

Dated: May 20, 2011.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review in Accordance With Final Court Decision

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

DATES: *Effective Date:* May 26, 2011.

SUMMARY: On February 14, 2011, the United States Court of Appeals for the Federal Circuit ("CAFC") affirmed the United States Court of International Trade ("CIT") decision sustaining the Department of Commerce ("Department") redetermination on remand of the 2005-2006 administrative review of freshwater crawfish tail meat ("crawfish tail meat") from the People's Republic of China ("PRC").¹ In this redetermination the Department applied total adverse facts available ("AFA") and assigned the respondent, Xuzhou Jinjiang Foodstuffs Co., Ltd. ("Xuzhou"), an AFA rate of 188.52 percent. As there is now a final and conclusive court decision, the Department is amending its final results.

FOR FURTHER INFORMATION CONTACT: Rebecca Pandolph or Jeffrey Pedersen, 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) 482-3627 and (202) 482-2769, respectively.

SUPPLEMENTARY INFORMATION: On April 15, 2008, the Department published its final results of the antidumping duty administrative review of crawfish tail meat from the PRC covering the period September 1, 2005, through August 31, 2006.² In the 2005-2006 *Final Results*,

¹ See *Washington International Insurance Company v. United States*, Court No. 08-CV-0156, United States Court of Appeals for the Federal Circuit (Fed. Cir. February 14, 2011) (Rule 36 affirmance); see also *Washington International Insurance Company v. United States*, Court No. 08-00156, Slip Op. 10-16 (CIT February 9, 2010) ("*Washington Int'l Insurance Co.*, Slip Op. 10-16").

² See *Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results and*

the Department found that Xuzhou failed to report all of its U.S. sales of subject merchandise and assigned Xuzhou the highest rate in the proceeding as total AFA, *i.e.*, the PRC-wide rate of 223.01 percent. The surety to an importer of subject merchandise from Xuzhou during the 2005-2006 period of review, Washington International Insurance Company ("Washington International") challenged the 2005-2006 *Final Results* and moved for judgment upon the agency record.

On July 29, 2009, the CIT remanded the case for the Department to reconsider whether circumstances warranted partial or total AFA and for redetermination of an AFA rate that more closely reflected Xuzhou's then-current market practices during the period of review.³

In its remand redetermination, dated October 26, 2009, the Department continued to find that total AFA was warranted because there were such extensive omissions in the submitted data that Xuzhou's information on the record could not serve as a reasonably accurate, reliable basis for reaching a determination. However, the Department revised the AFA rate for Xuzhou to 188.52 percent.

On February 9, 2010, the CIT sustained the Department's remand redetermination, affirming both the application of total AFA and the revised AFA rate for Xuzhou.⁴

Consistent with the CAFC decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department published in the **Federal Register** a notice of a court decision that is not "in harmony" with the Department's final determination.⁵ In this notice, the Department stated that it would amend the 2005-2006 *Final Results* upon a final and conclusive court decision in this action.

On April 7, 2010, Washington International filed an appeal of the CIT's decision affirming the Department's remand results. On February 14, 2011, the CAFC affirmed the CIT's decision under CAFC Rule 36, which allows the Court to enter judgment of affirmance without written opinion. The period for appeal expired on May 16, 2011.

Partial Rescission of the 2005-2006 Antidumping Duty Administrative Review and Rescission of 2005-2006 New Shipper Reviews, 73 FR 20249 (April 15, 2008) ("*2005-2006 Final Results*").

³ See *Washington International Insurance Company v. United States*, Court No. 08-00156, Slip Op. 09-78 (CIT July 29, 2009).

⁴ See *Washington Int'l Insurance Co.*, Slip Op. 10-16.

⁵ See *Freshwater Crawfish Tail Meat From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony*, 75 FR 16427 (April 1, 2010).

Accordingly, the Department is amending its 2005-2006 *Final Results*.

Amended Final Results of Review

Because there is now a final and conclusive decision in the Court proceeding, the Department is amending the final results of the 2005-2006 antidumping duty administrative review of crawfish tail meat from the PRC to reflect the revised AFA margin of 188.52 percent for Xuzhou for the period September 1, 2005, through August 31, 2006.

Assessment

The cash deposit rate for Xuzhou will continue to be the company-specific rate established for the company in the subsequent and most recent period during which it was reviewed. See *Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative and New-Shipper Reviews*, 75 FR 79337 (December 20, 2010). The Department intends to issue liquidation instructions to U.S. Customs and Border Protection 15 days after publication of these amended final results in the **Federal Register**.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: May 20, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-802]

Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The Department of Commerce ("Department") has determined that Viet I-Mei Frozen Foods Co., Ltd. ("Viet I-Mei") is the successor-in-interest to Grobest & I-Mei Industrial (Vietnam) Co., Ltd. ("Grobest & I-Mei"), and should be accorded the same antidumping duty treatment as the original company, Grobest & I-Mei for purposes of the antidumping duty order on frozen warmwater shrimp ("shrimp") from the Socialist Republic of Vietnam ("Vietnam").

DATES: *Effective Date:* May 26, 2011

FOR FURTHER INFORMATION CONTACT: Toni Dach, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1655.

Background

On February 1, 2005, the Department published in the **Federal Register** the antidumping duty order for frozen warmwater shrimp from Vietnam. 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 a part of the first new shipper review of shrimp from Vietnam, Grobest & I-Mei received a separate antidumping duty cash deposit rate of zero. See *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results of the First Antidumping Duty Administrative Review and First New Shipper Review*, 72 FR 52052 (September 12, 2007).

On February 28, 2011, Viet I-Mei requested that the Department conduct a changed circumstances review, claiming that it is the successor-in-interest to Grobest & I-Mei. On April 12, 2011, the Department initiated the changed circumstances review of Grobest & I-Mei and preliminarily determined that Viet I-Mei was the successor-in-interest to Grobest & I-Mei. See *Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Initiation and Preliminary Results of Changed Circumstances Review*, 76 FR 20318 (April 12, 2011) (“Preliminary Results”). In the *Preliminary Results*, the Department invited interested parties to comment. See *Preliminary Results*. We received no comments or requests for a hearing from interested parties.

Scope of the Order

The scope of the order includes certain warmwater shrimp and prawns, whether frozen, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,¹ 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 (“HTS”), 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 (including dusted shrimp), 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 (HTS 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 (HTS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); and (7) certain battered shrimp. Battered 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 10 percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick frozen (“IQF”) freezing immediately after application of the dusting layer. When dusted in accordance with the definition of

dusting above, the battered shrimp product is also 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 HTS 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, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this order is dispositive.

Final Results of Changed Circumstances Review

For the reasons stated in the *Preliminary Results* (which we incorporate herein by reference), and because the Department did not receive any comments on the *Preliminary Results* of this review, the Department continues to find that Viet I-Mei is the successor-in-interest to Grobest & I-Mei, for purposes of the antidumping duty cash-deposit rate. Accordingly, Viet I-Mei should receive the same antidumping duty treatment as Grobest & I-Mei.

Notification

The Department will instruct U.S. Customs and Border Protection that the cash deposit determination from this changed circumstances review will apply to all shipments of the subject merchandise produced and exported by Viet I-Mei Frozen Foods Co., Ltd. entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed circumstances review. This deposit rate shall remain in effect until further notice.

This notice also serves as a reminder to parties subject to administrative protective orders (“APOs”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. 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 sanctionable violation.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216.

¹ “Tails” in this context means the tail fan, which includes the telson and the uropods.

Dated: May 19, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011-13105 Filed 5-25-11; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-967]

Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order

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

DATES: *Effective Date:* May 26, 2011.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the "Department") and the International Trade Commission ("ITC"), the Department is issuing an antidumping duty order on aluminum extrusions from the People's Republic of China ("PRC"). On May 13, 2010, the ITC notified the Department of its affirmative determination of material injury by reason of imports of certain aluminum extrusions from the PRC, and its negative determination of material injury, threat of material injury, or that the establishment of an industry is not materially retarded by reason of imports of finished heat sinks from the PRC.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Eugene Degnan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4474 or (202) 482-0414, respectively.

SUPPLEMENTARY INFORMATION: In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended ("Act"), the Department published the final determination of sales at less than fair value in the antidumping investigation of aluminum extrusions from the PRC. *See Aluminum Extrusions From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 76 FR 18524 (April 4, 2011) ("*Final Determination*"); *see also Aluminum Extrusions From the People's Republic of China: Notice of Correction to the Final Determination of Sales at Less Than Fair Value*, 76 FR 20627 (April 13, 2011).

Revision of Scope

On April 4, 2011, the Department published its affirmative final

determination in the investigation. *See Final Determination.* On May 13, 2011, the ITC notified the Department of its affirmative finding of injury with respect to imports of certain aluminum extrusions from the PRC and its negative injury finding with respect to imports of finished heat sinks from the PRC. *See Aluminum Extrusions from China* (Investigation No. 731-TA-1177 (Final), USITC Publication 4229 (May 2011)). Therefore, the Department is revising the scope of the subject merchandise stated in the *Final Determination* to exclude finished heat sinks from the scope of the order. In its instructions to the investigation questionnaire, the ITC described heat sinks as a subset of aluminum extrusions typically used in electronic equipment as a thermal controlling tool and stated that they are usually referred to as (1) heat sink blanks, (2) fabricated heat sinks, or (3) finished heat sinks.¹ Heat sink blanks are the full length aluminum extrusions used to produce finished heat sinks. These are generally the pre-fabricated, pre-tested inputs in the production of heat sinks (post any stretching or aging processes applied). Fabricated heat sinks are generally understood to be any heat sink blank that has been cut-to-length, precision machined, and/or otherwise fabricated to the end product specifications, but not yet tested, assembled onto other materials, or packaged. Finished heat sinks differ from fabricated heat sinks in that they have been fully, albeit not necessarily individually, tested and assured to comply with the required thermal performance end-use specifications. Only finished heat sinks are excluded from the scope of the order.² *See Scope of the Order*, below.

Scope of the Order

The merchandise covered by the order is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise

¹ *See INSTRUCTION BOOKLET: GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION QUESTIONNAIRES Aluminum Extrusions from China Inv. Nos. 701-TA-475 and 731-TA-1177 (Final)* at 6-7, located at: http://www.usitc.gov/trade_remedy/731_ad_701_cvd/investigations/2010/aluminum_extrusions/final/PDF/Instructions_US.pdf.

² *See id.*

made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion ("drawn aluminum") are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.*, without any coating or further finishing), brushed, buffed, polished, anodized (including bright-dip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swaged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including,