

November 3, 2006

RE: Second Opportunity to Respond to the Quantity and Value Questionnaire
for Certain Frozen Fish Fillets from the Socialist Republic of Vietnam

TO ALL INTERESTED PARTIES:

On October 12, 2006, the Department of Commerce ("Department") sent a quantity and value questionnaire to your company. The questionnaire requested that your company report its exports of certain frozen fish fillets to the United States during the period of August 1, 2005 through July 31, 2006, by October 26, 2006. See Attachment I.

If your company failed to provide a response to the Department's original quantity and value questionnaire, then this letter is to inform you that the Department is providing you with a second opportunity to report the quantity and value of any exports of certain frozen fish fillets to the United States during the period of August 1, 2005, through July 31, 2006. This second opportunity to respond to the quantity and value questionnaire in **Attachment I** is due no later than **November 17, 2006**. Please refer to Attachment I for instructions.

For this administrative review, the Department is also extending the Separate-Rate Certification due date to coincide with the Separate-Rate Status Application due date. Therefore, the deadline for the Separate-Rate Certification is now due **no later than December 11, 2006**.

To receive consideration for a separate rate, your firm must respond to the quantity and value questionnaire in addition to the Department's **Separate Rate Certification, or Separate-Rate Status Application**. If you fail to cooperate with the Department by not acting to the best of your ability to comply with the requested information, the Department may use information that is adverse to your interest in conducting its analysis.

We appreciate your attention to these matters. Please contact Cindy Robinson or Michael Holton at (202) 482-3797, or (202) 482-1324, respectively, if you have any questions or comments.

Sincerely,

Alex Villanueva
Program Manager, Office IX
Import Administration

Enclosure

Attachment I

A-552-801
3rd Administrative Review
POR: 8/1/05-7/31/06
Public Document
IA/AD/CVD/9: CLR

October 12, 2006

RE: Quantity and Value Questionnaire for Certain Frozen Fish Fillets from the Socialist Republic of Vietnam

TO ALL INTERESTED PARTIES:

The Department of Commerce (“the Department”) has initiated an antidumping duty administrative review of 54 companies to determine whether certain frozen fish fillets was sold in the United States at less than fair value during the period of August 1, 2005 through July 31, 2006. See 71 FR 57465 (September 29, 2006).

Section 777A(c)(1) of the Tariff Act of 1930, as amended, (“the Act”) directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, as is the case in this present administrative review, section 777A(c)(2) of the Act permits the Department to examine either (1) a sample of exporters, producers or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined.

Due to the large number of requests for administrative review and the Department’s experience regarding the resulting administrative burden to review each company for which a request has been made, the Department is considering exercising its authority to limit the number of respondents selected for review.

In advance of the issuance of the full antidumping questionnaire, we ask that each party for whom a review is initiated respond to **Attachment I** of this **Quantity and Value (“Q&V”) Questionnaire** requesting information on your quantity and U.S. dollar sales values of exports of certain frozen fish fillets during the period of August 1, 2005 through July 31, 2006.¹ Full and accurate responses to the Q&V Questionnaire from all participating respondents is necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents. A definition of the scope of the merchandise subject to this review is included in

¹ If your company did not produce the merchandise under review, we request that the production related questions be immediately forwarded to the company that produced the merchandise and that its responses be included in your filing/response.

Attachment II, and general instructions for responding to this Q&V questionnaire are contained in Attachment III. If you had no exports during the POR it is very important that you submit a statement to that effect, or the Department may have to assign a margin to your company based on adverse facts available. **Your response to this questionnaire may be subject to on-site verification by Department officials.**

The response to the Department's Q&V questionnaire **in Attachment I** is due no later than **October 26, 2006**.

Additionally, the Department recently modified the process by which exporters and producers may obtain separate-rate status in non-market economy ("NME") investigations or administrative reviews. See Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries, (April 5, 2005), available on the Department's website at <http://ia.ita.doc.gov/policy/bull05-1.pdf>. See, also, Notice of Initiation of Administrative Reviews of the Antidumping Duty Orders on Frozen Warmwater Shrimp from the Socialist Republic of Vietnam and the People's Republic of China, 71 FR 17813 (April 7, 2006).

Due to the large number of firms requesting an administrative review in this proceeding, the Department is requiring all firms for which a review was initiated who wish to qualify for separate-rate status in this administrative review to complete, as appropriate, either a separate-rate status application or separate-rate status certification. In order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested that had been assigned a separate rate in the previous segment of this proceeding to certify that they continue to meet the criteria for obtaining a separate rate. The certification form is available on the Department's website at <http://ia.ita.doc.gov/>. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. **Separate-Rate Certifications** are due to the Department no later than **November 11, 2006**, thirty calendar days after the issuance date of the Q&V questionnaire of this review. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase the subject merchandise and export it to the United States.

For entities that have not previously been assigned a separate rate, to demonstrate eligibility for such, the Department requires a separate-rate status application. The separate-rate status application is available on the Department's website at <http://ia.ita.doc.gov/>. In responding to the separate-rate status application, refer to the instructions contained in the application. **Separate-Rate Status Applications** are due to the Department no later than **December 11, 2006**, sixty calendar days after the issuance date of the Q&V questionnaire of this review. The deadline and requirement for submitting a separate-rate status application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase the subject merchandise and export it to the United States.

If you are unable to access the Department's website to obtain the separate-rate certification or separate-rate status application, please contact the official in charge to obtain the separate-rate certification or separate-rate status application through other means.

To receive consideration for a separate rate, your firm must respond to this **Q&V Questionnaire** in addition to the Department's **Separate Rate Certifications**, or **Separate-Rate Status Applications**, as appropriate, by the appropriate deadline. This ensures that the Department has the necessary information to appropriately select mandatory respondents. In other words, the Department will not give consideration to any separate rate-status made by parties that failed to respond to this questionnaire within the established deadline.

Please note that all submissions to the Department must be served on all interested parties. The list of interested parties may be found at <http://www.ia.ita.doc.gov/apo/apo-svc-lists.html>.

We appreciate your attention to these matters. Please contact Cindy Robinson or Michael Holton at (202) 482-3797, or (202) 482-1324, respectively, if you have any questions or comments.

Sincerely,

Alex Villanueva
Program Manager, Office IX
Import Administration

Enclosure

**OFFICE OF AD/CVD ENFORCEMENT
QUANTITY AND VALUE QUESTIONNAIRE**

REQUESTER(S): {insert name of firm}

REPRESENTATION: {insert name of counsel and law firm and contact info}

CASE: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam("Vietnam") A-552-801

PERIOD OF REVIEW: August 1, 2005 through July 31, 2006

DEADLINE FOR SUBMISSION OF RESPONSE: **October 26, 2006**

OFFICIAL IN CHARGE:

Cindy Robinson
Senior Case Analyst
AD/CVD Operations, Office 9
Telephone: (202) 482-3797

or

Michael Holton
Senior Case Analyst
AD/CVD Operations, Office 9
Telephone: (202) 482-1324

FILING ADDRESS:

Secretary of Commerce
Attention: Import Administration
Central Records Unit, Room 1870
U.S. Department of Commerce
14th Street and Constitution Avenue, NW
Washington, DC 20230
Attn: Cindy Robinson or Michael Holton (Room 4003)

**ATTACHMENT I
FORMAT FOR REPORTING QUANTITY AND VALUE OF SALES**

In providing the information in the chart below, please provide the total quantity in kilograms (and pounds) and total value (in U.S. dollars) of all your sales covered by the scope of this review (see enclosed scope description), produced in the Socialist Republic of Vietnam, and exported/shipped to the United States during the period August 1, 2005 through July 31, 2006.

Additionally, if you believe that you should be treated as a single entity along with other named exporters, please complete the chart, below, both in the aggregate for all named parties in your group and, in separate charts, individually for each named entity. Please label each chart accordingly.

Market: United States	Total Quantity (In Kilograms)	Total Quantity ² (In Pounds)	Terms of Sale ³	Total Value ⁴ (\$U.S.)
1. Export Price ⁵				
2. Constructed Export Price ⁶				
3. Further Manufactured ⁷				
Total				

NOTE: If you sell products on a glazed-weight basis, report such sales on a net-weight basis.

² Detail any conversion rates used to report quantity in pounds.

³ To the extent possible, sales values should be reported based on the same terms (e.g., FOB).

⁴ Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

⁵ Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

⁶ Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States.

⁷ Further manufacture or assembly (including re-packing) (“further manufactured”) refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

Please provide the following information for your company. If you believe that you should be treated as a single entity along with other named exporters, please provide the information requested below both in the aggregate for all named entities in your group and separately for each named entity. Please label each chart accordingly.

(1) **Production**

Production	Total Quantity (In Kilograms)	Total Quantity¹ (In Pounds)
Your total production of all merchandise meeting the description of certain frozen fish fillets identified in Attachment II to this questionnaire, produced during the POR (regardless of the ultimate market destination).		
Subject merchandise you produced which was made from frozen fish harvested in another country (i.e., not Vietnam).		

NOTE: If you sell products on a glazed-weight basis, report such sales on a net-weight basis.

(2) **U.S. Sales**

Merchandise	Total Quantity (In Kilograms)	Total Quantity² (In Pounds)	Total Value (\$U.S.³)
Subject merchandise your company produced and shipped/exported to the United States during the POR.			
Subject merchandise exported/shipped to the United States by your company during the POR which was sourced from an unaffiliated supplier or suppliers (i.e., not produced by your company).			
Subject merchandise produced by your company but exported/shipped through another company to the United States during the POR.			
Subject merchandise exported/shipped to the United States by your company during the POR which was harvested in another country (i.e., not Vietnam).			

NOTE: (1) If you sell products on a glazed-weight basis, report such sales on a net-weight basis.

(2) Do not include the POR quantity and value of frozen fish fillets harvested in another country in the first three categories in this table (i.e., report this data only in the final block of the chart).

¹ Detail any conversion rates used to report quantity in pounds.

² Detail any conversion rates used to report quantity in pounds.

³ Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

ATTACHMENT II DESCRIPTION OF PRODUCTS UNDER REVIEW

The scope of this order covers certain frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include boneless fillets with the belly flap intact (“regular” fillets), boneless fillets with the belly flap removed (“shank” fillets), boneless shank fillets cut into strips (“fillet strips/finger”), which include fillets cut into strips, chunks, blocks, skewers, or any other shape. Specifically excluded from the scope are frozen whole fish (whether or not dressed), frozen steaks, and frozen belly-flap nuggets. Frozen whole dressed fish are deheaded, skinned, and eviscerated. Steaks are bone-in, cross-section cuts of dressed fish. Nuggets are the belly flaps.

The subject merchandise will be hereinafter referred to as frozen “basa” and “tra” fillets, which are the Vietnamese common names for these species of fish. These products are classifiable under tariff article codes 0304.20.60.33 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the Harmonized Tariff Schedule of the United States (“HTSUS”).⁴ This order covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

⁴ Until July 1, 2004, these products were classifiable under tariff article codes 0304.20.60.30 (Frozen Catfish Fillets), 0304.20.60.96 (Frozen Fish Fillets, NESOI), 0304.20.60.43 (Frozen Freshwater Fish Fillets) and 0304.20.60.57 (Frozen Sole Fillets) of the HTSUS.

ATTACHMENT III GENERAL INSTRUCTIONS

Instructions for Filing the Response

The following instructions apply to all documents you submit to the Department during the course of this proceeding.

1. File your response in Washington, D.C. at:

Secretary of Commerce
Attention: Import Administration
Central Records Unit, Room 1870
U.S. Department of Commerce
14th Street and Constitution Avenue, NW
Washington, DC 20230
Attn: Cindy Robinson or Michael Holton (Room 4003)

2. **Proprietary versions** of the response should be submitted on the day specified in the cover letter. The **public version** of the response may be filed one business day after the proprietary version. You must provide a copy of the public version of your response to all parties on the public service list for this administrative review, the latest version of which can be found here:
<http://ia.ita.doc.gov/apo/apo-svc-lists.html>

3. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Word Perfect 6.1 (Word Perfect 7.0 and 8.0 are also acceptable), you need file only the original version and four copies. In case of any difference between the narrative response and the content of the electronic media, the narrative response is the controlling version. For either alternative, only one copy of sample printouts and electronic media containing sales files and cost files need be submitted.

File the original and four copies of the public version of your narrative response and attachments, including sample printouts.

4. Submit the required **certification of accuracy**. Providers of information and the person(s) submitting it, if different (e.g., a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. The Department cannot accept responses to the letter that do not contain the certification statements. A form for such certification is included in this Appendix. You may photocopy this form and submit a completed copy with each of your submissions.
5. Provide the required **certificate of service** with each proprietary version and public version submitted to the Department.
6. Request **proprietary treatment** for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public.¹ If you wish to make a request for proprietary treatment for particular information, refer to

¹ Supplier names will not be considered proprietary information in situations where the Department has excluded the exporter from the antidumping duty order. Exclusions of non-producing exporters will be granted only to exporter/supplier combinations.

sections 351.304 and 351.304(a)(2) of the Department's **regulations**. Submit the request for proprietary treatment no later than one business day following the submission of the proprietary version of your response to the letter accompanied by:

- (1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence,² and/or
- (2) an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

Responses, or portions thereof, that are not adequately summarized may be returned to you and not used.

7. Submit the statements required regarding limited release of proprietary information under the provisions of an **administrative protective order** (“APO”). U.S. law permits limited disclosure to representatives of parties (e.g., legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:
 - (1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
 - (2) a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. You must state in the upper right-hand corner of the cover letter accompanying your response whether you agree or object to release of the submitted information under APO. (See section 351.303 of our regulations for specific instructions.)³

8. Place brackets (“[...]”) around information for which you request business proprietary treatment. Place double brackets (“[[...]]”) around information for which you request proprietary treatment and which you do not agree to release under APO.
9. Provide to all parties whose representatives have been granted an APO (as listed in the cover letter or as listed in a subsequent letter from the Department) a complete copy of the

² Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.

³ If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (see section 351.304(d) of our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

submission, proprietary and public versions, except for that information which you do not agree to release under APO. A copy of the latest version of the APO service list can be found here: <http://ia.ita.doc.gov/apo/apo-svc-lists.html>. If you exclude information because you do not agree to release it under APO, submit with your response to the Department a certificate of service and a copy of the APO version of the document containing the information that you agree may be released under APO. For parties that do not have access to information under APO, please provide a public version only.

10. Prepare your response in typed form and in English. Repeat the question to which you are responding in your narrative submission and place your answer directly below it.

COMPANY OFFICIAL CERTIFICATION

I, _____, currently employed
(name and title)

by _____, certify that (1) I have
(Interested Party)

read the attached submission, and (2) the information contained in

this submission is, to the best of my knowledge, complete and

accurate.

(signature of certifying official)

CERTIFICATE OF SERVICE

I, _____, hereby certify that a copy of the
(name of certifying official)

foregoing submission on behalf of _____,
(company name)

dated _____, was served by first class mail or by hand delivery (circle the method used) on the following parties:

(Business Proprietary Version)

On Behalf of

Name and address

(Public Version)

On Behalf of

Name and address

(signature of certifying official)