

Freshwater Crawfish Tail Meat From the People's Republic of China: Rescission of Antidumping Duty New Shipper Review, 68 FR 37115 (June 28, 2003). With respect to Zhoushan Huading, a preliminary notice of intent to rescind is being issued concurrently with this final rescission notice on Qingdao JYX and Hubei Houhu. See *Freshwater Crawfish Tail Meat From the People's Republic of China: Preliminary Notice of Intent to Rescind New Shipper Administrative Review*, signed August 28, 2003.

Analysis of New Shipper Reviews

On August 15, 2003, the Department issued a memorandum detailing our analysis of the bona fides of Hubei Houhu's U.S. sale and our intent to rescind because we preliminarily determined that Hubei Houhu's U.S. sales were not bona fide based on the totality of the circumstances of the sale. See *Memorandum from Scott Lindsay through Barbara E. Tillman to Joseph A. Spetrini; Freshwater Crawfish Tail Meat from The People's Republic of China: Whether the Sale in the New Shipper Review of Hubei Houhu is Bona Fide*, dated August 15, 2003 ("Hubei Houhu Rescission Memo"). In the memorandum, the Department preliminarily determined that the new shipper sale made by Hubei Houhu was not bona fide because (1) the pricing of Hubei Houhu's single sale is artificially high, and otherwise not commercially reasonable; (2) the extremely small quantity of the sale is atypical of normal business practices, and otherwise commercially unreasonable; and (3) the importer cannot resell the subject merchandise for a profit, and has otherwise not acted in a commercially reasonable manner. *Id.* at 3.

On August 15, 2003, the Department issued a memorandum detailing our analysis of the bona fides of Qingdao JYX's U.S. sale and our intent to rescind because we concluded that Qingdao JYX's U.S. sale was not bona fide based on the totality of the circumstances of the sale. See *Memorandum from Barbara E. Tillman to Joseph A. Spetrini; Freshwater Crawfish Tail Meat from The People's Republic of China: Intent to Rescind the New Shipper Review of Qingdao Jin Yong Xiang*, dated August 15, 2003 ("Qingdao JYX Rescission Memo"). In the memorandum, the Department preliminarily determined that the new shipper sale made by Qingdao JYX was not bona fide because (1) the price and quantity of Qingdao JYX's sale is atypical of normal business practices, and otherwise commercially unreasonable; (2) an unusual sales process governed this sale, specifically

the importer's intent to give this tail meat away as samples rather than resell it for profit; and (3) the shipment was found by the Food and Drug Administration (FDA) to be poisonous, and was destroyed under instructions from the FDA. *Id.* at 3.

Our analysis of the sales under review, and our full reasoning for determining the sales are not bona fide, are presented in the *Hubei Houhu Rescission Memo*, the *Qingdao JYX Rescission Memo*, and the *Memorandum to Barbara E. Tillman: Freshwater Crawfish Tail Meat from The People's Republic of China: the Bona Fide Issue in the New Shipper Review of Qingdao Jin Yong Xiang Aquatic Foods Co., Ltd.* ("Rescission Comments Memo").

Comments

We gave the parties an opportunity to comment on both memoranda. No comments were submitted regarding our intent to rescind the new shipper review of Hubei Houhu. Qingdao JYX submitted comments on August 20, 2003. Petitioners submitted rebuttal comments on August 22, 2003. We have fully addressed the parties' comments in the *Rescission Comments Memo*.

Rescission of New Shipper Reviews

We received no comments on our intent to rescind the new shipper review of Hubei Houhu, therefore we are rescinding this new shipper review. We received comments on our intent to rescind the new shipper review of Qingdao JYX. However, our analysis of the comments has not led us to change our decision to rescind the review. See *Rescission Comments Memo*. Therefore, we are also rescinding the new shipper review with respect to Qingdao JYX.

Notification

The Department will notify the U.S. Bureau of Customs and Border Protection (Customs) that bonding is no longer permitted to fulfill security requirements for shipments for Hubei Houhu's or Qingdao JYX's freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**, and that a cash deposit of 223.01 percent ad valorem should be collected for any entries exported by Hubei Houhu or Qingdao JYX. The Department will also instruct Customs to assess antidumping duties on the entries subject to this new shipper review at the antidumping duty rate in effect on the date of entry.

We are issuing and publishing this determination and notice in accordance

with sections 751(a)(2)(B) and 777(i) of the Act.

Dated: August 28, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-846]

[C-122-848]

Final Affirmative Countervailing Duty Determinations: Certain Durum Wheat and Hard Red Spring Wheat from Canada

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

ACTION: Notice of Final Affirmative Countervailing Duty Determinations: Certain Durum Wheat and Hard Red Spring Wheat from Canada.

SUMMARY: The Department of Commerce has made final determinations that countervailable subsidies are being provided to certain producers and exporters of certain durum wheat and hard red spring wheat from Canada. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section, below.

EFFECTIVE DATE: September 5, 2003.

FOR FURTHER INFORMATION CONTACT:

Audrey Twyman, Stephen Cho, or Daniel Alexy, Office of Antidumping/Countervailing Duty Enforcement, Group 1, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3534, (202) 482-3798 and (202) 482-1540, respectively.

SUPPLEMENTARY INFORMATION:

Petitioners

The petitioners in these investigations are the North Dakota Wheat Commission (hard red spring wheat), United States Durum Growers Association (durum wheat), and the Durum Growers Trade Action Committee (durum wheat) (collectively, the "petitioners").

Period of Investigations

The period for which we are measuring subsidies is August 1, 2001 to July 31, 2002, which coincides with the fiscal year of the Canadian Wheat