



BILLING CODE: 3510-DS-P

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

A-552-801

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2014-2015

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

SUMMARY: On September 19, 2016, the Department of Commerce (the Department) published the preliminary results of the 12th administrative review of the antidumping duty order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam). We gave interested parties an opportunity to comment on the preliminary results. Based upon our analysis of the comments and information received, we made changes from the preliminary results. Specifically, we have modified the list of companies rescinded from this administrative review. The final dumping margins are listed below in the “Final Results of the Review” section of this notice. The period of review (POR) is August 1, 2014, through July 31, 2015.

DATES: Effective [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Kenneth Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone 202-482-6491.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Results* on September 19, 2016.¹ Between October 19 and February 14, 2017, interested parties submitted case and rebuttal briefs. On February 24, 2017, the Department held a public hearing limited to issues raised in the case and rebuttal briefs.

Scope of the Order

The product covered by the order is frozen fish filets, including regular, shank, and strip filets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*) and *Pangasius Micronemus*. These products are classifiable under tariff article code 0304.62.0020 (Frozen Fish Filets of the species *Pangasius*, including basa and tra), and may enter under tariff article codes 0305.59.0000, 1604.19.2100, 1604.19.3100, 1604.19.4100, 1604.19.5100, 1604.19.6100 and 1604.19.8100 of the Harmonized Tariff Schedule of the United States (HTSUS).² Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.³

¹ See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2014-2015*, 81 FR 64131 (September 19, 2016) (*Preliminary Results*).

² Until June 30, 2004, these products were classifiable under HTSUS 0304.20.6030, 0304.20.6096, 0304.20.6043 and 0304.20.6057. From July 1, 2004, until December 31, 2006, these products were classifiable under HTSUS 0304.20.6033. From January 1, 2007, until December 31, 2011, these products were classifiable under HTSUS 0304.29.6033. On March 2, 2011, the Department added two HTSUS numbers at the request of U.S. Customs and Border Protection (“CBP”) that the subject merchandise may enter under: 1604.19.2000 and 1604.19.3000, which were changed to 1604.19.2100 and 1604.19.3100 on January 1, 2012. On January 1, 2012, the Department added the following HTSUS numbers at the request of CBP: 0304.62.0020, 0305.59.0000, 1604.19.4100, 1604.19.5100, 1604.19.6100 and 1604.19.8100.

³ For a complete description of the scope of the order, see Memorandum to Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from James Doyle, Director, Office V, Antidumping and Countervailing Duty Operations, “Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Issues and Decision Memorandum for the Final Results of the Twelfth Antidumping Duty Administrative

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (CRU), Room B8024 of the main Department of Commerce building, as well as electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the *Preliminary Results*

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, and for the reasons explained in the Issues and Decision Memorandum, we have not changed the margins assigned in the *Preliminary Results*.

Final Determination of No Shipments

In the *Preliminary Results*, the Department preliminarily determined that Ben Tre Aquaproduct Import and Export Joint Stock Company, CADOVIMEX II Seafood Import Export and Processing Joint Stock Company, and Hoang Long Seafood Processing Company Limited (collectively, the No Shipment Companies) had no reviewable transactions during the POR. Consistent with the Department's refinement to its assessment practice in non-market economy

Review; 2014-2015," at 2-3 (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice.

(NME) cases, we completed the review with respect to the above-named companies.⁴ Based on the certifications submitted by these companies, we continue to find that they did not have any reviewable transactions during the POR. As noted in the “Assessment Rates” section below, the Department intends to issue appropriate instructions to CBP for the above-named companies based on the final results of the review.

Vietnam-Wide Entity

We noted in the *Preliminary Results* that a review was requested, but not rescinded, for Golden Quality Seafood Corporation (Golden Quality), Thuan An Production and Trading and Services Co., Ltd. (Tafishco), Viet Phu Foods and Fish Co., Ltd. (Viet Phu). Additionally, consistent with the Department’s practice to assign the Vietnam-wide rate to companies that do not submit separate rate certifications or applications and, thus, are not eligible for separate rate status, we are assigning the Vietnam-wide entity status to Anvifish Joint Stock Company (Anvifish) and Basa Joint Stock Company (Basaco).

Partial Rescission of Administrative Review

In accordance with 19 CFR 351.213(d)(3) and 19 CFR 351.401(f), and in accordance with our decision in Comment 4 of the Issues and Decision Memorandum, the Department is rescinding this review with respect to QVD Food Company Ltd., QVD Dong Thap Food Co., Ltd. (also known as Dong Thap), and Thuan Hung Co., Ltd. (also known as THUFICO), collectively (QVD). In accordance with Comment 5 of the Issues and Decision Memorandum, as of the *Preliminary Results*, we rescinded this review with respect to Bien Dong Seafood Co., Ltd., Hai Huong Seafood Joint Stock Company, Hung Vuong Seafood Joint Stock Company, Vinh Hoan Corporation, and Vinh Quang Fisheries Corporation.

⁴ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694-95 (October 24, 2011).

Final Results of the Review

The weighted-average dumping margins for the final results of this administrative review are as follows:

Exporter	Weighted-Average Dumping Margins (Dollars/Kilogram) ⁵
Cuu Long Fish Joint Stock Company	0.69
GODACO Seafood Joint Stock Company	0.69
Green Farms Seafood Joint Stock Company	0.69
NTSF Seafoods Joint Stock Company	0.69
Vietnam-Wide Entity ⁶	2.39

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. We will continue to direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per kilogram) rates by the weight in kilograms of each entry of the subject merchandise during the POR. Specifically, we calculated

⁵ In the third administrative review of this order, the Department determined that it would calculate per-unit assessment and cash deposit rates for all future reviews. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Partial Rescission*, 73 FR 15479, 15481 (March 24, 2008).

⁶ The Vietnam-wide entity includes mandatory respondents Anvifish, Basaco, Golden Quality, Tafishco, and Viet Phu, as well as Can Tho Import-Export Seafood Joint Stock Company (Caseamex).

importer specific duty assessment rates on a per-unit rate basis by dividing the total dumping margins (calculated as the difference between normal value and export price, or constructed export price) for each importer by the total sales quantity of subject merchandise sold to that importer during the POR. If an importer (or customer)-specific assessment rate is *de minimis* (*i.e.*, less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2).

The Department determines that the No Shipment Companies did not have any reviewable transactions during the POR. As a result, any suspended entries that entered under these exporters' case numbers (*i.e.*, at each exporter's rate) will be liquidated at the Vietnam-wide rate.⁷

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for the exporters listed above, the cash deposit rate will be the rate established in the final results of review (except, if the rate is zero or *de minimis*, *i.e.*, less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all Vietnamese exporters of subject merchandise which have not

⁷ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011); see also Preliminary Decision Memo at 4-5.

been found to be entitled to a separate rate, the cash deposit rate will be the Vietnam-wide rate of \$2.39 per kilogram; and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporters that supplied that non-Vietnamese exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these administrative reviews and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Gary Taverman

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

March 20, 2017

Date

Appendix I

List of Topics Discussed in the Final Decision Memorandum

Comment 1 Assignment of Vietnam-Wide Rate to Caseamex
Comment 2 Assignment of Vietnam-Wide Rate to Mandatory Respondents
Comment 3 The Vietnam-Wide Rate Applied Need Not Be Corroborated
Comment 4 Treatment of HVG and the QVD Companies
Comment 5 Ministerial Errors

[FR Doc. 2017-05934 Filed: 3/24/2017 8:45 am; Publication Date: 3/27/2017]