

submitted a notification of proposed production activity to the FTZ Board on behalf of Brightstar Corporation (Brightstar), located in Miami, Florida. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 26, 2013.

The Brightstar facility is located within Site 6 of FTZ 32. The facility is used for the kitting of cell phones and cell phone accessories. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Brightstar from customs duty payments on the foreign status components used in export production. On its domestic sales, Brightstar would be able to choose the duty rates during customs entry procedures that apply to cell phones (duty rate 0%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: decals; plastic holsters; leather carrying cases; leather pouches; plastic carrying cases; leather straps; wrist straps; power supplies; lithium batteries; nicad batteries; line telephone sets; video phones; bases stations; voice reception, conversion, regeneration and transmission machinery; microphones and stands; external speaker sets; headsets with microphones; hands-free speaker kits; telephone answering machines and associated parts and accessories; video recorders and associated parts and accessories; transceivers and associated parts and accessories; monitors and projectors and associated parts and accessories; connectors and plugs; key pads with connectors; thermionic, cold cathode and photocathode tubes; and, cables (duty rate ranges from 0 to 17.6%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 12, 2013.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's

Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

**FOR FURTHER INFORMATION CONTACT:** Christopher Kemp at [Christopher.Kemp@trade.gov](mailto:Christopher.Kemp@trade.gov) or (202) 482-0862.

Dated: June 26, 2013.

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-801]

#### **Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of Antidumping Duty New Shipper Reviews; 2011-2012**

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

**SUMMARY:** On January 30, 2013, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of four new shipper reviews of the antidumping duty order on certain frozen fish fillets ("frozen fish fillets") from the Socialist Republic of Vietnam ("Vietnam").<sup>1</sup> The period of review ("POR") is August 1, 2011, through January 31, 2012. We provided interested parties an opportunity to comment on the *Preliminary Results* and, based upon our analysis of the comments and information received, we made changes to the margin calculation for the final results of these new shipper reviews. The final weighted-average margins are listed below in the "Final Results of Review" section of this notice.

**DATES:** *Effective Date:* July 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang, Seth Isenberg or Toni Dach, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4047, (202) 482-0588, and (202) 482-1655, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On January 30, 2013, the Department published the *Preliminary Results* of these new shipper reviews.<sup>2</sup> We invited

<sup>1</sup> See *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty New Shipper Reviews; 2011-2012*, 78 FR 6297 (January 30, 2013) ("*Preliminary Results*").

<sup>2</sup> See *id.*

interested parties to comment on the *Preliminary Results*.<sup>3</sup> As a result of our analysis, we have made changes to the *Preliminary Results*.

##### *Scope of the Order*

The merchandise subject to the order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. The products are currently classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 1604.19.4000, 1604.19.5000, 0305.59.4000, 0304.29.6033 (Frozen Fish Fillets of the species *Pangasius* including basa and tra). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order remains dispositive.<sup>4</sup>

##### **Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties in these reviews are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit ("CRU"), Room 7046 of the main Department of Commerce building, as well as electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

##### **Changes Since the Preliminary Results**

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we have made certain revisions to the margin calculations for all respondents. For the reasons explained in the Issues and Decision

<sup>3</sup> See *id.* at 6297.

<sup>4</sup> See "Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Issues and Decision Memorandum for Antidumping Duty New Shipper Reviews; 2010-2011," dated concurrently with this notice ("Issues and Decision Memorandum") and incorporated herein by reference, for a complete description of the Scope of the Order.

Memorandum at Comment I, we have now selected Indonesia as the primary surrogate country. We have also made other changes to the margin calculations

of certain respondents.<sup>5</sup> Finally, the surrogate values memorandum contains the further explanation of our changes to the surrogate values.<sup>6</sup>

### Final Results of Review

The weighted-average dumping margins for the new shipper reviews are as follows:

Exporter	Producer	Weighted-average margin (dollars per kilogram)
Quang Minh Seafood Co., Ltd. ....	Quang Minh Seafood Co., Ltd. ....	2.96
Dai Thanh Seafoods Company Limited ....	Dai Thanh Seafoods Company Limited ....	1.20
Fatfish Company Limited ....	Fatfish Company Limited ....	0.59
Hoang Long Seafood Processing Co., Ltd. ....	Hoang Long Seafood Processing Co., Ltd. ....	0.70

### Assessment

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (“the Act”), and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review. The Department announced a refinement to its assessment practice in non-market economy (“NME”) cases.<sup>7</sup> Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter’s case number (*i.e.*, at that exporter’s rate) will be liquidated at the NME-wide rate.<sup>8</sup>

For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. We will continue to 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. Specifically, we calculated importer-specific duty assessment rates on a per-unit rate basis by dividing the total dumping margins (calculated as the difference between normal value and export price, or constructed export price) for each importer by the total

sales quantity of subject merchandise sold to that importer during the POR. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*. Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these new shipper reviews for all shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For subject merchandise produced and exported by respondents listed above, the cash deposit rate will be the rates established in the final results of these new shipper reviews. If the cash deposit rate calculated in the final results is zero or *de minimis*, no cash deposit will be required for the specific producer-exporter combination listed above; (2) for subject merchandise exported by respondents, but not manufactured by respondents, the cash deposit rate will continue to be the Vietnam-wide rate (*i.e.*, \$2.11/Kilogram); and (3) for subject merchandise manufactured by respondents, but exported by any other party, the cash deposit rate will be the rate applicable to the exporter. The cash deposit requirement, when imposed, shall 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)(2) 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 Order

In accordance with 19 CFR 351.305(a)(3), 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 the APO, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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 subject to sanction.

We are issuing and publishing these new shipper reviews and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: June 24, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

### Appendix I—Issues & Decision Memorandum

#### GENERAL ISSUES:

COMMENT I: Selection of the Surrogate Country

- A. Economic Comparability
- B. Significant Producer of the Comparable Merchandise

<sup>5</sup> See accompanying Issues and Decision Memorandum at Comments VIII and XVII and the company-specific analysis memoranda, dated concurrently with this notice.

<sup>6</sup> See Memorandum to the File, through Scot T. Fullerton, Program Manager, Office 9, from Seth Isenberg, Case Analyst, “Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Surrogate Values for the Final Results,” dated concurrently with this notice.

<sup>7</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

<sup>8</sup> See *id.*

C. Data Considerations  
 COMMENT II: Surrogate Financial Ratios  
 COMMENT III: Surrogate Value for Labor  
 COMMENT IV: Surrogate Value for Rice Husk  
 COMMENT V: Surrogate Value for Inland Freight  
 COMMENT VI: Surrogate Value for By-products  
 COMMENT VII: Zeroing  
**COMPANY-SPECIFIC ISSUES:**  
 COMMENT VIII: Valuation of Dathaco and Fatifish's River Water  
 COMMENT IX: Valuation of Hoang Long's Other By-Products

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-4735.

#### Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended ("the Act"), may request, in accordance with 19 CFR 351.213, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

#### Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews

initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection ("CBP") data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order ("APO") to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be "collapsed" (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b)

provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

#### Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after July 2013, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its "Opportunity to Request Administrative Review" notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

*Opportunity to Request a Review:* Not later than the last day of July 2013,<sup>1</sup> interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in July for the following periods:

<sup>1</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.