

an expedited changed circumstances review under 19 CFR 351.221(c)(3)(ii) to confirm that it is the successor-in-interest to Apex for purposes of determining antidumping duty cash deposits and liabilities.

On October 24, 2012, the Department preliminarily determined that Apex Frozen is the successor-in-interest to Apex. See *Initiation and Preliminary Results*, 77 FR at 64955. In the *Initiation and Preliminary Results*, we provided all interested parties with an opportunity to comment or request a public hearing regarding this finding. We received no comments or requests for a public hearing from interested parties within the time period set forth in the *Initiation and Preliminary Results*.

### 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 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 battered shrimp. Battered 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. When dusted in accordance with the definition of dusting above, the battered shrimp product is also 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: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. 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.

### Final Results of Changed Circumstances Review

For the reasons stated in the *Initiation and Preliminary Results*, and because we received no comments from interested parties to the contrary, the Department continues to find that Apex Frozen is the successor-in-interest to Apex. As a result of this determination, we find that Apex Frozen should receive the cash deposit rate previously assigned to Apex in the most recently completed review of the antidumping

duty order on shrimp from India.<sup>3</sup> Consequently, the Department will instruct U.S. Customs and Border Protection to suspend liquidation of all shipments of subject merchandise produced and/or exported by Apex Frozen and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at 2.51 percent, which is the current cash deposit rate for Apex.<sup>4</sup> This cash deposit requirement shall remain in effect until further notice.

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3).

Dated: December 5, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Additions; Clarification

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Notice.

**SUMMARY:** The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) is providing supplementary information to its Notice in the **Federal Register** of October 26, 2012.

### FOR FURTHER INFORMATION CONTACT:

Barry S. Lineback, Director, Business Operations, 1421 Jefferson Davis Highway, Jefferson Plaza II, Suite 10800, Arlington, VA, Telephone: (703) 603-2118; FAX 703-603-0655 or email [CMTEFedReg@abilityone.gov](mailto:CMTEFedReg@abilityone.gov)

**SUPPLEMENTARY INFORMATION:** The Committee’s Notice in the **Federal Register** of Friday, October 26, 2012 (77 FR 65365-65366), concerning additions to the Procurement List, specified “Eyewear” with coverage for 100% of the requirements for Veterans Integrated

<sup>3</sup> See *Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review and Final No Shipment Determination*, 77 FR 40848, 40850 (July 11, 2012).

<sup>4</sup> See, e.g., *Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Changed Circumstances Review*, 75 FR 52718, 52719 (Aug. 27, 2010).

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

Service Networks (VISNs) 1, 3, 4, 5, 6, 7, and 8, as aggregated by Service Area Office (SAO) East, Veterans Health Administration, Department of Veterans Affairs, Pittsburgh, PA, with an effective date of November 26, 2012. This Notice is to clarify that the Committee's decision to add the referenced eyewear requirement to the Procurement List does not affect current contracts or option years exercised under those contracts. Nor does the Committee's decision preclude the Department of Veterans Affairs from implementing its Veterans First Program in awarding prime contracts for optical products and services in accordance with their published procedures.

Further, the Committee is temporarily suspending the November 26, 2012 effective date for the following locations: VISNs 1, 3, 4, 5, 6 and those portions of VISN 8 that have existing commercial contracts as of November 26, 2012. Concurrently, pursuant to 41 CFR 51-2.4, the Committee will reconsider the decision in order to determine whether it had all appropriate information for consideration when the Committee extended to SAO East its decision that the products were suitable for procurement by the Government.

Interested parties may submit comments pertaining to the eyewear addition for the Committee's consideration no later than 5 p.m. on January 28, 2013. Comments received after this date will not be considered. Comments should be submitted to Barry S. Lineback at the address above.

Dated: December 6, 2012.

**Barry S. Lineback,**

*Director, Business Operations.*

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## CONSUMER PRODUCT SAFETY COMMISSION

[CPSA Docket No. 13-1]

### Baby Matters, LLC; Complaint

**AGENCY:** Consumer Product Safety Commission

**ACTION:** Publication of a Complaint under the Consumer Product Safety Act.

**SUMMARY:** Under provisions of its Rules of Practice for Adjudicative Proceeding (16 CFR part 1025), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues. Published

below is a Complaint: In the Matter of Baby Matters, LLC.<sup>1</sup>

**SUPPLEMENTARY INFORMATION:** The text of the Complaint appears below.

Dated: December 5, 2012.

**Todd A. Stevenson,**

*Secretary.*

## UNITED STATES OF AMERICA CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of BABY MATTERS LLC,  
Respondent.

CPSA DOCKET NO. 13-1

### Complaint

#### *Nature of Proceedings*

1. This is an administrative enforcement proceeding pursuant to Section 15 of the Consumer Product Safety Act ("CPSA"), as amended, 15 U.S.C. 2064, and Section 15 of the Federal Hazardous Substances Act ("FHSA"), as amended, 15 U.S.C. 1274, for public notification and remedial action to protect children from the substantial risks of injury and death presented by infant recliners known as the Nap Nanny® and the Nap Nanny® Chill™ (collectively, the "Subject Products"), imported, distributed and sold by Baby Matters LLC ("Baby Matters" or "Respondent").

2. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission (the "Commission"), 16 CFR part 1025.

#### *Jurisdiction*

3. This proceeding is instituted pursuant to the authority contained in Sections 15(c), (d) and (f) of the CPSA, 15 U.S.C 2064 (c), (d) and (f), and Sections 15(c), (d) and (e) of the FHSA, 15 U.S.C. 1274(c), (d) and (e).

#### *Parties*

4. Complaint Counsel is the staff of the Division of Compliance within the Office of the General Counsel of the Commission ("Complaint Counsel"). The Commission is an independent federal regulatory agency established pursuant to Section 4 of the CPSA, 15 U.S.C. 2053.

5. Respondent is a Pennsylvania limited liability company with its principal place of business located at 531 Winston Way, Berwyn, Pennsylvania, 19312.

6. From January 2009 until November 2012, Respondent was an importer,

<sup>1</sup> Commissioner Nancy A. Nord issued a statement regarding this issue. The statement is available on the Commission Web site, [www.cpsc.gov](http://www.cpsc.gov) or from the Office of the Secretary.

distributor, and retailer of the Subject Products, as those terms are defined in CPSA Sections 3(a)(5), (7), (8), (11) and (13) of the CPSA, 15 U.S.C. 2052(a)(5), (7), (8), (11) and (13).

7. As an importer, from January 2009 until November 2012 Respondent was a "manufacturer" as that term is defined in CPSA Section 3(a)(11), 15 U.S.C. 2052(a)(11).

### The Consumer Product

8. From January 2009 until November 2012, Respondent imported and distributed the Subject Products in U.S. commerce and offered them for sale to consumers for their personal use in or around a permanent or temporary household or residence, in recreation or otherwise.

9. The Subject Products are sold under the brand names Nap Nanny® ("Nap Nanny"), and The Nap Nanny® Chill™ (the "Chill").

10. Upon information and belief, three models of the Nap Nanny have been introduced in U.S. commerce.

11. Upon information and belief, one model of the Nap Nanny ("Generation One") was sold between January 2009 and August 2009.

12. Upon information and belief, the Generation One consists of a shaped foam seat base covered by a removable fabric shell, and is equipped with a three-point harness.

13. Upon information and belief, the harness on each Generation One Product is attached to the fabric cover only and is not secured to the foam base underneath.

14. Upon information and belief, a second model of the Nap Nanny ("Generation Two") was sold between August 2009 and as late as April 2012.

15. Upon information and belief, the Generation Two consists of a shaped foam seat base covered by a removable fabric shell and is equipped with a three-point harness.

16. Upon information and belief, the contour of the foam seat base of the Generation Two is identical to that of the Generation One.

17. Upon information and belief, the harness system in the Generation Two is sewn to the fabric cover but also can be secured to two "D"-shaped rings embedded in the foam base by means of Velcro™ tabs.

18. Upon information and belief, a third model of the Nap Nanny, the Chill, has been sold since January 2011.

19. Upon information and belief, the Chill consists of a shaped foam seat base covered by a removable fabric shell and is equipped with a three-point harness.

20. Upon information and belief, the contour of the Chill model's foam base