

disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/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 notice is published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(5).

**Ronald K. Lorentzen,**  
Acting Assistant Secretary for Enforcement and Compliance.

**Appendix I**

**List of Topics Discussed in the Issues and Decision Memorandum**

- Summary
- Background
- Margin Calculations
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- Discussion of the Issues
  - Comment 1: Legal Authority to Consider an Alternative Comparison Method in an Administrative Review
  - Comment 2: Differential Pricing Analysis: Relevance of Thresholds and the Administrative Procedures Act (APA)
  - Comment 3: Differential Pricing Analysis: Statistical Significance of Sample Size
  - Comment 4: Differential Pricing Analysis: Application of the A-to-T Method for Thai Union's U.S. Sales
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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; 2012-2013**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On March 25, 2014, the Department of Commerce (the Department) published the preliminary

results of the administrative review of the antidumping duty order on certain frozen warmwater shrimp from India.<sup>1</sup> The period of review (POR) is February 1, 2012, through January 31, 2013. For the final results, we continue to find that all companies involved in this review sold subject merchandise at less than normal value.

**DATES:** *Effective Date:* August 28, 2014.

**FOR FURTHER INFORMATION CONTACT:** David Crespo or Stephen Banea, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3693 or (202) 482-0656, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

This review covers 205 producers/exporters. The respondents which the Department selected for individual examination are Devi Fisheries Limited (Devi Fisheries) and Falcon Marine Exports Limited/K.R. Enterprises (Falcon). The respondents which were not selected for individual examination are listed in the "Final Results of the Review" section of this notice.

On March 25, 2014, the Department published the *Preliminary Results*. In May 2014, we received case briefs from the American Shrimp Processors Association; and Devi Fisheries, Falcon, and 16 additional producers/exporters of the subject merchandise (collectively, the respondents); we also received rebuttal briefs from the above-mentioned interested parties and the Ad Hoc Shrimp Trade Action Committee. In June 2014, the Department held a public hearing at the request of the respondents.

**Scope of the Order**

The merchandise subject to the order is certain frozen warmwater shrimp.<sup>2</sup> The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03,

<sup>1</sup> See *Certain Frozen Warmwater Shrimp From India: Preliminary Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 16285 (Mar. 25, 2014) (*Preliminary Results*).

<sup>2</sup> For a complete description of the Scope of the Order, see the memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled, "Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from India," (dated concurrently with these results) (Issues and Decision Memo), which is hereby adopted by this notice.

0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

**Analysis of Comments Received**

All issues raised in the case briefs by parties are addressed in the Issues and Decision Memo. A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as Appendix I. The Issues and Decision Memo is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memo can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed and electronic versions of the Issues and Decision Memo are identical in content.

**Changes Since the Preliminary Results**

Based on a review of the record and comments receive from interested parties regarding our *Preliminary Results*, we have made no changes to Devi Fisheries' or Falcon's margin calculations.

**Period of Review**

The POR is February 1, 2012, through January 31, 2013.

**Final Results of the Review**

We are assigning the following dumping margins to the firms listed below as follows:

Manufacturer/Exporter	Percent margin
Devi Fisheries Limited .....	1.97
Falcon Marine Exports Limited/ K.R. Enterprises .....	3.01

Review-Specific Average Rate Applicable to the Following Companies:<sup>3</sup>

<sup>3</sup> This rate is based on the simple average of the margins calculated for those companies selected for individual review. Because we cannot apply our normal methodology of calculating a weighted-average margin without revealing business proprietary information to the companies selected for individual review, we find this rate to be the

Continued

Manufacturer/Exporter	Percent margin	Manufacturer/Exporter	Percent margin	Manufacturer/Exporter	Percent margin
Abad Fisheries .....	2.49	Devi Marine Food Exports Private		Landauer Ltd .....	2.49
Accelerated Freeze-Drying Co. ....	2.49	Ltd/Kader Exports Private Lim-		LCL Logistix (India) Private Lim-	
Adilakshmi Enterprises .....	2.49	ited/Kader Investment and		ited .....	2.49
Allana Frozen Foods Pvt. Ltd .....	2.49	Trading Company Private Lim-		Libran Cold Storages (P) Ltd .....	2.49
Allanasons Ltd .....	2.49	ited/Liberty Frozen Foods Pvt.		Lighthouse Trade Links Pvt. Ltd ..	2.49
AMI Enterprises .....	2.49	Ltd/Liberty Oil Mills Ltd/Premier		Magnum Estates Limited .....	2.49
Amulya Seafoods .....	2.49	Marine Products/Universal Cold		Magnum Export .....	2.49
Anand Aqua Exports .....	2.49	Storage Private Limited .....	2.49	Magnum Sea Foods Limited .....	2.49
Ananda Aqua Applications/ Ananda Aqua Exports (P) Lim-		Devi Sea Foods Limited <sup>4</sup> .....	2.49	Malabar Arabian Fisheries .....	2.49
ited/Ananda Foods .....	2.49	Diamond Seafood Exports/ Edhayam Frozen Foods Pvt.		Malnad Exports Pvt. Ltd .....	2.49
Andaman Sea Foods Pvt. Ltd .....	2.49	Ltd/Kadalkanny Frozen Foods/ Theva & Company .....	2.49	Mangala Marine Exim India Pvt.	
Angelique Intl .....	2.49	Digha Seafood Exports .....	2.49	Ltd .....	2.49
Anjaneya Seafoods .....	2.49	Esmario Export Enterprises .....	2.49	Mangala Sea Products .....	2.49
Apex Frozen Foods Private Lim-		Exporter Coreline Exports .....	2.49	Meenaxi Fisheries Pvt. Ltd .....	2.49
ited .....	2.49	Five Star Marine Exports Private		MSC Marine Exporters .....	2.49
Arvi Import & Export .....	2.49	Limited .....	2.49	MSRDR Exports .....	2.49
Asvini Exports .....	2.49	Forstar Frozen Foods Pvt. Ltd .....	2.49	MTR Foods .....	2.49
Asvini Fisheries Private Limited ...	2.49	Frontline Exports Pvt. Ltd .....	2.49	N.C. John & Sons (P) Ltd .....	2.49
Avanti Feeds Limited .....	2.49	G A Randerian Ltd .....	2.49	Naga Hanuman Fish Packers .....	2.49
Ayshwarya Seafood Private Lim-		Gadre Marine Exports .....	2.49	Naik Frozen Foods .....	2.49
ited .....	2.49	Galaxy Maritech Exports P. Ltd ...	2.49	Naik Seafoods Ltd .....	2.49
Baby Marine Exports .....	2.49	Gayatri Seafoods .....	2.49	Navayuga Exports .....	2.49
Baby Marine International .....	2.49	Geo Aquatic Products (P) Ltd .....	2.49	Nekkanti Sea Foods Limited .....	2.49
Baby Marine Sarass .....	2.49	Geo Seafoods .....	2.49	Nezami Rekha Sea Food Private	
Balasure Marine Exports Private		Goodwill Enterprises .....	2.49	Limited .....	2.49
Limited .....	2.49	Grandtrust Overseas (P) Ltd .....	2.49	NGR Aqua International .....	2.49
Bhatsons Aquatic Products .....	2.49	GVR Exports Pvt. Ltd .....	2.49	Nila Sea Foods Pvt. Ltd .....	2.49
Bhavani Seafoods .....	2.49	Haripriya Marine Export Pvt. Ltd ..	2.49	Nine Up Frozen Foods .....	2.49
Bijaya Marine Products .....	2.49	Harmony Spices Pvt. Ltd .....	2.49	Overseas Marine Export .....	2.49
Blue Fin Frozen Foods Pvt. Ltd ...	2.49	HIC ABF Special Foods Pvt. Ltd ..	2.49	Paragon Sea Foods Pvt. Ltd .....	2.49
Blue Water Foods & Exports P.		Hindustan Lever, Ltd .....	2.49	Parayil Food Products Pvt., Ltd ...	2.49
Ltd .....	2.49	Hiravata Ice & Cold Storage .....	2.49	Penver Products Pvt. Ltd .....	2.49
Bluefin Enterprises .....	2.49	Hiravati Exports Pvt. Ltd .....	2.49	Pesca Marine Products Pvt., Ltd ..	2.49
Bluepark Seafoods Private Ltd .....	2.49	Hiravati International Pvt. Ltd (lo-		Pijikay International Exports P Ltd	
BMR Exports .....	2.49	cated at APM—Mafoo Yard,		Piscis Seafood International .....	2.49
Britto Exports .....	2.49	Sector—18, Vashi, Navi,		Premier Exports International .....	2.49
C P Aquaculture (India) Ltd .....	2.49	Mumbai—400 705, India) .....	2.49	Premier Marine Foods .....	2.49
Calcutta Seafoods Pvt. Ltd .....	2.49	Hiravati International Pvt. Ltd (lo-		Premier Seafoods Exim (P) Ltd ...	2.49
Canaan Marine Products .....	2.49	cated at Jawar Naka,		R V R Marine Products Limited ...	2.49
Capithan Exporting Co. .....	2.49	Porbandar, Gujarat, 360 575,		Raa Systems Pvt. Ltd .....	2.49
Castlerock Fisheries Ltd .....	2.49	India) .....	2.49	Raju Exports .....	2.49
Chemmeens (Regd) .....	2.49	Hiravati Marine Products Private		Ram's Assorted Cold Storage Ltd	
Cherukattu Industries (Marine		Limited .....	2.49	Raunaq Ice & Cold Storage .....	2.49
Div.) .....	2.49	IFB Agro Industries Ltd .....	2.49	Raysons Aquatics Pvt. Ltd .....	2.49
Choice Canning Company .....	2.49	Indian Aquatic Products .....	2.49	Razban Seafoods Ltd .....	2.49
Choice Trading Corporation Pri-		Indo Aquatics .....	2.49	RBT Exports .....	2.49
vate Limited .....	2.49	Innovative Foods Limited .....	2.49	RDR Exports .....	2.49
Coastal Aqua .....	2.49	International Freezefish Exports ...	2.49	Riviera Exports Pvt. Ltd .....	2.49
Coastal Corporation Ltd .....	2.49	Interseas .....	2.49	Rohi Marine Private Ltd .....	2.49
Cochin Frozen Food Exports Pvt.		ITC Limited, International Busi-		S & S Seafoods .....	2.49
Ltd .....	2.49	ness .....	2.49	S. A. Exports .....	2.49
Coreline Exports .....	2.49	ITC Ltd .....	2.49	S Chanchala Combines .....	2.49
Corlim Marine Exports Pvt. Ltd ....	2.49	Jagadeesh Marine Exports .....	2.49	Safa Enterprises .....	2.49
D2 D Logistics Private Limited .....	2.49	Jaya Satya Marine Exports .....	2.49	Sagar Foods .....	2.49
Damco India Private .....	2.49	Jaya Satya Marine Exports Pvt.		Sagar Grandhi Exports Pvt. Ltd ...	2.49
Delsea Exports Pvt. Ltd .....	2.49	Ltd .....	2.49	Sagar Samrat Seafoods .....	2.49
		Jayalakshmi Sea Foods Private		Sagarvihar Fisheries Pvt. Ltd .....	2.49
		Limited .....	2.49	SAI Marine Exports Pvt. Ltd .....	2.49
		Jinny Marine Traders .....	2.49	SAI Sea Foods .....	2.49
		Jiya Packagings .....	2.49	Sanchita Marine Products P Lim-	
		K R M Marine Exports Ltd .....	2.49	ited .....	2.49
		K V Marine Exports .....	2.49	Sandhya Aqua Exports .....	2.49
		Kalyan Aqua & Marine Exp. India		Sandhya Aqua Exports Pvt. Ltd ...	2.49
		Pvt. Ltd .....	2.49	Sandhya Marines Limited .....	2.49
		Kalyanee Marine .....	2.49	Santhi Fisheries & Exports Ltd ....	2.49
		Kanch Ghar .....	2.49	Sarveshwari Exp .....	2.49
		Kay Kay Exports .....	2.49	Sarveshwari Ice & Cold Storage	
		Kings Marine Products .....	2.49	Pvt. Ltd .....	2.49
		Koluthara Exports Ltd .....	2.49	Sawant Food Products .....	2.49
		Konark Aquatics & Exports Pvt.		Seagold Overseas Pvt. Ltd .....	2.49
		Ltd .....	2.49	Selvam Exports Private Limited ...	2.49
				Sharat Industries Ltd .....	2.49
				Shimpo Exports Pvt. Ltd .....	2.49

best proxy of the actual weighted-average margin determined for the mandatory respondents. See *Ball Bearings and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (Sept. 1, 2010); see also the memorandum from David Crespo, International Trade Compliance Analyst, to the File, entitled, "Calculation of the Review-Specific Average Rate in the 2012–2013 Administrative Review of Certain Frozen Warmwater Shrimp from India," dated March 18, 2014.

Manufacturer/Exporter	Percent margin
Shippers Exports .....	2.49
Shiva Frozen Food Exp. Pvt. Ltd	2.49
Shree Datt Aquaculture Farms Pvt. Ltd .....	2.49
Shroff Processed Food & Cold Storage P Ltd .....	2.49
Silver Seafood .....	2.49
Sita Marine Exports .....	2.49
Sowmya Agri Marine Exports .....	2.49
Sprint Exports Pvt. Ltd .....	2.49
Sri Chandrantha Marine Exports .....	2.49
Sri Sakthi Cold Storage .....	2.49
Sri Sakthi Marine Products P Ltd	2.49
Sri Satya Marine Exports .....	2.49
Sri Venkata Padmavathi Marine Foods Pvt. Ltd .....	2.49
Srikanth International .....	2.49
SSF Ltd .....	2.49
Star Agro Marine Exports Private Limited .....	2.49
Star Organic Foods Incorporated	2.49
Sun-Bio Technology Ltd .....	2.49
Suryamitra Exim Pvt. Ltd .....	2.49
Suvarna Rekha Exports Private Limited .....	2.49
Suvarna Rekha Marines P Ltd .....	2.49
TBR Exports Pvt Ltd .....	2.49
Teekay Marine P. Ltd .....	2.49
Tejaswani Enterprises .....	2.49
The Waterbase Ltd .....	2.49
Triveni Fisheries P Ltd .....	2.49
Uniroyal Marine Exports Ltd .....	2.49
Unitriveni Overseas .....	2.49
V.S Exim Pvt Ltd .....	2.49
Vasista Marine .....	2.49
Veejay Impex .....	2.49
Victoria Marine & Agro Exports Ltd .....	2.49
Vinner Marine .....	2.49
Vishal Exports .....	2.49
Wellcome Fisheries Limited .....	2.49
West Coast Frozen Foods Private Limited .....	2.49
Z A Sea Foods Pvt. Ltd .....	2.49

### Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), because Devi Fisheries and Falcon reported the entered value for all of their U.S. sales, we have calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the

<sup>4</sup> Shrimp produced and exported by Devi Sea Foods (Devi) was excluded from this order effective February 1, 2009. See *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*, 75 FR 41813, 41814 (July 19, 2010). However, shrimp produced by other Indian producers and exported by Devi remain subject to the order. Thus, this administrative review with respect to Devi covers only shrimp which was produced in India by other companies and exported by Devi.

total entered value of the sales for which entered value was reported. To determine whether the duty assessment rates are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we have calculated importer-specific *ad valorem* ratios based on the entered value.

For the companies which were not selected for individual examination, we have used as the assessment rate the cash deposit rate assigned to these exporters, in accordance with our practice. See, e.g., *Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review and Final No Shipment Determination*, 77 FR 40848, 40853 (July 11, 2012).

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above, except if the rate is less than 0.50 percent (*de minimis* within the meaning of 19 CFR 351.106(c)(1)), the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 10.17 percent, the all-others rate established in the LTFV investigation.<sup>5</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation

<sup>5</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India*, 70 FR 5147, 5148 (Feb. 1, 2005).

of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification Regarding Administrative Protective Order

This notice serves as the only reminder to 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(a)(3). Timely written notification of return/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 notice is published in accordance with section 751 of the Tariff Act of 1930, as amended, and 19 CFR 351.221(b)(5).

Dated: August 20, 2014.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

#### Issues

1. Legal Authority to Consider an Alternative Comparison Method in an Administrative Review
2. Withdrawal of the Regulatory Provisions Governing Targeted Dumping in LTFV Investigations
3. Differential Pricing Analysis and the Administrative Procedures Act
4. Differential Pricing Analysis: Identification of a Pattern of Prices that Differ Significantly and Whether the Average-to-Average (A-to-A) Method Can Account for Such Differences
5. Differential Pricing Analysis: Use of the Cohen's *d* Test
6. Combining the Results of the A-to-A Comparisons and the Average to Transaction (A-to-T) Comparisons to Calculate a Weighted-Average Dumping Margin
7. Differential Pricing Analysis: Application of the A-to-T Method for Falcon's U.S. Sales
8. Rejection of New Factual Information

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