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[FR Doc. 2010-17538 Filed 7-16-10; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-952]

#### Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Final Determination of Sales at Less Than Fair Value

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

**DATES:** *Effective Date:* July 19, 2010.

**SUMMARY:** On February 18, 2010, the Department of Commerce (the "Department") published its preliminary determination of sales at less than fair value ("LTFV") in the antidumping duty investigation of narrow woven ribbons with woven selvedge ("narrow woven ribbons") from the People's Republic of China ("PRC").<sup>1</sup> We invited interested parties to comment on our *Preliminary Determination*. Based on our analysis of the comments we received, we have made changes from the *Preliminary Determination*. We determine that narrow woven ribbons from the PRC are being, or are likely to be, sold in the United States at LTFV as provided in

<sup>1</sup> See *Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 75 FR 7244 (February 18, 2010) ("*Preliminary Determination*").

section 735 of the Tariff Act of 1930, as amended ("Act"). The final dumping margins for this investigation are listed in the "Final Determination Margins" section below.

**FOR FURTHER INFORMATION CONTACT:** Zhulietta Willbrand or Karine Gziryan, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3147 and (202) 482-4081, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Case History

The period of investigation is January 1, 2009, through June 30, 2009. The Department published its preliminary determination of sales at LTFV and postponement of the final determination on February 18, 2010.<sup>2</sup> As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days. The revised deadline for the final determination of this investigation is now July 12, 2010.<sup>3</sup>

Between March 8, 2010 and March 12, 2010, the Department conducted verification of mandatory respondent Yama Ribbons and Bows Co., Ltd. ("Yama").<sup>4</sup>

On April 20, 2010, the Department received case briefs from: Berwick Offray LLC and its wholly owned subsidiary Lion Ribbon Company, Inc. ("Petitioner"); Yama; and Yangzhou Bestpak Gifts & Crafts Co., Ltd. ("Bestpak"). On April 26, 2010, the Department received rebuttal briefs from Petitioner, Yama, and Bestpak.

On June 14, 2010, the Department issued a memorandum to all interested parties requesting comment on two possible Harmonized Tariff Schedule ("HTS") numbers (*i.e.*, 6310.10.90 and 6310.90.90) that could be used as the surrogate value for scrap ribbon and scrap yarn.<sup>5</sup> On June 18, 2010, we

<sup>2</sup> See *Preliminary Determination*.

<sup>3</sup> See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

<sup>4</sup> See the "Verification" section below for additional information.

<sup>5</sup> See Memorandum to The File, Antidumping Investigation of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Surrogate Value for Scrap Yarn and Scrap Ribbon, dated June 14, 2010.

received comments from Yama and Petitioner.

On June 14, 2010, in response to the U.S. Court of Appeals for the Federal Circuit's decision in *Dorbest Limited et al. v. United States*, 2009-1257, -1266 (May 14, 2010) ("*Dorbest*"), the Department issued a memorandum to inform all interested parties that the Department would reconsider its valuation of the labor wage rate, and to permit parties to comment on this issue.<sup>6</sup> On June 21, 2010, we received comments from Yama and Petitioner. Additionally, on June 15 and 22, 2010, the Department issued a memorandum adding additional export data to the record related to the Department's determination of the surrogate value for labor.<sup>7</sup> On June 21, 2010, Petitioner and Yama submitted comments regarding the wage rate issue. Further, on June 22, 2010, the Department issued another memorandum adding additional export data to the record related to the Department's determination of the surrogate value for labor.<sup>8</sup> We received no additional comments. On July 1, 2010, the Department placed further data on the record regarding the wage rate issue.<sup>9</sup> No party submitted comments.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation, as well as comments received pursuant to the Department's requests, are addressed in the "Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Issues and Decision Memorandum for the Final Determination" ("*Issues and Decision Memorandum*"), dated concurrently with this notice and which is hereby adopted by this notice. A list of the issues which parties raised and to which we respond in the *Issues and Decision Memorandum* 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, Room 1117 of the main Commerce building, and is accessible on the World Wide Web at <http://>

<sup>6</sup> See Memorandum to The File, Antidumping Duty Investigation of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Export Data, dated June 14, 2010.

<sup>7</sup> See Memorandum to The File, Antidumping Duty Investigation of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Additional Export Data, dated June 15, 2010.

<sup>8</sup> See Memorandum to The File, Antidumping Duty Investigation of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Additional Export Data, dated June 22, 2010.

<sup>9</sup> See Memorandum to The File, Antidumping Duty Investigation of Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Data on Labor Wage, dated July 1, 2010.

[trade.gov/ia/index.asp](http://trade.gov/ia/index.asp). The paper copy and electronic version of the memorandum are identical in content.

### Changes Since the Preliminary Determination

1. For the final determination, we have included a freight expense to transport liquid petroleum gas from the supplier to Yama's factory.<sup>10</sup>

2. In the *Preliminary Determination*, 75 FR at 7249–50, we stated that for certain misreported packing materials' factors of production ("FOPs") as facts available, we applied a simple average consumption rate for certain packing materials. At verification, we examined these packing materials. For the final determination, we have determined to use Yama's reported consumption rates for all its packing materials.<sup>11</sup>

3. We have recalculated the surrogate value for scrap using World Trade Atlas data for HTS number 6310.90.90.<sup>12</sup>

4. Pursuant to a recent decision by the U.S. Court of Appeals for the Federal Circuit, we have calculated a revised hourly wage rate to use in valuing Yama's reported labor input by averaging earnings and/or wages in countries that are economically comparable to the PRC and that are significant producers of comparable merchandise.<sup>13</sup>

5. For the final determination, we have included a new exclusion (*i.e.*, exclusion 13) in the scope of investigation. See "Scope of Investigation" section, below.

### Scope of Investigation

The merchandise subject to the investigation is narrow woven ribbons with woven selvedge, in any length, but with a width (measured at the narrowest span of the ribbon) less than or equal to 12 centimeters, composed of, in whole or in part, man-made fibers (whether artificial or synthetic, including but not limited to nylon, polyester, rayon, polypropylene, and polyethylene terephthalate), metal threads and/or metalized yarns, or any combination thereof. Narrow woven ribbons subject to the investigation may:

- Also include natural or other non-man-made fibers;
- Be of any color, style, pattern, or weave construction, including but not limited to single-faced satin, double-faced satin, grosgrain, sheer, taffeta, twill, jacquard, or a combination of two

or more colors, styles, patterns, and/or weave constructions;

- Have been subjected to, or composed of materials that have been subjected to, various treatments, including but not limited to dyeing, printing, foil stamping, embossing, flocking, coating, and/or sizing;
- Have embellishments, including but not limited to appliqué, fringes, embroidery, buttons, glitter, sequins, laminates, and/or adhesive backing;
- Have wire and/or monofilament in, on, or along the longitudinal edges of the ribbon;
- Have ends of any shape or dimension, including but not limited to straight ends that are perpendicular to the longitudinal edges of the ribbon, tapered ends, flared ends or shaped ends, and the ends of such woven ribbons may or may not be hemmed;
- Have longitudinal edges that are straight or of any shape, and the longitudinal edges of such woven ribbon may or may not be parallel to each other;
- Consist of such ribbons affixed to like ribbon and/or cut-edge woven ribbon, a configuration also known as an "ornamental trimming;"
- Be wound on spools; attached to a card; hanked (*i.e.*, coiled or bundled); packaged in boxes, trays or bags; or configured as skeins, balls, bateaus or folds; and/or
- Be included within a kit or set such as when packaged with other products, including but not limited to gift bags, gift boxes and/or other types of ribbon.

Narrow woven ribbons subject to the investigation include all narrow woven fabrics, tapes, and labels that fall within this written description of the scope of this investigation.

Excluded from the scope of the investigation are the following:

- (1) Formed bows composed of narrow woven ribbons with woven selvedge;
- (2) "Pull-bows" (*i.e.*, an assemblage of ribbons connected to one another, folded flat and equipped with a means to form such ribbons into the shape of a bow by pulling on a length of material affixed to such assemblage) composed of narrow woven ribbons;
- (3) Narrow woven ribbons comprised at least 20 percent by weight of elastomeric yarn (*i.e.*, filament yarn, including monofilament, of synthetic textile material, other than textured yarn, which does not break on being extended to three times its original length and which returns, after being extended to twice its original length, within a period of five minutes, to a length not greater than one and a half times its original length as defined in the Harmonized Tariff Schedule of the

United States ("HTSUS"), Section XI, Note 13) or rubber thread;

(4) Narrow woven ribbons of a kind used for the manufacture of typewriter or printer ribbons;

(5) Narrow woven labels and apparel tapes, cut-to-length or cut-to-shape, having a length (when measured across the longest edge-to-edge span) not exceeding eight centimeters;

(6) Narrow woven ribbons with woven selvedge attached to and forming the handle of a gift bag;

(7) Cut-edge narrow woven ribbons formed by cutting broad woven fabric into strips of ribbon, with or without treatments to prevent the longitudinal edges of the ribbon from fraying (such as by merrowing, lamination, sonobonding, fusing, gumming or waxing), and with or without wire running lengthwise along the longitudinal edges of the ribbon;

(8) Narrow woven ribbons comprised at least 85 percent by weight of threads having a denier of 225 or higher;

(9) Narrow woven ribbons constructed from pile fabrics (*i.e.*, fabrics with a surface effect formed by tufts or loops of yarn that stand up from the body of the fabric);

(10) Narrow woven ribbon affixed (including by tying) as a decorative detail to non-subject merchandise, such as a gift bag, gift box, gift tin, greeting card or plush toy, or affixed (including by tying) as a decorative detail to packaging containing non-subject merchandise;

(11) Narrow woven ribbon that is (a) affixed to non-subject merchandise as a working component of such non-subject merchandise, such as where narrow woven ribbon comprises an apparel trimming, book marker, bag cinch, or part of an identity card holder, or (b) affixed (including by tying) to non-subject merchandise as a working component that holds or packages such non-subject merchandise or attaches packaging or labeling to such non-subject merchandise, such as a "belly band" around a pair of pajamas, a pair of socks or a blanket;

(12) Narrow woven ribbon(s) comprising a belt attached to and imported with an item of wearing apparel, whether or not such belt is removable from such item of wearing apparel; and

(13) Narrow woven ribbon(s) included with non-subject merchandise in kits, such as a holiday ornament craft kit or a scrapbook kit, in which the individual lengths of narrow woven ribbon(s) included in the kit are each no greater than eight inches, the aggregate amount of narrow woven ribbon(s) included in the kit does not exceed 48 linear inches,

<sup>10</sup> See Final Analysis Memorandum for Yama Ribbons and Bows Co. Ltd., dated July 12, 2010 ("Yama's Analysis Memo").

<sup>11</sup> See Yama's Analysis Memo.

<sup>12</sup> See Yama's Analysis Memo.

<sup>13</sup> See Issues and Decision Memorandum at Comment 8.

none of the narrow woven ribbon(s) included in the kit is on a spool, and the narrow woven ribbon(s) is only one of multiple items included in the kit.

The merchandise subject to this investigation is classifiable under the HTSUS categories 5806.32.1020; 5806.32.1030; 5806.32.1050 and 5806.32.1060. Subject merchandise also may enter under subheadings 5806.31.00; 5806.32.20; 5806.39.20; 5806.39.30; 5808.90.00; 5810.91.00; 5810.99.90; 5903.90.10; 5903.90.25; 5907.00.60; and 5907.00.80 and under statistical categories 5806.32.1080; 5810.92.9080; 5903.90.3090; and 6307.90.9889. The HTSUS categories and subheadings are provided for convenience and customs purposes; however, the written description of the merchandise under investigation is dispositive.

### Scope Comments

Prior to the preliminary determination in this case, we received a request from certain retailers of narrow woven ribbons that the Department modify the scope of the investigation to exclude narrow woven ribbons included in kits or sets in “*de minimis*” amounts. Because of concerns over whether the proposed scope exclusion language would be administrable, we declined to modify the scope in the *Preliminary Determination*, and we did not use the language suggested by these retailers or the alternative language proposed by the petitioner. See *Preliminary Determination*, 75 FR at 7240.

Following the preliminary determination, on March 24, 2010, and June 3, 2010, the petitioner submitted additional language for this scope exclusion. Having determined that the language contained in the petitioner’s June 3, 2010, submission is administrable, we have incorporated this language in exclusion 13.<sup>14</sup>

### Verification

As provided in section 782(i) of the Act, we verified the information submitted by Yama for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondent.<sup>15</sup>

<sup>14</sup> See “the Scope of Investigation” section, above.

<sup>15</sup> See April 13, 2010 Memorandum to the File from Karine Gziryan and Zhulietta Willbrand, International Trade Compliance Specialists, AD/CVD Operations, Office 4, “Verification of the Sales and Factors Responses of Yama Ribbons and Bows Co., Ltd. in the Antidumping Investigation of Narrow Woven Ribbons with Woven Selvedge from the People’s Republic of China” at 34 and Exhibit 22.

### Surrogate Country

In the *Preliminary Determination*, we stated that we selected India as the appropriate surrogate country to use in this investigation for the following reasons: (1) It is a significant producer of comparable merchandise; (2) it is at a similar level of economic development pursuant to section 773(c)(4) of the Act; and (3) we have reliable data from India that we can use to value the FOPs.<sup>16</sup> We received no comments on this issue after the *Preliminary Determination*, and we have made no changes to our findings with respect to the selection of a surrogate country for the final determination.

### Separate Rates

In proceedings involving non-market economy (“NME”) countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department’s policy to assign all exporters of merchandise subject to an investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.<sup>17</sup>

In the *Preliminary Determination*, we found that the following companies demonstrated eligibility for separate-rate status: Beauty Horn Investment Limited; Fujian Rongshu Industry Co., Ltd.; Guangzhou Complacent Weaving Co., Ltd.; Ningbo MH Industry Co., Ltd.; Ningbo V.K. Industry & Trading Co., Ltd.; Stribbons (Guangzhou) Ltd.; Sun Rich (Asia) Limited; Tianjin Sun Ribbon Co., Ltd.; Weifang Dongfang Ribbon Weaving Co., Ltd.; Weifang Yu Yuan Textile Co., Ltd.; Xiamen Yi He Textile Co., Ltd; and Bestpak (collectively, the “Separate Rate Applicants”). Since the publication of the *Preliminary Determination*, no party has commented on the eligibility of the Separate Rate Applicants for separate-rate status. For the final determination, we continue to find that the evidence placed on the record of this investigation by the Separate Rate Applicants demonstrates both *de jure* and *de facto* absence of government control with respect to each company’s respective exports of the merchandise under investigation. Thus, we continue to find that the Separate

<sup>16</sup> See *Preliminary Determination*.

<sup>17</sup> See *Final Determination of Sales at Less Than Fair Value: Sparklers from the People’s Republic of China*, 56 FR 20588 (May 6, 1991), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People’s Republic of China*, 59 FR 22585 (May 2, 1994), and 19 CFR 351.107(d).

Rate Applicants are eligible for separate-rate status.

Normally the separate rate is determined based on the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding zero and *de minimis* margins or margins based entirely on adverse facts available (“AFA”).<sup>18</sup> In this case, because there are no rates other than *de minimis* or those based on AFA, we have determined to take a simple average of the AFA rate assigned to the PRC-wide entity and the *de minimis* rate calculated for Yama as a reasonable method for purposes of determining the rate assigned to the Separate Rate Applicants.<sup>19</sup> We note that this methodology is consistent with the Department’s past practice.<sup>20</sup>

### The PRC-Wide Rate

In the *Preliminary Determination*, we found that certain PRC exporters/producers did not demonstrate that they operate free of government control over their export activities and did not respond to the Department’s request for information.<sup>21</sup> Thus, we treated these PRC exporters/producers as part of the PRC-wide entity and found that the PRC-wide entity did not respond to our requests for information.<sup>22</sup> No additional information was placed on the record with respect to any of these companies after the *Preliminary Determination*. Additionally, in the *Preliminary Determination*, we determined that because Ningbo Jintian Import & Export Co., Ltd. (“Ningbo Jintian”) (*i.e.*, a mandatory respondent) failed to submit responses to the Department’s questionnaires, the Department has no basis upon which to grant Ningbo Jintian a separate rate. Accordingly, in the *Preliminary Determination*, we determined to treat Ningbo Jintian as part of the PRC-wide entity.<sup>23</sup> We received no comments on this determination.

Section 776(a)(2) of the Act provides that, if an interested party (A) Withholds information requested by the Department, (B) fails to provide such information by the deadline, or in the form or manner requested, (C)

<sup>18</sup> See section 735(c)(5)(A) of the Act.

<sup>19</sup> See section 735(c)(5)(B) of the Act.

<sup>20</sup> See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination; Light-Walled Rectangular Pipe and Tube From the Republic of Korea*, 73 FR 5794, 5800 (January 31, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from the Republic of Korea*, 73 FR 35655 (June 24, 2008); see also “Corroboration” section below.

<sup>21</sup> See *Preliminary Determination*, 75 FR at 7250.

<sup>22</sup> See *id.*

<sup>23</sup> See *id.*

significantly impedes a proceeding, or (D) provides information that cannot be verified, the Department shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Since the PRC-wide entity did not provide the Department with requested information, pursuant to section 776(a)(2)(A) of the Act, we continue to find it appropriate to base the PRC-wide rate on facts available. Therefore, pursuant to section 776(a)(2)(A) of the Act, the Department continues to find that the use of facts available is appropriate to determine the PRC-wide rate.

Section 776(b) of the Act provides that, in selecting from among the facts otherwise available, the Department may employ an adverse inference if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information.<sup>24</sup> We determine that, because the PRC-wide entity did not respond to our requests for information, the PRC-wide entity has failed to cooperate to the best of its ability. Therefore, the Department finds that, in selecting from among the facts otherwise available, an adverse inference is appropriate for the PRC-wide entity.

Because we begin with the presumption that all companies within an NME country are subject to government control, and because only Separate Rate Applicants have overcome that presumption, we are applying a single antidumping rate (*i.e.*, the PRC-wide entity rate) to all other exporters of subject merchandise from the PRC. Such companies did not demonstrate entitlement to a separate rate.<sup>25</sup> The PRC-wide entity rate applies to all entries of subject merchandise

except for entries from Yama and the Separate Rate Applicants.

### Corroboration

Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation as facts available, it must, to the extent practicable, corroborate that information from independent sources reasonably at its disposal. Secondary information is described as “information derived from the petition that gave rise to the investigation or review, the final determination concerning merchandise subject to this investigation, or any previous review under section 751 concerning the merchandise subject to this investigation.”<sup>26</sup> To “corroborate” means that the Department will satisfy itself that the secondary information to be used has probative value. Independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.<sup>27</sup>

The AFA rate that the Department used is drawn from the petition, as adjusted to reflect the CAFC’s decision in *Dorbest*. See Issues and Decision Memorandum at Comment 1. Petitioner’s methodology for calculating the United States price and normal value (“NV”) in the petition is discussed in the *Initiation Notice*.<sup>28</sup> In the *Preliminary Determination*, we assigned

<sup>26</sup> See *Final Determination of Sales at Less Than Fair Value: Sodium Hexametaphosphate From the People’s Republic of China*, 73 FR 6479, 6481 (February 4, 2008), quoting SAA at 870.

<sup>27</sup> See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews and Termination in Part*, 62 FR 11825 (March 13, 1997).

<sup>28</sup> See *Narrow Woven Ribbons with Woven Selvage from the People’s Republic of China and Taiwan: Initiation of Antidumping Duty Investigations*, 74 FR 39291 (August 6, 2009) (“Initiation Notice”)

to the PRC-wide entity the margin alleged in the petition, *i.e.*, 247.65 percent.<sup>29</sup> For the final determination, we have continued to assign to the PRC-wide entity the rate of 247.65 percent. To corroborate the AFA margin that we have selected, we compared it to the model-specific margins we found for the participating mandatory respondent, Yama. We found that the margin of 247.65 percent has probative value because it is in the range of Yama’s model-specific margins.<sup>30</sup> Accordingly, we find that the rate of 247.65 percent is corroborated within the meaning of section 776(c) of the Act.<sup>31</sup>

### Combination Rates

In the *Initiation Notice*, the Department stated that it would calculate combination rates for respondents that are eligible for a separate rate in this investigation.<sup>32</sup> This practice is described in *Policy Bulletin 05.1*, available at <http://ia.ita.doc.gov/>.

While continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of “combination rates” because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation. (Emphasis in original).

### Final Determination Margins

The Department determines that the following dumping margins exist for the period January 1, 2009, through June 30, 2009:

<sup>29</sup> See *Preliminary Determination*, 75 FR at 7251.

<sup>30</sup> See Yama’s Analysis Memo.

<sup>31</sup> See Issues and Decision Memorandum at Comment 12; see also July 12, 2010 Memorandum to the File from Karine Gziryan, International Trade Analyst, AD/CVD Operations, Office 4, “Antidumping Investigation of Narrow Woven Ribbons with Woven Selvage from the People’s Republic of China: Proprietary Memorandum regarding Corroboration”.

<sup>32</sup> See *Initiation Notice*, 74 FR at 39297.

<sup>24</sup> See *Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Notice of Rescission in Part and Intent to Rescind in Part*, 72 FR 14078, 14079 (March 26, 2007), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People’s Republic of China: Final Results of 2005–2006 Administrative Review and Partial Rescission of Review*, 72 FR 56724 (October 4, 2007) and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People’s Republic of China: Amended Final Results of 2005–2006 Administrative Review*, 72 FR 70302 (December 11, 2007). See also Statement of Administrative Action accompanying the Uruguay Round Agreements Act (“SAA”), H.R. Doc. No. 103–316, Vol. 1 (1994), at 870.

<sup>25</sup> See, e.g., *Synthetic Indigo From the People’s Republic of China; Notice of Final Determination of Sales at Less Than Fair Value*, 65 FR 25706 (May 3, 2000).

Exporter	Producer	Weighted-average percent margin
Yama Ribbons and Bows Co., Ltd .....	Yama Ribbons and Bows Co., Ltd .....	0
Beauty Horn Investment Limited .....	Tianjin Sun Ribbon Co., Ltd .....	123.83
Fujian Rongshu Industry Co., Ltd .....	Fujian Rongshu Industry Co., Ltd .....	123.83
Guangzhou Complacent Weaving Co., Ltd .....	Guangzhou Complacent Weaving Co., Ltd .....	123.83
Ningbo MH Industry Co., Ltd .....	Hangzhou City Linghu Jiacheng Silk Ribbon Co., Ltd .....	123.83
Ningbo V.K. Industry & Trading Co., Ltd .....	Ningbo Yinzhou Jinfeng Knitting Factory .....	123.83
Stribbons (Guangzhou) Ltd .....	Stribbons (Guangzhou) Ltd .....	123.83
Stribbons (Guangzhou) Ltd .....	Stribbons (Nanyang) MNC Ltd .....	123.83
Sun Rich (Asia) Limited .....	Dongguan Yi Sheng Decoration Co., Ltd .....	123.83
Tianjin Sun Ribbon Co., Ltd .....	Tianjin Sun Ribbon Co., Ltd .....	123.83
Weifang Dongfang Ribbon Weaving Co., Ltd .....	Weifang Dongfang Ribbon Weaving Co., Ltd .....	123.83
Weifang Yu Yuan Textile Co., Ltd .....	Weifang Yu Yuan Textile Co., Ltd .....	123.83
Xiamen Yi He Textile Co., Ltd .....	Xiamen Yi He Textile Co., Ltd .....	123.83
Yangzhou Bestpak Gifts & Crafts Co., Ltd .....	Yangzhou Bestpak Gifts & Crafts Co., Ltd .....	123.83
PRC-wide Entity* .....	.....	247.65

\*(Including Ningbo Jintian Import & Export Co., Ltd.).

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (“CBP”) to continue to suspend liquidation of all entries of narrow woven ribbons from the PRC, as described in the “Scope of Investigation” section, above, entered, or withdrawn from warehouse, for consumption on or after February 18, 2010, the date of publication of the *Preliminary Determination* in the **Federal Register**. The Department will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average dumping margin amount by which the NV exceeds U.S. price, as follows: (1) The rate for the exporter/producer combinations listed in the chart above will be the rate the Department has determined in this final determination; (2) for all PRC exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the PRC-wide entity rate; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter.

Additionally, as the Department has determined in its companion countervailing duty (“CVD”) final determination of narrow woven ribbons from the PRC (dated concurrently with this notice) that the product under investigation, exported and produced by Yama, benefitted from an export subsidy, we will instruct CBP to require an antidumping cash deposit or posting of a bond equal to the weighted-average amount by which the NV exceeds the export price, as indicated above, minus the amount determined to constitute an export subsidy. *See, e.g., Notice of Final*

*Determination of Sales at Less Than Fair Value: Carbazole Violet Pigment 23 From India*, 69 FR 67306, 67307 (November 17, 2004). Therefore, for the separate rate respondents, we will instruct CBP to require an antidumping duty cash deposit or the posting of a bond for each entry equal to the weighted-average margin indicated above adjusted for the export subsidy rate determined in the CVD final determination (*i.e.*, International Market Development Fund Grants for Small and Medium Enterprises). The adjusted cash deposit rate for the separate rate respondents (as listed above in the “Final Determination Margins” section, above) is 123.44 percent. These suspension-of-liquidation instructions will remain in effect until further notice.

**International Trade Commission Notification**

In accordance with section 735(d) of the Act, the Department notified the U.S. International Trade Commission (“ITC”) of its final determination of sales at LTFV. As the Department’s final determination is affirmative, in accordance with section 735(b)(2) of the Act, within 45 days the ITC will determine whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse,

for consumption on or after the effective date of the suspension of liquidation.

**Notification Regarding APO**

This notice also serves as a reminder to the parties subject to administrative protective order (“APO”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: July 12, 2010.

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

**Appendix I**

**Issues for Final Determination**

- Comment 1: Whether the Department should recalculate the petition margin with the preliminary surrogate value for labor
- Comment 2: Whether to apply a scrap offset in deriving Yama’s normal value
- Comment 3: Whether to set additional processing revenue to zero for all sales and cap freight revenue
- Comment 4: Whether to include freight expenses for the input Liquid Petroleum Gas (“LPG”)
- Comment 5: Whether to deduct Yama’s bank charges from U.S. price
- Comment 6: Whether to apply Adverse Facts Available for some of Yama’s sales
- Comment 7: Whether to apply Facts Available to estimate commissions on Yama’s U.S. Sales
- Comment 8: Whether the Department should revise its labor rate calculation
- Comment 9: Whether to assign Bestpak the calculated margin assigned to Yama as its separate rate
- Comment 10: Whether to select an additional

respondent  
 Comment 11: Whether to calculate Bestpak's separate rate using its quantity and value information  
 Comment 12: Whether the AFA rate was sufficiently corroborated

[FR Doc. 2010-17568 Filed 7-16-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-840]

#### Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part

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

**SUMMARY:** On March 15, 2010, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from India. This review covers 159 producers/exporters<sup>1</sup> of the subject merchandise to the United States. The period of review (POR) is February 1, 2008, through January 31, 2009.

After analyzing the comments received, we have made no changes in the margin calculations. Therefore, these final results do not differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

Finally, we have determined to revoke the antidumping duty order with respect to shrimp from India produced and exported by Devi Sea Foods Limited (Devi) and to rescind the review with respect to 41 firms.

**DATES:** *Effective Date:* July 19, 2010.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood or Henry Almond, 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 or (202) 482-0049, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

This review covers 159 producers/exporters. The respondents which the

Department selected for individual examination are Devi, Falcon Marine Exports Limited (Falcon), and the Liberty Group.<sup>2</sup> The respondents which were not selected for individual review are listed in the "Final Results of Review" section of this notice.

On March 15, 2010, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on shrimp from India. *See Certain Frozen Warmwater Shrimp from India: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Notice of Intent to Rescind Review in Part, and Notice of Intent to Revoke Order in Part*, 75 FR 12175 (Mar. 15, 2010) (*Preliminary Results*).

We invited parties to comment on the *Preliminary Results* of review. In April 2009, we received case and rebuttal briefs from the Ad Hoc Shrimp Trade Action Committee (the Petitioner) and the American Shrimp Processors Association (ASPA)/the Louisiana Shrimp Association (LSA). We also received a case brief from the Liberty Group and a rebuttal brief from Devi.

The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

##### 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>3</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 dusted shrimp; and (8) certain battered shrimp. Dusted 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. Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of dusting above, is 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: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24,

<sup>2</sup> The Liberty Group consists of the following companies: Devi Marine Food Exports Private Limited, Kader Exports Private Limited, Kader Investment and Trading Company Private Limited, Liberty Frozen Foods Private Limited, Liberty Oil Mills Ltd., Premier Marine Products, and Universal Cold Storage Private Limited (collectively, "the Liberty Group").

<sup>3</sup> "Tails" in this context means the tail fan, which includes the telson and the uropods.

<sup>1</sup> Collapsed entities are treated as one producer/exporter.