

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

A-552-801

**Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Amended Final Results of New Shipper Review**

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

**EFFECTIVE DATE:** July 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Emeka Chukwudebe and Alan Ray, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC, 20230; telephone: (202) 482 0219 and (202) 482 5403, respectively.

**SUPPLEMENTARY INFORMATION:**

**Amendment to the Final Results:**

In accordance with sections 751(h) and 777(i)(1) of the Tariff Act of 1930, as amended, (“Act”), on June 15, 2009, the Department of Commerce (“Department”) issued the final results in the antidumping new shipper review of certain frozen fish fillets from the Socialist Republic of Vietnam (“Vietnam”) covering Hiep Thanh Seafood Joint Stock Company (“Hiep

Thanh”) and Asia Commerce Fisheries Joint Stock Company (“Acomfish”) (collectively, “Respondents”). See *Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of the Third New Shipper Reviews*, 74 FR 29473, (June 22, 2009) (“*Final Results*”).

On June 22, 2009, Petitioners<sup>1</sup> filed a timely allegation that the Department made a ministerial error in the *Final Results* and requested, pursuant to 19 CFR 351.224, that the Department correct the alleged ministerial error in the calculation of the margins for Acomfish and Hiep Thanh. No other party in this proceeding submitted comments on the Department’s final margin calculations.

A ministerial error is defined as “an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the {Department} considers ministerial.” See section 751(h) of the Act; see also 19 CFR 351.224(f).

After analyzing petitioner’s comments, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), that we made a ministerial error in our calculation for the final results with respect to Acomfish and Hiep Thanh.<sup>2</sup> Specifically, we inadvertently excluded the surrogate values for packing

materials during the packing stage of the margin calculation.

Additionally, in the *Final Results*, we are correcting a typographical error in Comment 1 of the Final Decision Memo. See Final Decision Memo at Comment 1. Specifically, the surrogate financial ratios used were based on Apex’s financial statements only, and not on the average of Gemini with Apex as stated in the Final Decision Memo. The text in the Final Decision Memo clearly indicates we only intended to use Apex’s financial statements but we inadvertently included Gemini in the context of the last sentence.

The margin for Acomfish did not change following revisions made to the *Final Results*. Accordingly, the margin for Acomfish remains at 0.00 percent. For Hiep Thanh however, the margin increases from 6.68 percent to 13.76 percent. We further note that the errors did not affect the Vietnam-Wide entity rate, and thus it will not be revised.

Therefore, in accordance with section 751(h) of the Act, we are amending the final results in this antidumping duty new shipper review of certain frozen fish fillets from the Vietnam. After correcting the ministerial error, the amended final weighted-average dumping margins are as follows:

Certain Frozen Fish Fillets from Vietnam

Manufacturer/Exporter	Final Weighted-Average Margin	Amended Final Weighted-Average Margin
Acomfish .....	0.00%	0.00%
Hiep Thanh .....	6.68%	13.76%

**Assessment Rates**

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (“CBP”) 15 days after the date of publication of these amended final results of review. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates for merchandise subject to this review.

**Cash Deposit Requirements**

The following deposit requirements will be effective retroactively on any entries made on or after June 22, 2009, the date of publication of the *Final Results*, for all shipments of subject merchandise entered, or withdrawn

from warehouse, for consumption as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise produced and exported by Hiep Thanh, the cash deposit rate will be the percent listed above, or the equivalent per-unit rate; for subject merchandise produced and exported by Acomfish, the cash deposit rate will be zero; (2) for subject merchandise exported by Hiep Thanh or Acomfish, but not manufactured by Hiep Thanh or Acomfish, the cash deposit rate will continue to be the Vietnam-wide rate of 63.88 percent; and (3) for subject merchandise manufactured by Hiep Thanh or Acomfish, but exported by any party other than Hiep Thanh or Acomfish, the cash deposit rate will be the rate

applicable to the exporter. These cash deposit requirements will remain in effect until further notice. In the 2nd administrative review, the Department stated that we would collect cash deposits and issue assessment instructions on a per-unit basis. See *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of the Second Administrative Review*, 72 FR 13242, 13244 (March 21, 2007). Therefore, we intend to issue CBP instructions on that basis.

**Notification of Interested Parties**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate

<sup>1</sup> Catfish Farmers of America and individual U.S. catfish processors.

<sup>2</sup> See Memorandum to the File through Alex Villanueva, Program Manager, Office 9, from Emeka Chukwudebe, Case Analyst, Office 9, New Shipper Review of Certain Frozen Fish Fillets from the

Socialist Republic of Vietnam: Analysis for the Final Results for Acomfish Joint Stock Company (“Acomfish”) dated June 15, 2009 (“Acomfish Final Analysis Memo”) at Attachment 2 and Memorandum to the File through Alex Villanueva, Program Manager, Office 9, from Alan Ray, Case

Analyst, Office 9, Analysis of the Final Results of the New Shipper Reviews of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam (“Vietnam”): Hiep Thanh Joint Stock Company (“Hiep Thanh”) dated June 15, 2009 (“Hiep Thanh Final Analysis Memo”) at Attachment 2.

regarding the 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties. This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") 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 that is subject to sanction.

We are issuing and publishing these amended final results of review and notice in accordance with sections 751(a) and 777(i) of the Act.

Dated: July 20, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9-17872 Filed 7-27-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Notice of Invention Available for Licensing

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of Invention Available for Licensing.

**SUMMARY:** The invention listed below is owned by the U.S. Government, as represented by the Department of Commerce. The invention is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

**FOR FURTHER INFORMATION CONTACT:** Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Attn: Mary Clague, Building 222, Room A240, Gaithersburg, MD 20899. Information is also available via telephone: 301-975-

4188, fax 301-975-3482, or e-mail: [mary.clague@nist.gov](mailto:mary.clague@nist.gov). Any request for information should include the NIST Docket number and title for the invention as indicated below.

*The invention available for licensing is:* [NIST DOCKET NUMBER: 99-017/-032/-037US]

*Title:* Positioning Stage.

*Abstract:* This invention provides a positioning device and method for positioning objects. The device includes a movable stage and a pair of levers. The pair of levers is symmetric about a first axis of the movable stage. Additionally, the pair of levers is parallel to a second axis of the movable stage. This second axis is perpendicular to the first axis. Each of the pair of levers applies a force to the movable stage. Each of the pair of levers moves in an arc. The two levers move in opposite directions along their respective arc. The two arcs are symmetrical about an axis of the movable stage.

Dated: July 22, 2009.

**Patrick Gallagher,**

*Deputy Director.*

[FR Doc. E9-17913 Filed 7-27-09; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN: 0648-XQ54**

#### Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a meeting of a subgroup of its Golden Crab Advisory Panel (AP) in North Charleston, SC. See

#### **SUPPLEMENTARY INFORMATION.**

**DATES:** The meeting will take place August 24-25, 2009. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meeting will be held at the South Atlantic Fishery Management Council office, 4055 Faber Place Drive, Suite 201, North Charleston, SC; telephone: (843) 571-4366 or toll free: (866) SAFMC-10.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite

201, N. Charleston, SC, 29405; telephone: (843) 571-4366 or toll free (866) SAFMC-10; fax: (843) 769-4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** Members of the subgroup of the Golden Crab Advisory Panel will meet from 8:30 a.m. - 5 p.m. on August 24, 2009, and from 8:30 a.m. until 3 p.m. on August 25, 2009.

A subgroup of the Golden Crab Advisory Panel will meet to discuss Limited Access Privilege Program design features for the commercial golden crab fishery in the South Atlantic Economic Exclusive Zone (EEZ) and provide recommendations to the Council.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Note: The times and sequence specified in this agenda are subject to change. Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 days prior to the meeting.

Dated: July 22, 2009.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E9-17849 Filed 7-27-09; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XQ55**

#### Marine Fisheries Advisory Committee

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

**ACTION:** Notice of open public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Marine