

and in compliance with the Federal Advisory Committee Act.

**DATES:** Applications will be accepted until September 16, 2010 by mail and in person at the meeting to be held September 23, 2010. Meetings will also be held September 29, October 28, and November 18, 2010. All meetings will begin at 5 p.m.

**ADDRESSES:** The September 29 and October 28 meetings will be held at the Sequoia National Forest Headquarters, 1839 South Newcomb Street, Porterville, California. The September 23 and November 18 meetings will be held at the County of Kern Administrative Office, 1115 Truxtun Avenue, Bakersfield, California.

Applications or written comments should be sent to Priscilla Summers, Western Divide Ranger District, 32588 Highway 190, Springville, California 93265. Application or comments may also be sent via e-mail to [psummers@fs.fed.us](mailto:psummers@fs.fed.us), or via facsimile to 559-539-2067.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Western Divide Ranger District, 32588 Highway 190, Springville, CA 93265. Visitors are encouraged to call ahead to 559-539-2607 to facilitate entry into the building and access to the record.

**FOR FURTHER INFORMATION CONTACT:** Penelope Shibley, RAC Coordinator, Kernville Ranger Station, P.O. Box 9, Kernville, CA 93238; (760) 376-3781; or e-mail: [pshibley@fs.fed.us](mailto:pshibley@fs.fed.us).

Individuals who use telecommunication devices for the deaf (TDD) may call 559-781-6650 between 8 a.m. and 4:30 p.m., Pacific Daylight Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The meetings are open to the public. Committee discussions are limited to Forest Service staff and committee members. At the September 23 meeting, the following business will be conducted: (1) Introduction of all committee members, replacement members, and Forest Service personnel; (2) approve minutes of the last meeting; (3) accept and hear project proposals; and (4) receive public comment. At the September 29 meeting, the following business will be conducted: (1) Introductions of all committee members, replacement members, and Forest Service personnel; (2) approve minutes of the last meeting; (3) review and evaluate proposals; and (4) receive public comment. Persons who wish to bring related matters to the attention of the Committee may file written

statements with the Committee staff before or after the meeting.

September 1, 2010.

**Tina J. Terrell,**

*Forest Supervisor.*

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**BILLING CODE 3410-11-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-822]

#### Certain Frozen Warmwater Shrimp from Thailand: Final Results and Partial Rescission of Antidumping Duty Administrative Review

**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 Thailand. This review covers 165 producers/exporters of the subject merchandise to the United States.<sup>1</sup> The POR is February 1, 2008, through January 31, 2009.<sup>2</sup>

Based on our analysis of the comments received, we have made certain changes in the margin calculations for Marine Gold Products Limited (Marine Gold), Pakfood Public Company Limited and its affiliates, Asia Pacific (Thailand) Company, Limited, Chaophraya Cold Storage Company Limited, Okeanos Company Limited, Okeanos Food Company, Limited, and Takzin Samut Company, Limited (collectively, Pakfood), and Andaman Seafood Co., Ltd. (Andaman), Wales & Co. Universe Limited, Chanthaburi Frozen Food Co., Ltd. (CFF), Chanthaburi Seafoods Co., Ltd. (CSF), Intersia Foods Co., Ltd. (formerly Y2K

<sup>1</sup> This figure excludes twenty companies for which we are rescinding the review due to the fact that they made no shipments of the subject merchandise during the period of review (POR). See "Partial Rescission of Review" section, below.

<sup>2</sup> Because of the partial revocation of the antidumping duty order, effective January 16, 2009, the POR is February 1, 2008, through January 15, 2009, for Thai I-Mei Frozen Foods Co., Ltd. (Thai I-Mei) and the Rubicon Group. See *Implementation of the Findings of the WTO Panel in United States—Antidumping Measure on Shrimp from Thailand: Notice of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Thailand*, 74 FR 5638, 5639 (January 30, 2009) (Section 129 Determination); *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Changed Circumstances Review and Notice of Revocation in Part*, 74 FR 52452 (October 13, 2009).

Frozen Foods Co., Ltd.), Phatthana Seafood Co., Ltd. (PTN), Phatthana Frozen Food Co., Ltd. (PFF), S.C.C. Frozen Seafood Co., Ltd., Thailand Fishery Cold Storage Public Co., Ltd. (TFC), Thai International Seafoods Co., Ltd. (TIS), and Sea Wealth Frozen Food Co., Ltd. (Sea Wealth) (collectively, the Rubicon Group). The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

**FOR FURTHER INFORMATION CONTACT:** Kate Johnson or David Goldberger, 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) 482-4929 or (202) 482-4136, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

This review covers 165 producers/exporters. The respondents which the Department selected for individual review are Marine Gold, Pakfood, and the Rubicon Group. 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 the 2008-2009 administrative review of the antidumping duty order on shrimp from Thailand. See *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review and Final Results of Partial Rescission of Antidumping Duty Administrative Review*, 75 FR 12188 (March 15, 2010) (*Preliminary Results*).

We invited parties to comment on the preliminary results. In April 2010, we received case briefs from the domestic producers of the subject merchandise (*i.e.*, the Ad Hoc Shrimp Trade Action Committee), the respondents selected for individual review, Marine Gold, Pakfood, and the Rubicon Group, the American Shrimp Processors Association and the Louisiana Shrimp Association (hereafter, the domestic processors), and Xian-Ning Seafood Co., Ltd., Ongkorn Cold Storage Co., Ltd., Kongphop Frozen Foods Co., Ltd., May Ao Foods Co., Ltd., and May Ao Co., Ltd., who are producers/exporters that were not selected for individual review. Rebuttal briefs were received from the domestic producers, the domestic processors, Marine Gold, Pakfood, and the Rubicon Group. On April 14, 2010, Marine Gold requested that a public

hearing be held in this proceeding. On April 20, 2010, Marine Gold withdrew its hearing request.

In June 2010 we extended the deadline for the final results, due no later than September 13, 2010. See *Certain Frozen Warmwater Shrimp from Thailand: Notice of Extension of Time Limit for the Final Results of the 2008–2009 Administrative Review*, 75 FR 34976 (June 21, 2010).

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 10 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, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTSUS 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.

### Period of Review

The POR is February 1, 2008, through January 31, 2009. See Footnote 2.

### Partial Rescission of Review

In the Preliminary Results, we stated our intention to rescind the review with respect to the following companies, which reported to the Department that they had no shipments during the POR:

- (1) American Commercial Transport, Inc.
- (2) Ampai Frozen Food Co., Ltd.
- (3) Euro-Asian International Seafoods Co., Ltd.
- (4) F.A.I.T. Corporation Limited
- (5) Far East Cold Storage, Ltd.

- (6) Grobest Frozen Foods Co., Ltd.
- (7) Inter-Oceanic Resources Co., Ltd.
- (8) Leo Transport Corporation, Ltd.
- (9) Lucky Unions Foods Co., Ltd.
- (10) MKF Interfood (2004) Co., Ltd.
- (11) Siam Canadian Foods Co., Ltd.
- (12) Siam Ocean Frozen Foods Co., Ltd.
- (13) Sky Fresh Co., Ltd.
- (14) Songkla Canning (PCL)
- (15) Suree Interfoods Co., Ltd.
- (16) Thai Excel Foods Co., Ltd.
- (17) Thai Union Manufacturing Co., Ltd.

- (18) Thai Yoo Ltd., Part.
- (19) V. Thai Food Product Co., Ltd.
- (20) Wann Fisheries Co., Ltd.

Since the *Preliminary Results* we have received no comments regarding our stated intention to rescind the review for each of the firms listed above. Therefore, the Department is rescinding this review with respect to the 20 firms listed above.

### Cost of Production

As discussed in the *Preliminary Results*, we conducted an investigation to determine whether Marine Gold, Pakfood, and the Rubicon Group made comparison market sales of the foreign like product during the POR at prices below their costs of production (COP) within the meaning of section 773(b) of the Act. For all three respondents, we performed the cost test for these final results following the same methodology as in the *Preliminary Results*.

We found 20 percent or more of each respondent’s sales of a given product during the reporting period were at prices less than the weighted-average COP for this period. Thus, we determined that these below-cost sales were made in “substantial quantities” within an extended period of time and at prices which did not permit the recovery of all costs within a reasonable period of time in the normal course of trade. See sections 773(b)(1)–(2) of the Act.

Therefore, for purposes of these final results, we continue to find that Marine Gold, Pakfood, and the Rubicon Group made below-cost sales not in the ordinary course of trade. Consequently, we disregarded these sales for each respondent and used the remaining sales as the basis for determining normal value pursuant to section 773(b)(1) of the Act. For those U.S. sales of subject merchandise for which there were no comparison market sales in the ordinary course of trade, we compared constructed export prices or export prices, as appropriate, to constructed value in accordance with section 773(a)(4) of the Act.

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

**Analysis of Comments Received**

All issues raised in the case briefs by parties to this administrative review are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum (the Decision Memo), which is adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in

the Central Records Unit, Room 1117, of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/>. The paper copy and electronic version of the Decision Memo are identical in content.

**Changes Since the Preliminary Results**

Based on our analysis of the comments received, we have made

certain changes in the margin calculations for Marine Gold, Pakfood, and the Rubicon Group. These changes are discussed in the relevant sections of the Decision Memo.

**Final Results of Review**

We determine that weighted-average dumping margins exist for the respondents for the period February 1, 2008, through January 31, 2009, as follows:

Manufacturer/exporter	Percent margin
Marine Gold Products Limited .....	1.63
Pakfood Public Company Limited/Asia Pacific (Thailand) Company Limited/Chaophraya Cold Storage Company Limited/Okeanos Company Limited/Okeanos Food Company, Limited/and Takzin Samut Company Limited (collectively, Pakfood) .....	1.11
Andaman Seafood Co., Ltd./Chanthaburi Frozen Food Co., Ltd./Chanthaburi Seafoods Co., Ltd./Intersia Foods Co., Ltd. (formerly Y2K Frozen Foods Co., Ltd.)/Phatthana Seafood Co., Ltd./Phatthana Frozen Food Co., Ltd./S.C.C. Frozen Seafood Co., Ltd./Sea Wealth Frozen Food Co. Ltd./Thailand Fishery Cold Storage Public Co., Ltd./Thai International Seafoods Co., Ltd./Wales & Co. Universe Limited (collectively, the Rubicon Group) .....	4.39

The review-specific average rate applicable to the following companies is 2.61 percent:<sup>4</sup>

*Manufacturer/Exporter*

A. Wattanachai Frozen Products Co., Ltd.  
A.S. Intermarine Foods Co., Ltd.  
ACU Transport Co., Ltd.  
Anglo-Siam Seafoods Co., Ltd.  
Apex Maritime (Thailand) Co., Ltd.  
Apitoon Enterprise Industry Co., Ltd.  
Applied DB Ind.  
Asian Seafood Coldstorage (Sriracha)  
Asian Seafoods Coldstorage Public Co., Ltd.  
Asian Seafoods Coldstorage (Suratthani) Co., Limited  
Asian Seafoods Coldstorage (Suratthani) Co.  
Assoc. Commercial Systems  
B.S.A. Food Products Co., Ltd.  
Bangkok Dehydrated Marine Product Co., Ltd.  
Bright Sea Co., Ltd.  
C.P. Merchandising Co., Ltd.  
C.P. Mdse  
C.P. Retailing and Marketing Co., Ltd.  
C.Y. Frozen Food Co., Ltd.  
Chaivaree Marine Products Co., Ltd.  
Chaiwarut Co., Ltd.  
Charoen Pokphand Foods Public Co., Ltd.  
Chonburi LC  
Chue Eie Mong Eak Ltd. Part.  
Core Seafood Processing Co., Ltd.  
Crystal Frozen Foods Co., Ltd. and/or Crystal Seafood  
Daedong (Thailand) Co. Ltd.

Daiei Taigen (Thailand) Co., Ltd.  
Daiho (Thailand) Co., Ltd.  
Dynamic Intertransport Co., Ltd.  
Earth Food Manufacturing Co., Ltd.  
Findus (Thailand) Ltd.  
Fortune Frozen Foods (Thailand) Co., Ltd.  
Frozen Marine Products Co., Ltd.  
GSE Lining Technology Co., Ltd.  
Gallant Ocean (Thailand) Co., Ltd.  
Gallant Seafoods Corporation  
Global Maharaja Co., Ltd.  
Golden Sea Frozen Foods  
Golden Sea Frozen Foods Co., Ltd.  
Good Fortune Cold Storage Co., Ltd.  
Good Luck Product Co., Ltd.  
Gulf Coast Crab Intl.  
H.A.M. International Co., Ltd.  
Haitai Seafood Co., Ltd.  
Handy International (Thailand) Co., Ltd.  
Heng Seafood Limited Partnership  
Heritrade Co., Ltd.  
HIC (Thailand) Co., Ltd.  
High Way International Co., Ltd.  
I.T. Foods Industries Co., Ltd.  
Inter-Pacific Marine Products Co., Ltd.  
K Fresh  
K.D. Trading Co., Ltd.  
K.F. Foods  
K.L. Cold Storage Co., Ltd.  
K & U Enterprise Co., Ltd.  
Kiang Huat Sea Gull Trading Frozen Food Public Co., Ltd.  
Kingfisher Holdings Ltd.  
Kibun Trdg  
Klang Co., Ltd.  
Kitchens of the Ocean (Thailand) Ltd.  
Kongphop Frozen Foods Co., Ltd.  
Kosamut Frozen Foods Co., Ltd.  
Lee Heng Seafood Co., Ltd.  
Li-Thai Frozen Foods Co., Ltd.  
Maersk Line  
Magnate & Syndicate Co., Ltd.  
Mahachai Food Processing Co., Ltd.  
May Ao Co., Ltd.

May Ao Foods Co., Ltd.  
Merit Asia Foodstuff Co., Ltd.  
Merkur Co., Ltd.  
Ming Chao Ind Thailand  
N&N Foods Co., Ltd.  
Nam prik Maesri Ltd. Part.  
Narong Seafood Co., Ltd.  
Nongmon SMJ Products  
N.R. Instant Produce Co., Ltd.  
Ongkorn Cold Storage Co., Ltd.  
Pacific Queen Co., Ltd.  
Penta Impex Co., Ltd.  
Pinwood Nineteen Ninety Nine  
Piti Seafoods Co., Ltd.  
Premier Frozen Products Co., Ltd.  
Preserved Food Specialty Co., Ltd.  
Queen Marine Food Co., Ltd.  
Rayong Coldstorage (1987) Co., Ltd.  
S&D Marine Products Co., Ltd.  
S&P Aquarium  
S&P Syndicate Public Company Ltd.  
S. Chaivaree Cold Storage Co., Ltd.  
SCT Co., Ltd.  
S. Khonkaen Food Industry Public Co., Ltd. and/or S. Khonkaen Food Ind. Public  
SMP Food Product Co., Ltd.  
Samui Foods Company Limited  
Sea Bonanza Food Co., Ltd.  
SEA NT'L CO., LTD.  
Seafoods Enterprise Co., Ltd.  
Seafresh Fisheries  
Seafresh Industry Public Co., Ltd.  
Search & Serve  
Shianlin Bangkok Co., Ltd.  
Siam Food Supply Co., Ltd.  
Siam Intersea Co., Ltd.  
Siam Marine Products Co. Ltd.  
Siam Union Frozen Foods  
Siamchai International Food Co., Ltd.  
Smile Heart Foods Co. Ltd.  
Southport Seafood  
Star Frozen Foods Co., Ltd.  
STC Foodpak Ltd.  
Suntechthai Intertrading Co., Ltd.

<sup>4</sup> This rate is based on the weighted average of the margins calculated for those companies selected for individual examination, excluding *de minimis* margins or margins based entirely on facts available, as discussed below.

Surapon Nichirei Foods Co., Ltd.  
 Surapon Seafoods Public Co., Ltd./  
 Surapon Foods Public Co., Ltd.  
 Surapon Seafood  
 Surat Seafoods Co., Ltd.  
 Suratthani Marine Products Co., Ltd.  
 T.S.F. Seafood Co., Ltd.  
 Tanaya International Co., Ltd.  
 Tanaya Intl.  
 Teppitak Seafood Co., Ltd.  
 Tey Seng Cold Storage Co., Ltd.  
 Tep Kinsho Foods Co., Ltd.  
 Thai-Ger Marine Co., Ltd.  
 Thai Agri Foods Public Co., Ltd.  
 Thai I-Mei Frozen Foods Co., Ltd.  
 Thai Mahachai Seafood Products Co.,  
 Ltd.  
 Thai Ocean Venture Co., Ltd.  
 Thai Patana Frozen  
 Thai Prawn Culture Center Co., Ltd.  
 Thai Royal Frozen Food Co. Ltd.  
 Thai Spring Fish Co., Ltd.  
 Thai Union Frozen Products Public Co.,  
 Ltd.  
 Thai Union Seafood Co., Ltd.  
 Thai World Imports & Exports  
 The Siam Union Frozen Foods Co., Ltd.  
 The Union Frozen Products Co., Ltd.  
 Trang Seafood Products Public Co., Ltd.  
 Transamut Food Co., Ltd.  
 Tung Lieng Trdg.  
 United Cold Storage Co., Ltd.  
 Xian-Ning Seafood Co., Ltd.  
 Yeenin Frozen Foods Co., Ltd.  
 YHS Singapore Pte.  
 ZAFCO TRDG.

#### Assessment

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

For those sales where the respondents reported the entered value 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 total entered value of the examined sales for that importer. For those sales where the respondents did not report the entered value of their U.S. sales, we have calculated importer-specific or customer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. With respect to the respondents' U.S. sales of shrimp with sauce, for which no entered value was reported, we have included the total quantity of the merchandise with sauce in the denominator of the calculation of the importer-specific or customer-specific rate because CBP will apply the per-unit duty rate to the total quantity of merchandise entered, including the sauce weight. 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 or customer-specific *ad valorem* ratios based on the estimated entered value.

For the companies which were not selected for individual review, we have calculated an assessment rate based on the weighted average of the cash deposit rates calculated for the companies selected for individual review excluding any which are *de minimis* or determined entirely on facts available. See *Certain Frozen Warmwater Shrimp From Thailand: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 74 FR 47551 (September 16, 2009).

Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (i.e., less than 0.50 percent). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the LTFV investigation if there is no rate for the intermediary involved in the transaction. See *Assessment Policy Notice* for a full discussion of this clarification.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the 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 each specific company listed above<sup>5</sup> will be the rates

<sup>5</sup> Effective January 16, 2009, there is no longer a cash deposit requirement for certain producers/exporters in accordance with the *Implementation of the Findings of the WTO Panel in United States*

shown above, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, 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 prior 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 be 5.34 percent, the all-others rate made effective by the *Section 129 Determination*. These requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final 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 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 to Interested Parties

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.

We are issuing and publishing these final results of review in accordance

*Antidumping Measure on Shrimp from Thailand: Notice of Determination under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Thailand*, 74 FR 5638 (January 30, 2009) (*Section 129 Determination*). These producers/exporters are as follows: Andaman Seafood Co., Ltd., Chanthaburi Frozen Food Co., Ltd., Chanthaburi Seafoods Co., Ltd., Intersia Foods Co., Ltd. (formerly Y2K Frozen Foods Co., Ltd.), Phatthana Seafood Co., Ltd., S.C.C. Frozen Seafood Co., Ltd., Thailand Fishery Cold Storage Public Co., Ltd., Thai International Seafoods Co., Ltd., Wales & Co. Universe Limited, and Thai I-Mei Frozen Foods Co., Ltd.

with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 31, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

#### Appendix—Issues in Decision Memo

##### General Comments:

Comment 1: *Offsetting of Negative Margins*

Comment 2: *Using CBP Data for Respondent Selection*

Comment 3: *Date of Sale Methodology*

Comment 4: *Calculation of the Review-Specific Average Rate*

Comment 5: *Use of Forward Exchange Rates*

##### Company-Specific Comments: *Marine Gold*

Comment 6: *Revision of Cooked Form Model Matching Product Characteristic*

Comment 7: *Home Market Viability*

Comment 8: *Arm's-Length Nature of Thai Warehousing Expenses*

##### *Pakfood*

Comment 9: *Home Market Billing Adjustments*

Comment 10: *Adjusting Gross Unit Prices to Account for Glaze*

Comment 11: *Treatment of Expenses Related to Cancelled Sale*

Comment 12: *Reporting of "Presentation" Product Characteristic*

Comment 13: *Using Period-Specific Costs in the Sales-Below-COP Test*

##### *The Rubicon Group*

Comment 14: *Assessment of Antidumping Duties on Rubicon Group Imports*

Comment 15: *CEP Offset*

Comment 16: *The Rubicon Group's Sales Reconciliations*

Comment 17: *Reporting of Gross Unit Price Exclusive of Sauce Value*

Comment 18: *Rebates Claimed in the Comparison Market*

Comment 19: *Rebates Claimed in the U.S. Market*

Comment 20: *U.S. Warehousing Expenses*

Comment 21: *U.S. Indirect Selling Expenses*

Comment 22: *Major Input Rule for Shrimp Costs*

Comment 23: *Inclusion of Certain Non-Operational Expenses in General and Administrative Ratio*

[FR Doc. 2010-22376 Filed 9-8-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XY75

#### Incidental Taking of Marine Mammals; Taking of Marine Mammals Incidental to the Explosive Removal of Offshore Structures in the Gulf of Mexico

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

**ACTION:** Notice; issuance of letters of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) and implementing regulations, notification is hereby given that NMFS has issued a one-year Letters of Authorization (LOA) to take marine mammals incidental to the explosive removal of offshore oil and gas structures (EROS) in the Gulf of Mexico.

**DATES:** These authorizations are effective from September 3, 2010 through September 2, 2011.

**ADDRESSES:** The application and LOA are available for review by writing to P. Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3235 or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or online at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, 301-713-2289.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (who has delegated the authority to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term "take" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill any marine mammal.

Authorization for incidental taking, in the form of an annual LOA, may be

granted by NMFS for periods up to five years if NMFS finds, after notice and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals, and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). In addition, NMFS must prescribe regulations that include permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat (i.e., mitigation), and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating rounds, and areas of similar significance. The regulations also must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of marine mammals incidental to EROS were published on June 19, 2008 (73 FR 34875), and remain in effect through July 19, 2013. For detailed information on this action, please refer to that **Federal Register** notice. The species that applicants may take in small numbers during EROS activities are bottlenose dolphins (*Tursiops truncatus*), Atlantic spotted dolphins (*Stenella frontalis*), pantropical spotted dolphins (*Stenella attenuata*), Clymene dolphins (*Stenella clymene*), striped dolphins (*Stenella coeruleoalba*), spinner dolphins (*Stenella longirostris*), rough-toothed dolphins (*Steno bredanensis*), Risso's dolphins (*Grampus griseus*), melon-headed whales (*Peponocephala electra*), short-finned pilot whales (*Globicephala macrorhynchus*), and sperm whales (*Physeter macrocephalus*).

Pursuant to these regulations, NMFS has issued an LOA to EOG Resources, Inc. Issuance of the LOA is based on a finding made in the preamble to the final rule that the total taking by these activities (with monitoring, mitigation, and reporting measures) will result in no more than a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on subsistence uses. NMFS also finds that the applicant will meet the requirements contained in the implementing regulations and LOA, including monitoring, mitigation, and reporting requirements.

Dated: September 2, 2010.

**Helen M. Golde,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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