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DEPARTMENT OF COMMERCE

International Trade Administration

A-552-801

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review; 2014-2015

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

DATES: Effective (Insert date of publication in the Federal Register.)

SUMMARY: The Department of Commerce (“the Department”) received a timely request for a new shipper review (“NSR”) of the antidumping duty (“AD”) order on certain frozen fish fillets (“fish fillets”) from the Socialist Republic of Vietnam (“Vietnam”). The Department determines that the request meets the statutory and regulatory requirements for initiation. The period of review (“POR”) for this NSR is August 1, 2014, through January 31, 2015.

FOR FURTHER INFORMATION CONTACT: Alexander Montoro, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-0238.

SUPPLEMENTARY INFORMATION:

Background

The AD order on fish fillets from Vietnam was published in the Federal Register on August 12, 2003.¹ On February 27, 2015, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (“the Act”), and 19 CFR 351.214(b), the Department received an NSR request from Hai Huong Seafood Joint Stock Company (“HHFISH”).² HHFISH certified that it is a producer and exporter of the subject merchandise and that it exported, or sold for export, subject merchandise to the United States.³

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), HHFISH certified that it did not export subject merchandise to the United States during the period of investigation (“POI”).⁴ In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), HHFISH certified that, since the initiation of the investigation, it has never been affiliated with any Vietnamese exporter or producer who exported subject merchandise to the United States during the POI, including those respondents not individually examined during the investigation.⁵ As required by 19 CFR 351.214(b)(2)(iii)(B), HHFISH also certified that its export activities were not controlled by the central government of Vietnam.⁶

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), HHFISH submitted documentation establishing the following: (1) the date on which it first shipped subject merchandise for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.⁷

¹ See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam, 68 FR 47909 (August 12, 2003).

² See Letter from HHFISH, “Frozen Fish Fillets from Vietnam - Request for New Shipper Review,” dated February 27, 2015.

³ Id. at 2 and at Exhibit 2.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id. at Exhibit 1.

Finally, the Department conducted a U.S. Customs and Border Protection (“CBP”) database query and confirmed the price, quantity, date of sale, and date of entry of the sale at issue.⁸

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), and based on the evidence provided by HHFISH, we find that the request submitted by HHFISH meets the requirements for initiation of the NSR for shipments of fish fillets from Vietnam produced and exported by HHFISH.⁹ The POR is August 1, 2014, through January 31, 2015.¹⁰ Absent a determination that the case is extraordinarily complicated, the Department intends to issue the preliminary results of this NSR within 180 days from the date of initiation and the final results within 270 days from the date of initiation.¹¹

In cases involving non-market economy countries, the Department requires a company seeking to establish eligibility for an AD rate separate from the country-wide rate to provide evidence of de jure and de facto absence of government control over the company’s export activities. Accordingly, we will issue a questionnaire to HHFISH that will include a section requesting information with regard to HHFISH’s export activities for separate rate purposes. The review of HHFISH will proceed if the response provides sufficient indication that it is not subject to either de jure and de facto government control with respect to its exports of fish fillets.

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the

⁸ The Department will place the results of the completed CBP database query along with HHFISH’s entry documents on the record shortly after the publication of this notice.

⁹ See Memorandum to the File from Alexander Montoro, International Trade Compliance Analyst, “Initiation of Antidumping Duty New Shipper Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam (A-552-801),” dated concurrently with and hereby adopted by this notice.

¹⁰ See 19 CFR 351.214(g)(1)(i)(B).

¹¹ See section 751(a)(2)(B)(iv) of the Act.

subject merchandise from the requesting company in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because HHFISH certified that it both produced and exported the subject merchandise, the sale of which is the basis for the NSR request, we will instruct CBP to permit the use of a bond only for subject merchandise which HHFISH both produced and exported.

Interested parties requiring access to proprietary information in this NSR should submit applications for disclosure under administrative protective order, in accordance with 19 CFR 351.305 and 19 CFR 351.306.

This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act, as well as 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: March 24, 2015.

Gary Taverman,
Associate Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations.

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