

plated (e.g., chrome, zinc or nickel coated), coated (e.g., with paint, epoxy, or plastic), or uncoated ("raw"). The wire may be drawn or rolled and may have a round, square or other profile. Wire decking is sold in a variety of wire gauges. The wire diameters used in the decking mesh are 0.105 inches or greater for round wire. For wire other than round wire, the distance between any two points on a cross-section of the wire is 0.105 inches or greater. Wire decking reinforced with structural supports is designed generally for industrial and other commercial storage rack systems.

Wire decking is produced to various profiles, including, but not limited to, a flat ("flush") profile, an upward curved back edge profile ("backstop") or downward curved edge profile ("waterfalls"), depending on the rack storage system. The wire decking may or may not be anchored to the rack

storage system. The scope does not cover the metal rack storage system, comprised of metal uprights and cross beams, on which the wire decking is ultimately installed. Also excluded from the scope is wire mesh shelving that is not reinforced with structural supports and is designed for use without structural supports.

Wire decking enters the United States through several basket categories in the Harmonized Tariff Schedule of the United States ("HTSUS"). U.S. Customs and Border Protection has issued a ruling (NY F84777) that wire decking is to be classified under HTSUS 9403.90.8040. Wire decking has also been entered under HTSUS 7217.10, 7217.20, 7326.20, 7326.90, 9403.20.0020 and 9403.20.0030. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of the investigations is dispositive.

**Appendix II**

Where it is not practicable to examine all known exporters/producers of subject merchandise, section 777A(c)(2) of the Tariff Act of 1930, as amended, permits us to investigate (1) a sample of exporters, producers, or types of products that is statistically valid based on the information available at the time of selection, or (2) exporters and producers accounting for the largest volume of the subject merchandise that can reasonably be examined.

In the chart below, please provide the total quantity and total value of all your sales of merchandise covered by the scope of this investigation (see "Scope of Investigation" section of this notice), produced in the PRC, and exported/shipped to the United States during the period October 1, 2008, through March 31, 2009.

| Market                                  | Total quantity in metric tons | Terms of sale | Total value |
|---|-------------------------------|---------------|-------------|
| United States:                          |                               |               |             |
| 1. Export Price Sales .....             |                               |               |             |
| 2. a. Exporter Name .....               |                               |               |             |
| b. Address .....                        |                               |               |             |
| c. Contact .....                        |                               |               |             |
| d. Phone No. ....                       |                               |               |             |
| e. Fax No. ....                         |                               |               |             |
| 3. Constructed Export Price Sales ..... |                               |               |             |
| 4. Further Manufactured .....           |                               |               |             |
| Total Sales .....                       |                               |               |             |

**Total Quantity**

• Please report quantity on a metric ton basis. If any conversions were used, please provide the conversion formula and source.

**Terms of Sales**

• Please report all sales on the same terms (e.g., free on board at port of export).

**Total Value**

• All sales values should be reported in U.S. dollars. Please indicate any exchange rates used and their respective dates and sources.

**Export Price Sales**

• Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated customer occurs before importation into the United States.

• Please include any sales exported by your company directly to the United States.

• Please include any sales exported by your company to a third-country market economy reseller where you had knowledge that the merchandise was destined to be resold to the United States.

• If you are a producer of subject merchandise, please include any sales manufactured by your company that were subsequently exported by an affiliated exporter to the United States.

• Please do not include any sales of subject merchandise manufactured in Hong Kong in your figures.

**Constructed Export Price Sales**

• Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated customer occurs after importation. However, if the first sale to the unaffiliated customer is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation.

• Please include any sales exported by your company directly to the United States;

• Please include any sales exported by your company to a third-country market economy reseller where you had knowledge that the merchandise was destined to be resold to the United States.

• If you are a producer of subject merchandise, please include any sales manufactured by your company that were subsequently exported by an affiliated exporter to the United States.

• Please do not include any sales of subject merchandise manufactured in Hong Kong in your figures.

**Further Manufactured**

• Sales of further manufactured or assembled (including re-packaged) merchandise is merchandise that undergoes further manufacture or assembly in the United States before being sold to the first unaffiliated customer.

• Further manufacture or assembly costs include amounts incurred for direct materials, labor and overhead, plus amounts for general and administrative expense, interest expense, and additional packing

expense incurred in the country of further manufacture, as well as all costs involved in moving the product from the U.S. port of entry to the further manufacturer.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-475-818]

**Certain Pasta From Italy: Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Order in Part**

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

**DATES:** *Effective Date:* July 2, 2009.

**SUMMARY:** On May 26, 2009, the Department of Commerce ("Department") received a request for a changed circumstances review and a request to revoke, in part, the antidumping duty order on certain pasta from Italy with respect to gluten-free pasta. The Department confirmed that

petitioners<sup>1</sup> have no interest in antidumping duty relief from imports of gluten-free pasta. Therefore, we are notifying the public of our intent to revoke, in part, the antidumping duty order as it relates to imports of gluten-free pasta as described below. The Department invites interested parties to comment on these preliminary results.

**FOR FURTHER INFORMATION CONTACT:** Christopher Hargett, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-4161.

### Background

On July 24, 1996, the Department published in the *Federal Register* the antidumping duty order on pasta from Italy. *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy*, 61 FR 38547 (July 24, 1996).

On February 3, 2009, the Department received a request on behalf of Pasta Lensi S.r.L. ("Lensi") for a changed circumstances review to revoke, in part, the antidumping duty order on certain pasta from Italy with respect to gluten-free pasta. We did not receive comments from any other party.

### Scope of the Order

Imports covered by this order are shipments of certain non-egg dry pasta in packages of five pounds four ounces or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia, by Consorzio per il Controllo dei Prodotti Biologici, by Associazione Italiana per l'Agricoltura Biologica, or by Istituto per la Certificazione Etica e

Ambientale ("ICEA") are also excluded from this order. *See Memorandum from Audrey Twyman to Susan Kuhbach*, dated February 28, 2006, "Recognition of Istituto per la Certificazione Etica e Ambientale."

The merchandise subject to this order is currently classifiable under subheadings 1901.90.95 and 1902.19.20 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

### Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Order in Part

At the request of Lensi, and in accordance with sections 751(b)(1) and (d)(1) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.216, the Department is initiating a changed circumstances review of certain pasta from Italy to determine whether partial revocation of the antidumping duty order is warranted with respect to gluten-free pasta. Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that the Department may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the order, in whole or in part. In addition, in the event the Department determines that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

In accordance with section 751(b) of the Act, and 19 CFR 351.222(g)(1)(i) and 351.221(c)(3), we are initiating this changed circumstances review and have determined that expedited action is warranted. Lensi stated in its May 26, 2009, request that petitioners support the request for changed circumstances review as filed. The certificate of service for Lensi's May 26, 2009, request indicates that the request was served on counsel for petitioners in the current review of this proceeding. On June 1, 2009, the Department spoke with counsel for petitioners who stated that they had knowledge of the request before it was filed, and supported the request.<sup>2</sup> In accordance with section 751(b) of the Act and 19 CFR 351.222(g)(1)(i), and absent any evidence to the contrary, we find

petitioners comprise substantially all of the production of the domestic like product. *See Pasta Lensi* May 26, 2009, letter to the Department. Petitioners have expressed a lack of interest in the order, in part, with respect to gluten-free pasta.<sup>3</sup> Based on the expression of no interest by petitioners, and absent any objection by any other interested parties, we have preliminarily determined that the domestic producers of the like product have no interest in the continued application of the antidumping duty order on certain pasta from Italy to the merchandise that is subject to this request. Accordingly, we are notifying the public of our intent to revoke, in part, the antidumping duty order with respect to gluten-free pasta. Therefore, we intend to change the scope of the order on certain pasta from Italy to include the following exclusion: Excluded from the scope is gluten-free pasta.

### Public Comment

Interested parties are invited to comment on these preliminary results. Written comments may be submitted no later than 14 days after the date of publication of these preliminary results. Rebuttals to written comments, limited to issues raised in such comments, may be filed no later than 21 days after the date of publication of these preliminary results. The Department will issue the final results of this changed circumstances review, which will include its analysis of any written comments, no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary results. *See* 19 CFR 351.216(e).

If final revocation occurs, we will instruct U.S. Customs and Border Protection to end the suspension of liquidation for the merchandise covered by the revocation on the effective date of the notice of revocation and to release any cash deposit or bond. *See* 19 CFR 351.222(g)(4). The current requirement for a cash deposit of estimated antidumping duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This initiation and preliminary results of review and notice are in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 351.221, and 351.222.

<sup>1</sup>New World Pasta Company, Dakota Growers Pasta Company, and American Italian Pasta Company.

<sup>2</sup>*See* Memo from Christopher Hargett, Case Analyst, AD/CVD Operations 3, to Melissa Skinner, Office Director, AD/CVD Operations 3 entitled "Phone Conversation with Counsel for Petitioners," dated June 2, 2009.

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

Dated: June 26, 2009.

**Ronald K. Lorentzen,**  
Acting Assistant Secretary for Import  
Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-802]

#### Frozen Warmwater Shrimp From Vietnam: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Reviews

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

**SUMMARY:** On March 18, 2009, the Department of Commerce (“the Department”) published in the **Federal Register** a notice of initiation of changed circumstances reviews of the antidumping duty order on frozen warmwater shrimp from Vietnam in order to determine whether five companies, Bac Lieu Fisheries Joint Stock Company (“Bac Lieu JSC”), Cadovimex Seafood Import-Export and Processing Joint Stock Company (“Cadovimex Vietnam”), Soc Trang Seafood Joint Stock Company (“STAPIMEX JSC”), Thuan Phuoc Seafoods and Trading Corporation (“Thuan Phuoc JSC”), and UTXI Aquatic Products Processing Corporation (“UTXI Corp.”) (collectively, “Five CCR Companies”) are successors-in-interest, respectively, to Bac Lieu Fisheries Company Limited (“Bac Lieu Limited”), Cai Doi Vam Seafood Import-Export Company (“Cadovimex”), Soc Trang Aquatic Products and General Import Export Company (“STAPIMEX”), Thuan Phuoc Seafoods and Trading Corporation (“Thuan Phuoc SOE”), and UTXI Aquatic Products Processing Company (“UTXI”) (collectively, “Five Original Companies”) for purposes of determining antidumping duty liability. Similarly, on April 14, 2009, the Department published in the **Federal Register** a notice of initiation of changed circumstances review of the antidumping order in order to determine whether Can Tho Import Export Fishery Limited Company (“CAFISH”) is the successor-in-interest to Can Tho Agricultural and Animal Products Import Export Company (“CATACO”). We have preliminarily determined that Bac Lieu JSC, Cadovimex Vietnam, STAPIMEX JSC, Thuan Phuoc JSC, and UTXI Corp. are the successors-in-interest to the

respective Five Original Companies for purposes of determining antidumping duty liability. However, we have preliminarily determined that CAFISH is not the successor-in-interest to CATACO for purposes of determining antidumping duty liability. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* July 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang or Scot T. Fullerton, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202-482-4047 or 202-482-1386, respectively.

#### Background

The Department published in the **Federal Register** the antidumping duty order for frozen warmwater shrimp from Vietnam on February 1, 2005. *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, 5154-55 (February 1, 2005) (“*Order*”). As part of the *Order*, all six companies, Bac Lieu Limited, Cadovimex, STAPIMEX, Thuan Phuoc SOE, UTXI, and CATACO received a separate antidumping duty cash deposit rate of 4.57 percent. *Id.*

On January 26, 2009, STAPIMEX JSC, and on January 27, 2009, UTXI Corp., filed submissions requesting that the Department conduct changed circumstances reviews of the antidumping duty order on frozen warmwater shrimp from Vietnam claiming, respectively, that STAPIMEX JSC is the successor-in-interest to STAPIMEX,<sup>1</sup> and that UTXI Corp. is the successor-in-interest to UTXI,<sup>2</sup> in accordance with section 751(b) of the Tariff Act of 1930, as amended (“the Act”) and 19 CFR 351.216. Then on February 4, 2009, Cadovimex-Vietnam, on February 5, 2009, Thuan Phuoc JSC, and on February 6, 2009, Bac Lieu JSC, filed submissions requesting that the Department conduct changed circumstances reviews of the antidumping duty order claiming, respectively, that Cadovimex-Vietnam is

the successor-in-interest to Cadovimex,<sup>3</sup> that Thuan Phuoc JSC is the successor-in-interest to Thuan Phuoc SOE,<sup>4</sup> and that Bac Lieu JSC is the successor-in-interest to Bac Lieu Limited.<sup>5</sup> In their submissions, the Five CCR Companies provided information regarding the events leading to each company’s transition from the Five Original Companies. Specifically, Cadovimex-Vietnam, STAPIMEX JSC, and Thuan Phuoc JSC provided documentation relating to their change from State-owned enterprises (“SOEs”) to joint stock companies (“JSCs”), while Bac Lieu JSC and UTXI Corp. provided documentation relating to their change from limited liability companies (“LLCs”) to JSCs. In addition, all five companies provided documentation relating to their ownership structures and management, production facilities, supplier relationships, and customer bases, among other things. In response to these requests, the Department initiated changed circumstances reviews of the Five CCR Companies on March 18, 2009. *See Certain Frozen Warmwater Shrimp from Socialist Republic of Vietnam: Initiation of Changed Circumstances Reviews*, 74 FR 11527 (March 18, 2009) (“*Initiation Notice*”).

On March 13, 2009, CATACO filed a submission requesting that the Department conduct a changed circumstances review of the antidumping duty order claiming that CAFISH is the successor-in-interest to CATACO’s shrimp processing operation.<sup>6</sup> In its submission, CATACO provided information regarding the formation of its seafood factory as a separate JSC, Cantho Import-Export Seafood Joint Stocks Company (“CASEAMEX”). CATACO provided additional information regarding the subsequent further separation of CASEAMEX’s shrimp processing operation which formed a joint venture with an unaffiliated shrimp processing

<sup>3</sup> See Cadovimex-Vietnam’s submission to the Department regarding Certain Frozen Warmwater Shrimp from Vietnam: Request for Changed Circumstances Review, February 4, 2009 (“Cadovimex-Vietnam’s CCR Request”).

<sup>4</sup> See Thuan Phuoc JSC’s submission to the Department regarding Certain Frozen Warmwater Shrimp from Vietnam: Request for Changed Circumstances Review, February 5, 2009 (“Thuan Phuoc JSC’s CCR Request”).

<sup>5</sup> See Bac Lieu JSC’s submission to the Department regarding Certain Frozen Warmwater Shrimp from Vietnam: Request for Changed Circumstances Review, February 6, 2009 (“Bac Lieu JSC’s CCR Request”).

<sup>6</sup> See CATACO’s submission to the Department regarding Certain Frozen Warmwater Shrimp from Vietnam: Request for Changed Circumstances Review, March 14, 2009 (“CATACO’s CCR Request”).

<sup>1</sup> See STAPIMEX JSC’s submission to the Department regarding Certain Frozen Warmwater Shrimp from Vietnam: Request for Changed Circumstances Review, January 26, 2009 (“STAPIMEX JSC’s CCR Request”).

<sup>2</sup> See UTXI Corp.’s submission to the Department regarding Certain Frozen Warmwater Shrimp from Vietnam: Request for Changed Circumstances Review, January 27, 2009 (“UTXI Corp.’s CCR Request”).