed in the concurrent Issues and Decision Memorandum ("Issues and Decision Memo"), which is hereby adopted by this notice.<sup>2</sup> A list of the issues which Nhat Duc and domestic

producers raised and to which we respond in the Issues and Decision Memo is attached to this notice as an Appendix. The Issues and Decision Memo is a public document and is on file in the Central Records Unit, Main Commerce Building, Room 1117, and is accessible on the Web at <http://www.trade.gov/ia>. The paper copy and electronic version of the memorandum are identical in content.

#### Rescission of Review

In evaluating whether or not a sale is commercially reasonable, and therefore *bona fide*, the Department has considered, inter alia, such factors as (1) The timing of the sale; (2) the price and quantity; (3) the expenses arising from the transaction; (4) whether the goods were resold at a profit; and (5) whether the transaction was at arms-length. See e.g., *Tianjin Tiancheng Pharmaceutical Co., Ltd. v. U.S.*, 366 F. Supp. 2d 1246, 1250 (CIT 2005) ("*TTPC*"), citing *Am. Silicon Techs. v. U.S.*, 110 F. Supp. 2d 992, 995 (CIT 2000). However, the analysis is not limited to these factors alone. *Id.* The Department examines a number of factors, all of which may speak to the commercial realities surrounding the sale of subject merchandise. While some *bona fide* issues may share commonalities across various Department cases, each one is company-specific and may vary with the facts surrounding each sale. See *Certain Preserved Mushrooms From the People's Republic of China: Final Results and Partial Rescission of the New Shipper Review and Final Results and Partial Rescission of the Third Antidumping Duty Administrative Review*, 68 FR 41304 (July 11, 2003) and accompanying Issues and Decision Memorandum at Comment 2. The weight given to each factor considered will depend on the circumstances surrounding the sale. See *TTPC* at 1263.

As discussed in detail in the Issues and Decision Memo, the Department has determined that the sale made by Nhat Duc was not *bona fide*, as it is not typical of Nhat Duc's usual commercial practices or commercially reasonable. Further, the Department is unable to analyze whether the sale was conducted on an arm's-length basis. The Department reached this conclusion based on the totality of the circumstances, namely: (a) The atypical nature of Nhat Duc's POR pricing; (b) the timing and extent of payment receipt for Nhat Duc's single POR sale; (c) the existence of undisclosed sales subsequent to Nhat Duc's single POR sale; (d) the atypical nature of Nhat Duc's production timeline for its POR U.S. sale; (e) irregularities in Nhat Duc's

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

<sup>2</sup> In addition, due to the proprietary nature of much of the information involved in company specific discussions, the Department has addressed certain issues in a separate proprietary memorandum. See *Antidumping Duty New Shipper Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Bona Fide Nature of the Sale Under Review for Nhat Duc Co., Ltd.: Price of the Sale and Subsequent U.S. Sales.*

sales negotiation correspondence and the unverifiable nature of this correspondence; and (f) the unverifiable nature of Nhat Duc's founding capital sources.

Nhat Duc only made a single, non-*bona fide* sale during the POR. Therefore, the Department is rescinding this review because there are no reviewable sales during the POR. See *TTCP* at 1249. Because the Department is rescinding the new shipper review, we are not making a determination as to whether Nhat Duc qualifies for a separate rate. Therefore, Nhat Duc will remain part of the Vietnam-wide entity.

### Cash Deposit Rates

The following cash deposit requirements continue to apply for all shipments of subject merchandise from Nhat Duc entered, or withdrawn from warehouse: (1) For subject merchandise produced and exported by Nhat Duc, the cash deposit rate will continue to be the Vietnam-wide rate (*i.e.*, 25.76 percent); (2) for subject merchandise exported by Nhat Duc but not manufactured by Nhat Duc, the cash deposit rate will continue to be the Vietnam-wide rate (*i.e.*, 25.76 percent); and (3) for subject merchandise manufactured by Nhat Duc, but exported by any other party, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements shall remain in effect until further notice.

### Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders ("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: June 18, 2010.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration.*

### Appendix

List of Comments and Issues in the Issues and Decision Memorandum

Comment: *Bona Fide* Nature of Nhat Duc's POR Sale.

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## CONSUMER PRODUCT SAFETY COMMISSION

### Agency Information Collection Activities; Proposed Collection; Comment Request; Requirements for Non-Full-Size Baby Cribs

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Consumer Product Safety Commission ("CPSC" or "Commission") is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 ("the PRA"), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on a proposed collection of information on recordkeeping requirements under the safety regulations for non-full-size baby cribs.

**DATES:** Submit written or electronic comments on the collection of information by August 27, 2010.

**ADDRESSES:** Written comments should be captioned "Proposed Collection—Non-Full-Size Cribs" and sent by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments may also be sent by facsimile to (301) 504-0127, or by mail to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** Linda L. Glatz, Division of Policy and Planning, Office of Information Technology, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7671. [lglatz@cpsc.gov](mailto:lglatz@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the

Office of Management and Budget ("OMB") for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CPSC is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, the CPSC invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of CPSC's functions, including whether the information will have practical utility; (2) the accuracy of CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

*Title:* Requirements for Non-Full-Size Baby Cribs—16 CFR Part 1509 and 16 CFR 1500.18(a)(14) (OMB Control Number 3041-0012—Extension). The safety regulations for non-full-size baby cribs (also referred to as "non-full-size cribs") are codified at 16 CFR Part 1509 and 16 CFR 1500.18(a)(14). These regulations were issued to reduce hazards of strangulation, suffocation, pinching, bruising, laceration, and other injuries associated with non-full-size cribs. (A non-full-size crib is a crib having an interior length greater than 55 inches or smaller than 49<sup>3</sup>/<sub>4</sub> inches; or an interior width greater than 30<sup>5</sup>/<sub>8</sub> inches or smaller than 25<sup>3</sup>/<sub>8</sub> inches; or both.) The regulations prescribe performance, design, and labeling requirements for non-full-size cribs. They also require manufacturers and importers of those products to maintain sales records for a period of three years after the manufacture or importation of non-full-size cribs. If any non-full-size cribs subject to provisions of 16 CFR 1500.18(a)(14) and part 1509 fail to comply in a manner to warrant a recall,