of Incorporation for Apex Frozen; (6) the affidavits related to company conversion; (7) the Notice of Extraordinary General Meeting for Apex; (8) the Articles of Association of Apex Frozen; (9) the online printout from the Ministry of Corporate Affairs showing the approved name change; (10) the Certificate of Registration of Processing Plants for Apex, as issued by the Marine Products Export Development Authority of India (MPEDA); (11) the Certificate of Registration of Storage Premises for Apex, as issued by MPEDA; (12) the Certificate of Importer Exporter Code for Apex Frozen; (13) the Certificate of Importer Exporter Code for Apex; (14) a list of the company’s main suppliers before/after the name change; and (15) a list of the company’s main customers before/after the name change.

Based on the evidence reviewed, we preliminarily find that Apex Frozen is the successor-in-interest to Apex because Apex’s conversion from a partnership firm to a limited liability company resulted in no significant changes to management, production facilities, supplier relationships, and customers. As a result, we preliminarily find that Apex Frozen operates as the same business entity as Apex. Thus, we preliminarily find that Apex Frozen should receive the same antidumping duty cash-deposit rate (i.e., 2.51 percent) with respect to the subject merchandise as Apex, its predecessor company. For further details of our analysis, see the October 17, 2012, Memorandum from David Crespo, Analyst, Office 2, to James Maeder, Director, Office 2, entitled, “Changed Circumstances Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from India: Successor-In-Interest Determination for Apex Exports and Apex Frozen Foods Private Limited.”

However, because cash deposits are only estimates of the amount of antidumping duties that will be due, changes in cash deposit rates are not made retroactive and therefore no change will be made to Apex Frozen’s cash deposit rate as a result of these preliminary results. If Apex Frozen believes that the deposits paid exceed the actual amount of dumping, it is entitled to request an administrative review during the anniversary month of the publication of the order of those entries to determine the proper assessment rate and receive a refund of any excess deposits. See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Final Results of Changed-Circumstances Antidumping and Countervailing Duty Administrative Reviews, 64 FR 66880 (Nov. 30, 1999). As a result, if these preliminary results are adopted in our final results of this changed circumstances review, we will instruct U.S. Customs and Border Protection to suspend shipments of subject merchandise made by Apex Frozen at Apex’s cash deposit rate (i.e., 2.51 percent) effective on the publication date of our final results.

Public Comment
Any interested party may request a hearing within 30 days of publication of this notice. See 19 CFR 351.310(c). A hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 37 days after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Consistent with 19 CFR 351.216(e), we will issue the final results of this changed circumstances review 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 finding. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216.

Dated: October 17, 2012.

Paul Piquado, Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE
International Trade Administration
[C–570–987]
Hardwood and Decorative Plywood From the People’s Republic of China: Initiation of Countervailing Duty Investigation

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

DATES: Effective Date: October 24, 2012.

FOR FURTHER INFORMATION CONTACT: David Lindgren and Toni Page, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3870 and (202) 482–1398, respectively.

SUPPLEMENTARY INFORMATION:
The Petition

On September 27, 2012, the Department of Commerce (Department) received a countervailing duty (CVD) petition concerning imports of hardwood and decorative plywood from the People’s Republic of China (PRC) filed in proper form by the Coalition for Fair Trade of Hardwood Plywood and its individual members (Petitioners). On October 3, 2012, the Department issued requests to Petitioners for additional information and for clarification of certain areas of the CVD Petition. Petitioners informed the Department on October 10, 2012, that they would not provide any additional information regarding the matter raised by the Department.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (Act), Petitioners allege that producers/exporters of hardwood and decorative plywood from the PRC received countervailable subsidies within the meaning of sections 701 and 771(5) of the Act, and that imports from these producers/exporters materially injure, or threaten material injury to, an industry in the United States.

The Department finds that Petitioners filed the Petition on behalf of the domestic industry because Petitioners are interested parties, as defined in section 771(9)(C) of the Act, and have demonstrated sufficient industry support with respect to the investigation that it requests the Department to initiate.

Period of Investigation

The period of investigation is January 1, 2011, through December 31, 2011.

Scope of Investigation

The products covered by this investigation are hardwood and decorative plywood from the PRC. For a full description of the scope of the investigation, please see the “Scope of
the Investigation” Appendix I to this notice.

**Comments on Scope of Investigation**

During our review of the Petition, we discussed the scope with Petitioners to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. As a result, the “Scope of Investigation” language has been modified from the language in the Petition to reflect these clarifications.

Moreover, as discussed in the preamble to the regulations, we are setting aside a period of time for interested parties to raise issues regarding product coverage. The Department encourages interested parties to submit such comments by 5:00 p.m. EST on Tuesday, November 6, 2012, which is twenty calendar days from the signature date of this notice. All comments must be filed on the records of both the PRC antidumping duty (AD) investigation as well as the PRC CVD investigation.

**Filing Requirements**

All submissions to the Department must be filed electronically using Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). An electronically filed document must be received successfully in its entirety by the Department’s electronic records system, IA ACCESS, by the time and date set by the Department. Documents excerpted from the electronic submission requirements must be filed manually (i.e., in paper form) with the Import Administration’s APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline noted above.

**Consultations**

Pursuant to section 702(b)(i) of the Act, on September 28, 2012, the Department invited representatives of the Government of the PRC (GOC) for consultations with respect to the CVD petition. Those consultations were held on October 15, 2012.

**Determination of Industry Support for the Petition**

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (“ITC”), which is responsible for determining whether “the domestic industry” has been injured, must also determine that constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (see section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law. See USEC, Inc. v. United States, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing Algoma Steel Corp., Ltd. v. United States, 688 F. Supp. 639, 644 (CIT 1988), aff’d 865 F.2d 240 (Fed. Cir. 1989)).

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioners do not offer a definition of domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that hardwood and decorative plywood constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product. For a discussion of the domestic like product analysis in this case, see “Countervailing Duty Investigation Initiation Checklist: Hardwood and Decorative Plywood from the People’s Republic of China” (“Initiation Checklist”), at Attachment II, Analysis of Industry Support for the Petitions Covering Hardwood and Decorative Plywood from the People’s Republic of China, on file in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

In determining whether Petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of Investigation” section above. To establish industry support, Petitioners provided their production of the domestic like product in 2011 and compared this to the estimated total production of the domestic like product for the entire domestic industry. See Volume I of the Petitions, at 3–5, and Exhibits I–3A, I–3B, and I–3C; see also Supplement to the CVD Petition dated October 5, 2012, at 3 and Exhibit I–9; see also Second Supplement to the CVD Petition dated October 9, 2012, at 2–8. Petitioners estimated 2011 production of the domestic like product by non-petitioning companies based on their knowledge of the industry. We have relied upon data Petitioners provided for purposes of measuring industry support. For further discussion, see Initiation Checklist at Attachment II.

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5 See Antidumping Duties; Countervailing Duties, 62 FR 27296, 27297 (May 19, 1997).


On October 9, 2012, we received a submission on behalf of an importer of hardwood and decorative plywood, an interested party to this proceeding as defined in section 771(9)(A) of the Act, questioning the industry support calculation. On October 11, 2012, we received a second submission on behalf of that importer of hardwood and decorative plywood, supplementing the importer’s October 9, 2012, challenge to Petitioners’ industry support calculation. On October 15, 2012, Petitioners filed their response to the importer’s industry support challenge.9 On October 16, 2012, we received a third submission on behalf of the importer of hardwood and decorative plywood. On October 17, 2012, Petitioners submitted an additional response to the importer’s industry support challenge.

Based on information provided in the Petition, supplemental submissions, and other information readily available to the Department, we determine that Petitioners have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product. See Initiation Checklist at Attachment II. Based on information provided in the Petition and supplemental submissions, the domestic producers and workers have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition. Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act. See Initiation Checklist at Attachment II.

The Department finds that Petitioners filed the Petition on behalf of the domestic industry because they are interested parties as defined in sections 771(9)(C), (E), and (F) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigation that they are requesting the Department initiate. Id.

Injury Test

Because the PRC is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, Petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act. Petitioners contend that the industry’s injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenue; reduced capacity and capacity utilization; increased inventories; decline in financial performance; and employment data. See Volume I of the Petition, at 14–57 and Exhibits I–9 through I–27, and Supplement to the AD Petition, at 1, 3–4, and Exhibits Supp I–2 through Supp I–4. We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation. See Initiation Checklist, at Attachment III.

Initiation of Countervailing Duty Investigation

Section 702(b)(1) of the Act requires the Department to initiate a CVD proceeding whenever an interested party files a petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner(s) supporting the allegations. The Department has examined the Petition on hardwood and decorative plywood from the PRC and finds that it complies with the requirements of section 702(b) of the Act. Therefore, in accordance with section 702(b) of the Act, we are initiating a CVD investigation to determine whether manufacturers, producers, or exporters of hardwood and decorative plywood in the PRC receive countervailable subsidies. For a discussion of evidence supporting our initiation determination, see the CVD Initiation Checklist.

We are including in our investigation the following programs alleged in the Petition to have provided countervailable subsidies to producers and exporters of the subject merchandise in the PRC:

A. Income Tax Programs
   1. Tax Exemptions and Reductions for “Productive” Foreign Invested Enterprises (FIEs) (i.e., the “Two Free, Three Half” Program)
   2. Provincial Tax Exemptions and Reductions for “Productive” FIEs
   3. Tax Reductions for FIEs in Designated Geographic Locations

B. Other Tax Programs
   1. VAT and Tariff Exemptions on Imported Equipment

C. Government Provision of Goods or Services For Less Than Adequate Remuneration (LTAR)
   1. Electricity

We are not including in our investigation the following program alleged to benefit producers and exporters of the subject merchandise in the PRC:

1. Provision of Timber at LTAR

For further information explaining why the Department is not investigating this program, see CVD Initiation Checklist.

Respondent Selection

For this investigation, the Department expects to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of investigation. We intend to make our decision regarding respondent selection within 20 days of publication of this Federal Register notice. The Department invites comments regarding the CBP data and respondent selection within seven calendar days of publication of this Federal Register notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.220(f), a copy of the public version of the Petition has been provided to the representatives of the GOC. Because of the particularly large number of producers/exporters identified at Exhibit I–7 of the Petition, the Department considers the service of the public version of the Petition to the foreign producers/exporters satisfied by the delivery of the public version to the GOC, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which

9 For further discussion of these submissions, see Initiation Checklist at Attachment II.
the Petition is filed, whether there is a reasonable indication that imports of subsidized hardwood and decorative plywood from the PRC are causing material injury, or threatening to cause material injury, to a U.S. industry.\textsuperscript{10} A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

**Notification to Interested Parties**

Interested parties must submit applications for disclosure under protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures, 73 FR 3634. Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (e.g., the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.\textsuperscript{11} Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all segments of any AD or CVD proceedings initiated on or after March 14, 2011.\textsuperscript{12} The formats for the revised certifications are provided at the end of the Interim Final Rule. Foreign governments and their officials may continue to submit certifications in either the format that was in use prior to the effective date of the Interim Final Rule, or in the format provided in the Interim Final Rule.\textsuperscript{13} The Department intends to reject factual information submissions in any proceeding segments initiated on or after March 14, 2011, if the submitting party does not comply with the revised certification requirements.

This notice is issued and published pursuant to section 777(i) of the Act.

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\textsuperscript{10} See section 703(a)(2) of the Act.

\textsuperscript{11} See section 782(b) of the Act.

\textsuperscript{12} See Certification of Factual Information for Import Administration during Antidumping and Countervailing Duty Proceedings: Interim Final Rule, 76 FR 7491 (February 10, 2011) Interim Final Rule, amending 19 CFR 351.303(g)(1) and (2).

\textsuperscript{13} See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Supplemenatal Interim Final Rule, 76 FR 54997 (September 2, 2011).
département de commerce

administration nationale océanique et atmosphérique

règlement no 0648–xc014

mammifères marins; numéros de dossiers 15777 et 17670

agence: service des pêches marines nationales (nmfs), administration nationale océanique et atmosphérique (noaa), commerce.

action: avis; retraitement de l'application et réception de l'application.

sommaire: l'avis est donné ici que l'application de nmfs pour l'ouest du nord-est du service de recherche et de conservation, woods hole, ma (personne responsable: michael simpkins), a retraité l'application du dossier no 15777 et soumis une nouvelle application (dossier no 17670) pour un permis de prendre des mammifères marins durant des recherches scientifiques en eaux côtières et adjacentes aux eaux territoriales de l'ouest-nord-est des états-unis.

dates: écrits, télex ou courrier électronique de commentaires doivent être recevus avant le 23 novembre 2012.

adresses: l'application et les documents relatifs sont disponibles sur demande par l'application "records open for public comment" à partir de la page "features" des applications et permis pour les espèces protégées (apps) sur le site https://apps.nmfs.noaa.gov, et ensuite sélectionnez le dossier no 15777 dans la liste de documents disponibles.

ces documents sont également disponibles sur demande écrite ou par application dans les établissements suivants:

permis et conservation division, bureau des ressources protégées, nmfs, 1315 east-west highway, room 13705, silver spring, md 20910; téléphone (301) 427-8401; télécopieur (301) 713-0376;

region nord-est, nmfs, 55 great republic drive, gloucester, ma 01930; téléphone (978) 281-9328; télécopieur (978) 281-9394;

region sud-ouest, nmfs, 263 13th avenue south, saint petersburg, fl 33701; téléphone (727) 824-5312; télécopieur (727) 824-5309.

écrits écrits sur cette application devaient être soumis au responsable de la division des permis et de la conservation, à l'adresse mentionnée ci-dessus. les commentaires peuvent également être soumis par courrier électronique au no 301 713-0376, ou par courrier électronique au nmfs.pr1.comments@noaa.gov. veuillez inclure le numéro de dossier dans la ligne de sujet de l'e-mail.

ces individus demandant un rendez-vous devant soumettre une demande écrite à l'attention du chef, permis et conservation division, à l'adresse mentionnée ci-dessus. la demande doit être faite pour les raisons spécifiques qui expliquent pourquoi un tel rendez-vous serait approprié.

pour toute information supplémentaire:

dossier no 15777. l'application, soumise sous l'autorité de la marine, a été remplacée par un dossier modifié, nommé dossier no 17670.

renseignements supplémentaires:

dossier no 15777. l'application, soumise sous l'autorité de la marine, a été remplacée par un dossier modifié, nommé dossier no 17670.

for further information contact:

tammy adams ou amy sloan, (301) 427-8401.

secretaria générale

administration nationale océanique et atmosphérique

règlement no 0648–xc284

espèces menacées et en danger; révision de 5 ans; initiation de la révision de 5 ans pour la population distincte nord-américaine de la morue.

agence: service des pêches marines nationales (nmfs), administration nationale océanique et atmosphérique (noaa), commerce.

action: avis d'initiation de la révision de 5 ans; demande d'information.

sommaire: nmfs déclare une révision de 5 ans pour la population distincte nord-américaine de la morue. cette révision de 5 ans a pour but de s'assurer que la classification de la liste est correcte. la révision de 5 ans est basée sur les faits scientifiques et les données commerciales disponibles; par conséquent, nous demandons une soumission de toute information pertinente sur la population distincte nord-américaine de la morue qui a été mise en place en 2006. nous sommes également en attente de toute information concernant le droit de la population distincte nord-américaine de la morue (ci-dessus, nord-américaine de la morue).