

Comment 74: Production Quantities

Farmer 26

Comment 75: Exclusion of the 2000

Seed from the 2001 Production Quantity

Comment 76: Improper Allocation of the
Cost of Chemicals

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DEPARTMENT OF COMMERCE

International Trade Administration

A-570-848

Freshwater Crawfish Tail Meat from the People's Republic of China: Preliminary Notice of Intent to Rescind New Shipper Administrative Review

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

SUMMARY: The Department of Commerce (the Department) is conducting a new shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC) in response to a request from Zhoushan Huading Seafood Co., Ltd. ("Zhoushan Huading"). The period of review (POR) is September 1, 2001, through August 31, 2002. We have preliminarily determined that the new shipper review of Zhoushan Huading should be rescinded because the sale was not *bona fide*. Much of the information upon which we relied to analyze the *bona fides* is business proprietary, therefore our full analysis is set forth in the *Memorandum to Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, Group III: Freshwater Crawfish Tail Meat from the People's Republic of China: Analysis of Zhoushan Huading's New Shipper Transaction*, dated August 28, 2003 (*Zhoushan Huading Memo*), which is on file in the Central Records Unit, room B-099 of the main Commerce Building. Interested parties are invited to comment on this preliminary rescission determination.

EFFECTIVE DATE: September 5, 2003.

FOR FURTHER INFORMATION CONTACT:

Douglas Kirby or Thomas Gilgunn, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3782 or (202) 482-4236, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2002, the Department received a properly filed

request for a new shipper review, in accordance with section 751(a)(2)(B) of the Act and section 351.214(b),(c) of the Department's regulations, from Zhoushan Huading under the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China. On October 18, 2002, the Department sought clarification in regard to the identification of Zhoushan Huading's reported buyer for the shipment of crawfish tail meat under review, since the reported buyer identified on Zhoushan Huading's commercial invoice and bill of lading was different from the importer of record identified on the Customs entry summary submitted with the request. On October 23, 2002, Zhoushan Huading explained that its shipment of crawfish tail meat was sold initially to the reported buyer, and the reported buyer then took title of the shipment of crawfish tail meat from Zhoushan Huading and transferred ownership of the shipment of crawfish tail meat and the associated bill of lading to the importer of record.

The Department determined that the request met the requirements stipulated in section 351.214 of the regulations. On November 7, 2002, the Department published its initiation of this new shipper review for the period September 1, 2001, through August 31, 2002. See *Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of New Shipper Antidumping Administrative Reviews*, 67 FR 67822 (November 7, 2002).

On January 6, 2003, the Department received Zhoushan Huading's section A, C and D questionnaire responses. On March 6, 2003, the Department issued its first supplemental questionnaire to Zhoushan Huading. On March 31, 2003, Zhoushan Huading submitted its response to the first supplemental questionnaire. On April 2, 2003, the Department issued an importer questionnaire to the reported buyer. On May 19, 2003, the Department received a response to the importer questionnaire from the importer of record. On May 6, 2003, the Department issued its second supplemental questionnaire to Zhoushan Huading. On May 20, 2003, Zhoushan Huading submitted its response to the second supplemental questionnaire. On May 28, 2003, the Department issued supplemental questionnaires to both the reported buyer and the importer of record. On June 9, 2003, the reported buyer and the importer of record requested a one week extension to respond to the supplemental questionnaires. The Department extended the deadline to June 16, 2003. Neither the reported

buyer or the importer of record has yet submitted a response to the importer supplemental questionnaire. On July 23, 2003, the Department issued a third supplemental questionnaire to Zhoushan Huading. On August 6, 2003, Zhoushan Huading submitted its response to the third supplemental questionnaire.

On April 14, 2003, the Department extended the due date for the preliminary results of this new shipper review by 120 days until August 28, 2003. See *Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Extension of Time Limit of Preliminary Results of New Shipper Review*, 68 FR 18946 (April 14, 2003).

Scope of the Antidumping Duty Order

The product covered by this order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the new HTS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by the U.S. Customs Service in 2000, and HTS items 0306.19.00.10 and 0306.29.00, which are reserved for fish and crustaceans in general. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

Preliminary Intent to Rescind

Concurrent with this notice, we are issuing our memorandum detailing our analysis of the *bona fides* of Zhoushan Huading's U.S. sale and our preliminary decision to rescind based on the totality of the circumstances of the sale. Although much of the information relied upon by the Department to analyze the issues is business proprietary, the Department based its determination that the new shipper sale made by Zhoushan Huading was not *bona fide* on the following: 1) the price and quantity for Zhoushan Huading's sale of crawfish tail meat were atypical vis-a-vis other exports from the PRC of the subject merchandise into the United States during the period of review, 2)