

CERTAIN FROZEN FISH FILLETS FROM  
VIETNAM

Manufacturer/ exporter	Weighted-average margin
NTSF .....	0.00

**Assessment**

The Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). We have calculated importer-specific duty assessment rates on a per-unit basis. Specifically, we divided the total dumping margins (calculated as the difference between normal value and export price or constructed export price) for each importer by the total quantity of subject merchandise sold to that importer during the POR to calculate a per-unit assessment amount. In this and any future review, we will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per-kilogram) rates by the weight in kilograms of each entry of the subject merchandise during the POR. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this new shipper review.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of this final results of this new shipper review for all shipments of subject merchandise by NTSF, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (“Act”): (1) For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 NTSF, the cash deposit rate will be zero; (2) for subject merchandise exported by NTSF, but not manufactured by NTSF, the cash deposit rate will continue to be the Vietnam-wide rate of \$2.11/Kilogram; and (3) for subject merchandise manufactured by NTSF, but exported by any party other than NTSF, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements will remain in effect until further notice.

**Reimbursement of Duties**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 has occurred and the subsequent assessment of doubled antidumping duties.

**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 27, 2010.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration.*

**Appendix I—Decision Memorandum**

*Comment 1:* Surrogate Country.

*Comment 2:* Surrogate Values.

A. Whole Live Fish.

B. Surrogate Financial Ratios.

*Comment 3:* Indirect Labor.

*Comment 4:* Factors of Production Denominator.

[FR Doc. 2010–16496 Filed 7–6–10; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board**

[Order No. 1686]

**Grant of Authority for Subzone Status; Schwarz Pharma Manufacturing, Inc. (Pharmaceutical Products); Seymour, IN**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones Act provides for “\* \* \* the establishment \* \* \* of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or

adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board’s regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

*Whereas*, the Ports of Indiana, grantee of Foreign-Trade Zone 170, has made application to the Board for authority to establish a special-purpose subzone at the pharmaceutical manufacturing and distribution facility of Schwarz Pharma Manufacturing, Inc., located in Seymour, Indiana, (FTZ Docket 36–2009, filed 8/25/2009);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (74 FR 45612–45613, 9/3/2009) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner’s report, and finds that the requirements of the FTZ Act and Board’s regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore*, the Board hereby grants authority for subzone status for activity related to the manufacturing and distribution of pharmaceutical products at the facility of Schwarz Pharma Manufacturing, Inc., located in Seymour, Indiana (Subzone 170B), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including Section 400.28.

Signed at Washington, DC, this 22 day of June, 2010.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

[FR Doc. 2010–16199 Filed 7–6–10; 8:45 am]

**BILLING CODE P**

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

[A–570–831]

**Fresh Garlic From the People’s Republic of China: Initiation of New Shipper Reviews**

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

**SUMMARY:** The Department of Commerce (the Department) has determined that three timely requests for a new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC), meet the statutory and regulatory requirements for initiation.

**DATES:** *Effective Date:* July 7, 2010.

**FOR FURTHER INFORMATION CONTACT:** Scott Lindsay, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0780.

**SUPPLEMENTARY INFORMATION:**

**Background**

The notice announcing the antidumping duty order on fresh garlic from the PRC was published on November 16, 1994. *See Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994) (*Order*). On May 28, 2010, we received timely requests for a new shipper review from Shenzhen Bainong Co. Ltd. (Bainong), Yantai Jinyan Trading Co. Ltd. (Jinyan), and Jining Yifa Garlic Produce Co., Ltd. (Yifa) in accordance with 19 CFR 351.214(c) and 351.214(d)(2). Jinyan and Yifa have each certified that they are both the producer and exporter of all of the fresh garlic they exported to the United States, which is the basis for their requests for a new shipper review. Bainong has certified that it is the exporter of the fresh garlic it exported to the United States, while Mingkai Garlic Industry Co. Ltd. (Mingkai) is the producer of the fresh garlic exported by Bainong.

Pursuant to the requirements set forth in 19 CFR 351.214(b)(2), in their requests for a new shipper review, Bainong, Jinyan, and Yifa each certified that (1) they did not export fresh garlic to the United States during the period of investigation (POI); (2) since the initiation of the investigation, they have never been affiliated with any company that exported subject merchandise to the United States during the POI, including any exporter or producer not individually examined during the investigation; and (3) their export activities are not controlled by the central government of the PRC. In addition, Mingkai, the producer of the subject merchandise for Bainong, certified that it did not export the subject merchandise to the United States during the POI. In accordance with 19 CFR 351.214(b)(2)(iv), Bainong, Jinyan, and Yifa submitted

documentation establishing the following: (1) The date on which each company first shipped fresh garlic for export to the United States and the date on which fresh garlic was first entered, or withdrawn from warehouse, for consumption; (2) the volume of the first shipment; and (3) the date of the first sale to an unaffiliated customer in the United States.

**Periods of Review**

In accordance with 19 CFR 351.214(g)(1)(i)(B), the period of review (POR) for new shipper reviews initiated in the month immediately following the semi-annual anniversary month will be the six-month period immediately preceding the semiannual anniversary month. Therefore, under this order, the POR is November 1, 2009 through April 30, 2010. The sales and entries into the United States of subject merchandise exported by Bainong and Yifa occurred during this six-month POR. Therefore, the POR for these new shippers is November 1, 2009 through April 30, 2010.

When the sale of the subject merchandise occurs within the POR specified by the Department's regulations but the entry occurs after the POR, the specified POR may be extended unless it would be likely to prevent the completion of the review within the time limits set by the Department's regulations. *See* 19 CFR 351.214(f)(2)(ii). Additionally, the preamble to the Department's regulations states that both the entry and the sale should occur during the POR, but that under "appropriate" circumstances the Department has the flexibility to extend the POR. *See* Antidumping Duties; Countervailing Duties; Final Rule, 62 FR 27296, 27319-27320 (May 19, 1997). In this instance, Jinyan's sale of subject merchandise was made during the POR specified by the Department's regulations but the shipment entered almost a month after the end of that POR. In its request for a new shipper review, Jinyan requested that the Department extend the POR for its NSR to capture its entry. The Department finds that extending the POR to capture this entry would not prevent the completion of the review within the time limits set by the Department's regulations. Therefore, the Department has extended the POR for Jinyan's new shipper review by one month, making the POR for Jinyan November 1, 2009 through May 31, 2010.

**Initiation of New Shipper Reviews**

Pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act)

and 19 CFR 351.214(d)(1), we find that the requests submitted by Bainong, Jinyan, and Yifa meet the threshold requirements for initiation of a new shipper review for shipments of fresh garlic from the PRC. *See* Memoranda to the File through Barbara E. Tillman, Director, AD/CVD Operations, Office 6, *Fresh Garlic from the People's Republic of China: Initiation of Antidumping New Shipper Review—Bainong, Fresh Garlic from the People's Republic of China: Initiation of Antidumping New Shipper Review—Jinyan, and Fresh Garlic from the People's Republic of China: Initiation of Antidumping New Shipper Review—Yifa*, each dated concurrently with this notice. *See* 19 CFR 351.214(g)(1)(i)(A).

The Department will conduct these reviews according to the deadlines set forth in section 751(a)(2)(B)(iv) of the Act. It is the Department's usual practice, in cases involving non-market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Bainong, Jinyan, and Yifa, which will include a separate rate section. The review will proceed if the response provides sufficient indication that Bainong, Jinyan, and Yifa are each not subject to either *de jure* or *de facto* government control with respect to the export of fresh garlic.

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Bainong, Jinyan, and Yifa in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Jinyan and Yifa each certified that it both produced and exported the subject merchandise, the sale of which is the basis for this new shipper review request, we will apply the bonding privilege to Jinyan and Yifa only for subject merchandise which Jinyan and Yifa each both produced and exported. Because Bainong certified that its subject merchandise was produced by Mingkai, we will apply the bonding privilege to Bainong only for subject merchandise produced by Mingkai.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: June 30, 2010.

**John M. Andersen,**

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

[FR Doc. 2010-16506 Filed 7-6-10; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XV90**

**Marine Mammals; File No. 14636**

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Daniel P. Costa, Ph.D., University of California at Santa Cruz, Long Marine Laboratory, 100 Shaffer Road, Santa Cruz, CA has been issued a permit to conduct research on northern elephant seals (*Mirounga angustirostris*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources,

NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:**

Amy Sloan or Tammy Adams, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On April 20, 2010, notice was published in the **Federal Register** (75 FR 20565) that a request for a permit to conduct research on the species identified above had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit authorizes Dr. Costa to continue long-term studies on northern elephant seals in California, including population growth and status, reproductive strategies, behavioral and physiological adaptations for diving and fasting, general physiology and metabolism, and sensory capacities. The permit expires June 30, 2015.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: June 29, 2010.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010-16495 Filed 7-6-10; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**Economic Development Administration**

**Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance**

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. EDA has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

**LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT 6/7/2010 THROUGH 6/24/2010**

Firm	Address	Date accepted for filing	Products
Flinchbaugh Engineering, Inc ...	4387 Run Way, York, PA 17406.	6/7/2010	Precision manufacturing of CNC machined metal parts.
S&H Cabinets & Manufacturing, Inc.	10860 Mulberry Avenue, Fontana, CA 92337-7027.	6/7/2010	Manufactures wood and plastic laminate cabinets, countertops, reception desks, partitions, shelving, and millwork on a production and custom basis for commercial, industrial and other businesses.
American Products, Inc .....	45 Leigh Drive, York, PA 17406.	6/8/2010	American Products is a manufacturer of electronic controls.
First Priority, Inc .....	1590 Todd Farm Drive, Elgin, IL 60123.	6/8/2010	The company is a manufacturer of pharmaceuticals for the veterinary industry.
OK Fabricators, LLC .....	8630 S. Regency Drive, Tulsa, OK 74131.	6/9/2010	Heavy equipment parts fabrication, to include but not limited to HVAC, boilers, steam vents.
Pace Machine & Tool, Inc .....	1425 Commerce Lane, Jupiter, FL 33458.	6/9/2010	The firm produces custom-made machine parts; primary manufacturing material is metal.
Rio Rico Farms, Inc .....	P.O. Box 100, Progreso, TX 78579.	6/9/2010	Grower and processor of edible roots for human consumption.
Ted Hosmer Enterprises, Inc ....	1249 Lehigh Station Rd., Henrietta, NY 14467.	6/9/2010	The firm offers design/build for landscape and nursery supplies and plant material consisting of shrubs, trees, perennials, annuals, and a wide variety of mulches. In the winter months, the firm provides snow removal services.
Windham Castings, Inc .....	151 Jimmy Carter, Plains, GA 31780.	6/9/2010	The firm produces cast aluminum furniture; primary manufacturing material is aluminum.