

**Extension of Time Limit for Preliminary Results**

Pursuant to section 751(a)(3)(A) of the Act, and section 351.213(h)(2) of the Department's regulations, the Department may extend the deadline for completion of the preliminary results of a review if it determines that it is not practicable to complete the preliminary results within the statutory time limit of 245 days from the date on which the review was initiated. Due to the complexity of the issues, the Department requires additional time to fully develop the record with respect to factors of production information. Accordingly, the Department has determined that it is not practicable to complete this review within the original time period provided in section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations.

Therefore, we are extending the due date for the preliminary results by 120 days, until no later than September 7, 2003. The final results continue to be due 120 days after the publication of the preliminary results.

We are issuing this notice in accordance with section 751(a)(1) and 777(i)(1) of the Act.

Dated: May 19, 2003.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration, Group III.*

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-552-801]

**Notice of Affirmative Preliminary Determination of Critical Circumstances for Voluntary Section A Respondents: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam**

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

**ACTION:** Preliminary Critical Circumstances Determination.

**EFFECTIVE DATE:** May 28, 2003.

**FOR FURTHER INFORMATION CONTACT:** Alex Villanueva or James C. Doyle, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3208, or (202) 482-0159, respectively.

**Critical Circumstances**

On November 15, 2002, the Catfish Farmers of America ("CFA") and the individual U.S. catfish processors America's Catch Inc.; Consolidated Catfish Co., L.L.C.; Delta Pride Catfish, Inc.; Harvest Select Catfish, Inc.; Heartland Catfish Company; Pride of the Pond; Simmons Farm Raised Catfish, Inc.; and Southern Pride Catfish Co., Inc., hereinafter referred to collectively as "the petitioners," alleged that there is a reasonable basis to believe or suspect critical circumstances exist with respect to the antidumping investigations of certain frozen fish fillets from Vietnam. In accordance with section 351.206(c)(2)(i) of the Department's regulations, because the petitioners submitted critical circumstances allegations more than 20 days before the scheduled date of the preliminary determination, the Department of Commerce ("Department") must issue preliminary critical circumstances determinations not later than the date of the preliminary determination.

On January 24, 2003, the Department determined that, pursuant to section 733(e) of the Tariff Act of 1930, as amended ("the Act"), preliminary critical circumstances exist for the four mandatory respondents: An Giang Fisheries Import Export Joint Stock Company ("Agifish"), Can Tho Agricultural and Animal Products Import Export Company ("CATACO") Nam Viet Company Limited ("Nam Viet"), Vinh Hoan Company Limited ("Vinh Hoan"), as well as for the Vietnam-wide entity. However, at that time, we did not make critical circumstances determinations for the six voluntary Section A respondents with preliminary separate rates<sup>1</sup>: An Giang Agriculture and Food Import Export Company ("Afiex"), Can Tho Animal Fishery Products Processing Export Enterprise ("CAFATEX"), Da Nang Seaproducts Import-Export Corporation ("Da Nang"), Mekong Fish Company ("Mekonimex"), QVD Food Company Limited ("QVD"), and Viet Hai Seafood Company Limited ("Viet Hai"). Consequently, the Department determined that the most appropriate action was to obtain producer-specific shipment data from the non-selected respondents to form the basis of its analyses, and to publish the preliminary critical circumstances determinations with respect to the voluntary Section A respondent companies upon obtaining

<sup>1</sup> Vinh Long Import-Export Company submitted a Section A response, but did not receive a preliminary separate rate, and therefore does not receive a preliminary critical circumstances determination.

the additional data. (See *Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam*, 68 FR 4986, (January 31, 2003)).

Section 733(e)(1) of the Act provides that the Department will preliminarily determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise; or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales; and, (B) there have been massive imports of the subject merchandise over a relatively short period. Section 351.206(h)(1) of the Department's regulations provides that, in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, section 351.206(h)(2) of the Department's regulations provides that an increase in imports of 15 percent during the "relatively short period" of time may be considered "massive." Section 351.206(i) of the Department's regulations defines "relatively short period" as normally being the period beginning on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later. The regulations also provide, however, that if the Department finds importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a period of not less than three months from that earlier time.

In determining whether the relevant statutory criteria have been satisfied, we considered: (i) The evidence presented by petitioners in their November 15, 2002 letter; (ii) new evidence obtained since the initiation of the less-than-fair-value ("LTFV") investigation (*i.e.*, additional import statistics released by the U.S. Census Bureau); and (iii) the International Trade Commission's ("ITC") preliminary threat of injury determination.

To determine whether there is a history of injurious dumping of the