



DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

[A-351-838]

Certain Frozen Warmwater Shrimp from Brazil: Notice of Rescission of Antidumping Duty Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Rebecca Trainor, AD/CVD

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SUPPLEMENTARY INFORMATION:

Background

On February 1, 2012, the Department of Commerce (the Department) published in the Federal Register a notice of “Opportunity to Request Administrative Review” of the antidumping duty order on certain frozen warmwater shrimp from Brazil for the period of review (POR) of February 1, 2011, through January 31, 2012.¹ The Department received a timely request from the Ad Hoc Shrimp Trade Action Committee (Domestic Producers) in accordance with 19 CFR 351.213(b), for an administrative review of the antidumping duty order on certain frozen warmwater shrimp from Brazil. On April 2, 2012, the Department

¹ See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review, 77 FR 4990 (February 1, 2012).

published a notice of initiation of an administrative review of the antidumping duty order on certain frozen warmwater shrimp from Brazil with respect to three companies.²

The Department stated in its initiation of this review that it intended to rely on U.S. Customs and Border Protection (CBP) data to select respondents. See Initiation Notice. However, our review of the CBP database, with respect to the companies for which reviews were requested, showed no entries of certain frozen warmwater shrimp originating in Brazil, subject to antidumping duties and countervailing duties (AD/CVD), during the POR. See April 4, 2012, Memorandum to the File entitled “Release of POR Entry Data from CBP”. We released the results of our CBP data query to the Domestic Producers, the only interested party to this segment of the proceeding, and invited them to comment on the CBP data and respondent selection. We received no comments on the CBP data or respondent selection.

On April 17, 2012, we sent a “No Shipments Inquiry” to CBP to confirm that there were no shipments or entries of frozen warmwater shrimp from Brazil during the POR from the companies subject to review. We received no information from CBP to contradict the results of our data query.

On May 8, 2012, we stated that, because information from CBP indicates that there were no entries of shrimp from Brazil during the POR from the companies covered by this review, we intend to rescind this review. See May 8, 2012, Memorandum to James Maeder, Director, Office 2, AD/CVD Operations, entitled “Intent to Rescind Administrative Review.” We invited parties to comment on our intent to rescind this administrative review. We did not receive comments from any interested party.

On May 18, 2012, we clarified for the record that the results of our CBP data query

² See Certain Frozen Warmwater Shrimp from Brazil, India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews, 77 FR 19612 (April 2, 2012) (Initiation Notice).

showed no entries of certain frozen warmwater shrimp from Brazil, subject to AD/CVD duties, during the POR from any company. See May 18, 2012, Memo to The File entitled “Data Query Request for Respondent Selection.”

Rescission of Review

Section 351.213(d)(3) of the Department’s regulations stipulates that the Secretary may rescind an administrative review if there were no entries, exports, or sales of the subject merchandise during the POR. As there were no entries, exports, or sales of the subject merchandise during the POR, we are rescinding this review of the antidumping duty order on certain frozen warmwater shrimp from Brazil pursuant to 19 CFR 351.213(d)(3). We intend to issue assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

May 23, 2012
(Date)