

For the reasons set forth in the *Preliminary Determination* and reaffirmed in the *Final Decision Memorandum* at Comment 8, we continue to find that the use of adverse facts available for the Vietnam-wide rate is appropriate. As adverse facts available, the Vietnam-wide rate is not intended to be a reflection of the antidumping duty margins applied as separate rates to the respondent companies. Consistent with our *Preliminary Determination* and with previous cases in which the respondent is considered uncooperative, as adverse facts available, we have applied a rate of 63.88 percent, the highest rate calculated in the initiation stage of the investigation from information provided in the petition (as adjusted by the Department). See, e.g., *Notice of Preliminary Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod From Germany*, 63 FR 10847 (March 5, 1998). The information used to calculate this Vietnam-wide rate was corroborated independently with some small changes in accordance with Section 776(c) of the Act. See *Memorandum to Edward C. Yang, Director, Office IX from Alex Villanueva, Case Analyst through James C. Doyle, Program Manager, Preliminary Determination in the Investigation of Certain Frozen Fish Fillets from Vietnam, Corroboration Memorandum ("Corroboration Memo")*, dated January 24, 2003.

#### Surrogate Country

For purposes of the final determination, we continue to find that Bangladesh is the appropriate primary surrogate country. For further discussion and analysis regarding the surrogate country selection, see the Department's *Preliminary Determination*.

#### Verification

As provided in section 782(i) of the Act, we verified the information submitted by each respondent for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the Respondents. For company-specific changes from the *Amended Preliminary Determination as a result of verification*, see *Memorandum to the File, from Alex Villanueva, Case Analyst, Final Analysis Memorandum for Agifish* April 11, 2003 ("Final Analysis Memo for Agifish"), *Memorandum to the File,*

*from Joe Welton, Case Analyst, Final Analysis Memorandum for Nam Viet* April 11, 2003 ("Final Analysis Memo for Nam Viet"), *Memorandum to the File, from Lisa Shishido, Case Analyst, Final Analysis Memorandum for Vinh Hoan* April 10, 2003 ("Final Analysis Memo for Vinh Hoan"), *Memorandum to the File, from Paul Walker, Case Analyst, Final Analysis Memorandum for CATACO* April 10, 2003 ("Final Analysis Memo for CATACO").

#### Facts Available

For purposes of this final determination, we have determined that the use of facts available is appropriate for certain elements of the Respondents' dumping margin calculations. Section 776(a)(2) of the Act provides that if an interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and (e) of the Act; (C) significantly impedes a determination under the antidumping statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination. For a further discussion of the facts available applied to the Respondents, please see the *Final Decision Memorandum* at Comments 2 and 12.

#### Changes Since the Preliminary Determination

Based on our findings at verification, additional information placed on the record of this investigation, and analysis of comments received, we have made adjustments to the calculation methodology in calculating the final dumping margin in this proceeding. For discussions of the company-specific changes made since the preliminary determination to the final margin programs, see *Final Analysis Memo for Agifish*, *Final Analysis Memo for Nam Viet*, *Final Analysis Memo for Vinh Hoan*, and *Final Analysis Memo for CATACO*.

#### Margins for Cooperative Exporters Not Selected

For those exporters who responded to Section A of the Department's antidumping questionnaire and had sales of the merchandise under investigation, but were not selected as Mandatory Respondents in this investigation, the Department has

calculated a weighted-average margin based on the rates calculated for those exporters that were selected to respond in this investigation, excluding any rates that are zero, *de minimis* or based entirely on adverse facts available. Companies receiving this rate are identified by name in the "Suspension of Liquidation" section of this notice. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Honey from the People's Republic of China*, 64 FR 24101 (May 11, 2001). For further discussion, see the *Preliminary Determination*.

#### Surrogate Values

The Department made changes to the surrogate values used to calculate the normal value from the *Preliminary Determination*. For a complete discussion of the surrogate values, see *Memorandum to the File from Lisa Shishido, Case Analyst through James C. Doyle, Program Manager and Edward C. Yang, Office Director, regarding Factor Valuations for the Final Determination ("Final Factor Value Memo")*, dated June 16, 2003.

#### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the U.S. Bureau of Customs and Border Protection ("Customs") to continue to suspend liquidation of all entries of subject merchandise from Vietnam, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the *Preliminary Determination* for Agifish, CATACO, Vinh Hoan, Mekonimex, and Viet Hai. With respect to Nam Viet, QVD, Da Nang, Afiex, Cafatex, Vinh Long and all other Vietnam exporters, the Department will direct Customs to suspend liquidation of all entries of certain frozen fish fillets from Vietnam that are entered, or withdrawn from warehouse, on or after 90 days before the date of publication of the *Preliminary Determination*. Customs shall continue to require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. This suspension of liquidation instructions will remain in effect until further notice.

#### Final Determination

We determine that the following weighted-average dumping margins exist for the period October 1, 2001 through March 30, 2002: