

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: December 1, 2002.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-848]

Notice of Final Rescission of Antidumping Duty New Shipper Review: Freshwater Crawfish Tail Meat from the People's Republic of China

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

SUMMARY: On September 5, 2003, the Department published a preliminary intent to rescind the new shipper review of Zhoushan Huading Seafood Co., Ltd. (Zhoushan Huading) under the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (68 FR 52745). The review covers one sale of the subject merchandise entered into the United States during the period September 1, 2001 through August 31, 2002.

Based on our analysis of the record, including factual information obtained since the preliminary notice of intent to rescind, the Department has determined that Zhoushan Huading's new shipper sale is not *bona fide* and, as a result, we are rescinding this new shipper review. See "Rescission of New Shipper Review" section below.

EFFECTIVE DATE: December 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, N.W., Washington

D.C. 20230; telephone: (202) 482-3782 or (202) 482-4236, respectively.

SUPPLEMENTARY INFORMATION:

Background

We published the preliminary notice of intent to rescind this new shipper review on September 5, 2003. See *Freshwater Crawfish Tail Meat From the People's Republic of China: Preliminary Notice of Intent to Rescind New Shipper Administrative Review*, 68 FR 52745 (Preliminary Notice). In the *Preliminary Notice*, the Department found that the sale made by Zhoushan Huading in this new shipper review was not *bona fide* based 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) there were conflicting accounts as to who purchased the crawfish tail meat and who paid Zhoushan Huading for the shipment; 3) there remained uncertainty in regard to the commercial reasonableness of the sale; 4) there were inconsistencies in the terms of sale; and, 5) the Department was unable to establish that the importing parties were actual commercial entities. See also *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*). A public version of this memorandum is on file in the Central Records Unit, room B-099 of the main Commerce Building.

On September 2, 2003, the Department issued a fourth supplemental questionnaire to Zhoushan Huading, and on September 3, 2003, issued supplemental questionnaires to both the reported buyer and the importer of record in order to clarify the terms of sale and payment documentation for the new shipper sale under review. On September 12, 2003, Zhoushan Huading, the reported buyer, and the importer of record submitted their responses to the Department's supplemental questionnaires. Their responses are discussed in the "Analysis of the *Bona Fides* of the New Shipper Sale" section below.

Comments

On October 6, 2003, petitioners¹ submitted comments. On October 14,

¹ The Crawfish Processors Alliance, its members (together with the Louisiana Department of Agriculture and Forestry and Bob Odom,

2003, Zhoushan Huading submitted rebuttal comments. The parties raised only one issue in their briefs: "Whether The New Shipper Review of Zhoushan Huading Should Be Rescinded for Lack of a *Bona Fide* Sale." All arguments raised in the case and rebuttal briefs filed by parties to this new shipper review are addressed in the *Issues and Decision Memorandum for the Final Rescission of the New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China for Zhoushan Huading Seafood Co., Ltd.*, dated November 25, 2003 (*Decision Memo*), which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the *Decision Memo* can be accessed directly on the internet at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Decision Memo* are identical in content.

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 U.S. Customs and Border Protection (CBP) 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 CBP purposes only. The written description of the scope of this order is dispositive.

Analysis of the *Bona Fides* of the New Shipper Sale

The Department has not acquired nor received any additional information that would alter our preliminary determination that the extremely high price and the unusually low quantity of

Commissioner), and several individual crawfish producers, collectively called the Domestic Parties.