

(April 9, 2008). On November 13, 2008, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the AD orders on ferrovanadium from the PRC and South Africa would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Ferrovanadium From China and South Africa*, 73 FR 72837 (December 1, 2008), and ITC Publication 4046, Investigation Nos. 731-TA-986 and 987 (Review) (November 2008).

Scope of the Orders

The scope of the orders covers all ferrovanadium regardless of grade, chemistry, form, shape, or size. Ferrovanadium is an alloy of iron and vanadium that is used chiefly as an additive in the manufacture of steel. The merchandise is commercially and scientifically identified as vanadium. The scope specifically excludes vanadium additives other than ferrovanadium, such as nitrided vanadium, vanadium-aluminum master alloys, vanadium chemicals, vanadium oxides, vanadium waste and scrap, and vanadium-bearing raw materials such as slag, boiler residues and fly ash. Merchandise under the Harmonized Tariff Schedule of the United States ("HTSUS") item numbers 2850.00.2000, 8112.92.0600, 8112.92.7000 and 8112.99.2000 are specifically excluded.¹ Ferrovanadium is classified under HTSUS item number 7202.92.00. Although the HTSUS item number is provided for convenience and customs purposes, the Department's written description of the scope of these orders remains dispositive.

Continuation of Order

As a result of the determinations by the Department and the ITC that revocation of the AD orders on ferrovanadium from the PRC and South Africa would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the AD orders on ferrovanadium from the PRC and South Africa. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. This review covers imports from all manufacturers and

exporters of ferrovanadium from the PRC and South Africa.

The effective date of continuation of these AD orders will be the date of publication in the **Federal Register** of this notice. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than November 2013.

These five-year ("sunset") reviews and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: December 12, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

International Trade Administration

(A-533-840)

Certain Frozen Warmwater Shrimp from India: Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on certain frozen warmwater shrimp from India for the period February 1, 2007, through January 31, 2008, for 166 companies, based on: 1) timely withdrawals of the review requests; 2) confirmed statements of no shipments during the period of review (POR); 3) a mistaken initiation; and 4) multiple addresses.

EFFECTIVE DATE: December 19, 2008.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood, 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.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 2008, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on certain frozen warmwater shrimp from India for the period February 1, 2007, through January 31, 2008. *See Antidumping or Countervailing Duty Order, Finding, or*

Suspended Investigation; Opportunity To Request Administrative Review, 73 FR 6477 (Feb. 4, 2008). Between February 22, 2008, and February 29, 2008, in accordance with 19 CFR 351.213(b)(2), certain Indian producers and exporters requested a review of this antidumping duty order. In addition, on February 29, 2008, the petitioner¹ also requested an administrative review for numerous Indian exporters of subject merchandise, and the Louisiana Shrimp Association requested an administrative review for two Indian producers/exporters of subject merchandise, in accordance with 19 CFR 351.213(b)(1).

In April 2008, the Department initiated an administrative review for 336 companies. These companies are listed in the Department's notice of initiation. *See Certain Frozen Warmwater Shrimp from Brazil, Ecuador, India and Thailand: Notice of Initiation of Administrative Reviews*, 73 FR 18754, 18757-18762 (Apr. 7, 2008) (*Notice of Initiation*).

In April and May 2008, the Department received statements from 18 companies that indicated that they had no shipments of subject merchandise to the United States during the POR. Also, the Department received clarified information regarding mailing addresses for several companies.

On July 7, 2008, in accordance with 19 CFR 351.213(d)(1), the petitioner withdrew its request for review for 144 companies.

On October 16, 2008, the Department issued a memorandum indicating that it intended to rescind the administrative review with respect to 166 respondent companies, and it invited comments on this action from interested parties. *See* the October 16, 2008 memorandum to the file from Elizabeth Eastwood, titled "Intent to Rescind in Part the 2007-2008 Antidumping Duty Administrative Review on Frozen Warmwater Shrimp from India" (Intent to Rescind Memorandum). On October 23, 2008, and November 6, 2008, the Department received comments from 32 U.S. producers opposing the rescission with respect to the 144 companies for which the petitioner withdrew its review request. On October 30, 2008, the petitioner responded to the comments filed on October 23, 2008.

Partial Rescission of Review

As noted above, the petitioner withdrew its requests for an administrative review for each of the following companies within the time limits set forth in 19 CFR 351.213(d)(1):

¹ The petitioner in this proceeding is the Ad Hoc Shrimp Trade Action Committee.

¹ In 2007, the HTSUS classifications of merchandise excluded from the scope changed from 8112.40.3000 to 8112.92.0600, and from 8112.40.6000 to 8112.92.7000 and 8112.99.2000. *See* Harmonized Tariff Schedule of the United States (2007) (Rev. 1), available at <http://www.usitc.gov>.

- 1) A.S. Marine Industries Pvt Ltd.
- 2) Adani Exports Ltd
- 3) Aditya Udyog
- 4) Agri Marine Exports Ltd.
- 5) AL Mustafa Exp & Imp
- 6) Alapatt Marine Exports
- 7) All Seas Marine P. Ltd.
- 8) Alsa Marine & Harvests Ltd.
- 9) Ameena Enterprises
- 10) Amison Foods Ltd.
- 11) Amison Seafoods Ltd.
- 12) Anjani Marine Traders
- 13) Aqua Star Marine Foods
- 14) Arsha Seafood Exports Pvt. Ltd.
- 15) ASF Seafoods
- 16) Ashwini Frozen Foods
- 17) Aswin Associates
- 18) Baby Marine (Eastern) Exports
- 19) Baby Marine Exports
- 20) Baby Marine Products
- 21) Balaji Seafood Exports I Ltd.
- 22) Baraka Overseas Traders
- 23) Bell Foods (Marine Division)
- 24) Bharat Seafoods
- 25) Bhisti Exports
- 26) Bilal Fish Suppliers
- 27) Capital Freezing Complex
- 28) Cham Exports Ltd.
- 29) Cham Ocean Treasures Co., Ltd.
- 30) Cham Trading Organization
- 31) Chand International
- 32) Cherukattu Industries (Marine Div.)
- 33) Danda Fisheries
- 34) Dariapur Aquatic Pvt. Ltd.
- 35) Deepmala Marine Exports
- 36) Dhanamjaya Impex P. Ltd.
- 37) Dorothy Foods
- 38) El-Te Marine Products
- 39) Excel Ice Services/Chirag Int'l
- 40) Firoz & Company
- 41) Freeze Engineering Industries (Pvt. Ltd.)
- 42) Gajula Exim P. Ltd.
- 43) Gausia Cold Storage P. Ltd.
- 44) Global Sea Foods & Hotel Ltd.
- 45) Goan Bounty
- 46) Gold Farm Foods (P) Ltd.
- 47) Golden Star Cold Storage
- 48) Gopal Seafoods
- 49) Gtc Global Ltd.
- 50) HA & R Enterprises
- 51) Hanswati Exports P. Ltd.
- 52) HMG Industries Ltd.
- 53) Honest Frozen Food Company
- 54) India CMS Adani Exports
- 55) India Seafoods
- 56) Indian Seafood Corporation
- 57) Interfish
- 58) InterSea Exports Corporation
- 59) J R K Seafoods Pvt. Ltd.
- 60) Kadalkanny Frozen Foods
- 61) Kaushalya Aqua Marine Product Exports Pvt. Ltd.
- 62) Keshodwala Foods
- 63) Key Foods
- 64) King Fish Industries
- 65) Konkan Fisheries Pvt. Ltd.
- 66) Lakshmi Marine Products
- 67) Lansea Foods Pvt. Ltd.
- 68) Laxmi Narayan Exports
- 69) Lotus Sea Farms
- 70) M K Exports
- 71) M. R. H. Trading Company
- 72) Malabar Marine Exports
- 73) Mamta Cold Storage
- 74) Marina Marine Exports
- 75) Marine Food Packers
- 76) Miki Exports International
- 77) Mumbai Kamgar MGSM Ltd.
- 78) Naik Ice & Cold Storage
- 79) Nas Fisheries Pvt. Ltd.
- 80) National Seafoods Company
- 81) National Steel
- 82) National Steel & Agro Ind.
- 83) N.C. Das & Company
- 84) New Royal Frozen Foods
- 85) Noble Aqua Pvt. Ltd.
- 86) Nsil Exports
- 87) Omsons Marines Ltd.
- 88) Padmaja Exports
- 89) Partytime Ice Pvt. Ltd.
- 90) Philips Foods India Pvt. Ltd.
- 91) Premier Exports International
- 92) Premier Marine Foods
- 93) R K Ice & Cold Storage
- 94) Rahul Foods (GOA)
- 95) Rahul International
- 96) Raj International
- 97) Ramalmgeswara Proteins & Foods Ltd.
- 98) Rameshwar Cold Storage
- 99) Ravi Frozen Foods Ltd.
- 100) Regent Marine Industries
- 101) Relish Foods
- 102) R F. Exports
- 103) Royal Link Exports
- 104) Rubian Exports
- 105) Ruby Marine Foods
- 106) Ruchi Worldwide
- 107) S K Exports (P) Ltd.
- 108) SS International
- 109) Sabri Food Products
- 110) Sagar Samrat Seafoods
- 111) Salet Seafoods Pvt Ltd.
- 112) Samrat Middle East Exports (P) Ltd.
- 113) Sarveshwari Ice & Cold Storage P Ltd.
- 114) Satyam Marine Exports
- 115) Sea Rose Marines (P) Ltd.
- 116) Sealand Fisheries Ltd.
- 117) Seaperl Industries
- 118) Sharat Industries Ltd.
- 119) Shimpo Exports
- 120) Shipper Exporter National Steel
- 121) Siddiqi Seafoods
- 122) Skyfish
- 123) SLS Exports Pvt. Ltd.
- 124) Sonia Fisheries
- 125) Sourab
- 126) Sreevas Export Enterprises
- 127) Sri Sidhi Freezers & Exporters Pvt. Ltd.
- 128) Star Fish Exports
- 129) Supreme Exports
- 130) The Canning Industries (Cochin) Ltd.
- 131) Tony Harris Seafoods Ltd.
- 132) Tri-Tee Seafood Company
- 133) Tri Marine Foods Pvt. Ltd.
- 134) Trinity Exports
- 135) Ulka Seafoods (P) Ltd.
- 136) Uniroyal Marine Exports Ltd.
- 137) Upasana Exports
- 138) V Marine Exports
- 139) Vaibhav Sea Foods
- 140) Varnita Cold Storage
- 141) Veraval Marines & Chemicals P Ltd.
- 142) Vijayalaxmi Seafoods
- 143) Winner Seafoods
- 144) Z A Food Products

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation. Therefore, because all requests for administrative reviews were timely withdrawn for 143 of the companies listed above, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review with regard to these companies. However, with regard to the 144th company, Kadalkanny Frozen Foods, the review cannot be rescinded because there is an outstanding request for review for this company, which was submitted by the company itself.

In addition, in accordance with 19 CFR 351.213(d)(3), we are rescinding the review with respect to the following 14 companies because these companies reported no shipments of subject merchandise during the POR:

- 1) Capithan Exporting Co.
- 2) Cochin Frozen Foods Export Pvt. Ltd.
- 3) C P Aquaculture (India) Ltd.
- 4) G. KS Business Associates Pvt. Ltd.
- 5) K V Marine Exports
- 6) L.G Seafoods
- 7) Lewis Natural Foods Ltd.
- 8) Lourde Exports
- 9) Meenaxi Fisheries Pvt. Ltd.
- 10) Naik Seafoods Ltd.
- 11) Sanchita Marine Products P Ltd.
- 12) Sterling Foods
- 13) Triveni Fisheries P Ltd.
- 14) Varnita Cold Storage

We reviewed U.S. Customs and Border Protection (CBP) data and confirmed that there were no entries of subject merchandise from any of these companies. Consequently, in accordance with 19 CFR 351.213(d)(3) and consistent with our practice, we are rescinding our review for the companies listed above. *See, e.g., Certain Steel Concrete Reinforcing Bars From Turkey; Final Results and Rescission of Antidumping Duty Administrative*

Review in Part, 71 FR 65082, 65083 (Nov. 7, 2006) (*Rebar from Turkey*); see also *Certain Frozen Warmwater Shrimp From India; Partial Rescission of Antidumping Duty Administrative Review*, 71 FR 41419 (July 21, 2006).

The Department also initiated separate administrative reviews for the following companies with the same name but different addresses: 1) Apex Exports; 2) Choice Trading Corporation Pvt. Ltd.; 3) IFB Agro Industries Limited; 4) Kings Marine Products; 5) K V Marine Exports; 6) Navayuga Exports Ltd.; 7) Sai Marine Exports Pvt. Ltd.; and 8) Selvam Exports Private Limited. Specifically, these are companies for which we initiated multiple administrative reviews because the petitioner and/or the respondent listed separate addresses for the same companies in their review requests. See *Notice of Initiation*, 73 FR at 18757–18762. The Department sent out letters asking for clarification of the multiple addresses and same company names. We received responses from the companies verifying the correct address and that the company is the same. Therefore, we are rescinding the review with respect to these duplicate company addresses.

Finally, in the *Notice of Initiation*, the Department mistakenly included Royal Cold Storage India P Ltd. in the list of companies for which the review was initiated, in addition to the list of companies for which the review was not initiated. See *Notice of Initiation*, 73 FR at 18760, 18765. We are clarifying that the Department has not initiated an administrative review with respect to Royal Cold Storage India P Ltd. *Id.*, 73 FR at 18765.

On October 23, 2008, the Department received comments from 32 U.S. producers regarding the Department's *Intent to Rescind Memorandum*. In these comments, the U.S. producers objected to the petitioner's July 7, 2008, filing withdrawing its request for administrative reviews for certain Indian producers/exporters because: 1) these domestic producers, three of which were previously part of the Ad Hoc Shrimp Trade Action Committee, have retained their own counsel; and 2) as a result, the Ad Hoc Shrimp Trade Action Committee no longer represents the majority of the U.S. domestic industry. Thus, the U.S. producers requested that the Department not rescind the administrative reviews for the companies for which the petitioner withdrew its request. On October 30, 2008, the petitioner responded to the U.S. producers' comments by stating that all of its actions in the review were taken on behalf of the Ad Hoc Shrimp

Trade Action Committee as a corporate entity, not on behalf of the individual members. Thus, it urged the Department to disregard the U.S. producers' request.

After considering the U.S. producers' October 23, 2008 submission, we disagree with the arguments made by these companies. The request for administrative review at issue was made by the Ad Hoc Shrimp Trade Action Committee, which is an interested party to this proceeding under section 771(9)(E) of the Tariff Act of 1930, as amended (the Act) (*i.e.*, the subsection applicable to trade associations). Contrary to the U.S. producers' assertions, this section of the Act does not require a trade association to represent a majority of the industry producing the domestic like product, but rather it merely requires a majority of the association's members to manufacture, produce, or wholesale a domestic like product in the United States. Further, 19 CFR 351.213(b)(1) does not require that a domestic interested party represent the majority of the domestic industry before it may request a review. In this case, both the administrative review requests and the corresponding withdrawal of certain of these requests were made on behalf of the Ad Hoc Shrimp Trade Action Committee, not the individual members of this group. Consequently, because the U.S. producers involved in the October 23, 2008, filing did not request any administrative reviews in this segment of the proceeding, we find that their objection to the petitioner's withdrawal of its request for administrative reviews of certain Indian producers/exporters does not provide a basis for the Department to maintain the review request for these companies.

Assessment

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this partial rescission of administrative review. The Department will direct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for POR entries of the subject merchandise produced/exported by the companies for which we are rescinding the review based on the timely withdrawal of review requests.

With respect to POR entries of subject merchandise produced by companies for which we are rescinding the review based on certifications of no shipments, because these companies certified that they made no POR shipments of subject merchandise for which they had knowledge of U.S. destination, we will instruct CBP to liquidate these entries at the all-others rate established in the

less-than-fair-value investigation if there is no rate for the intermediary (*e.g.*, a reseller, trading company, or exporter) involved in the transaction. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Notification to Importers

This notice serves as a reminder to importers for whom this review is being rescinded, of their responsibility under 19 CFR 351.402(f) to file a certificate regarding 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.

This notice is published in accordance with section 777(i) of the Act and 19 CFR 351.213(d)(4).

Dated: December 12, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–549–822)

Certain Frozen Warmwater Shrimp from Thailand: Partial Rescission of Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on certain frozen warmwater shrimp from Thailand for the period February 1, 2007, through January 31, 2008, for 29 companies, based on: 1) timely withdrawals of the review requests; and 2) confirmed statements of no shipments during the period of review (POR).

EFFECTIVE DATE: December 19, 2008.

FOR FURTHER INFORMATION CONTACT: Kate Johnson, 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) 482–4929.

SUPPLEMENTARY INFORMATION: