

there are conflicting accounts as to who purchased the crawfish tail meat and who paid Zhoushan Huading for the shipment, 3) there remains uncertainty in regard to the commercial reasonableness of the sale, 4) there are inconsistencies in the terms of sale, and 5) the Department has been unable to establish that the importing parties are actual commercial entities.

#### Schedule for Final Results of Review

Any interested party may request a hearing within 30 days of publication of this notice in accordance with section 351.310(c) of the Department's regulations. Any hearing would normally be held 37 days after the publication of this notice, or the first workday thereafter, at the U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Requests for a public hearing should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing.

Unless otherwise notified by the Department, interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 351.309(c)(ii) of the Department's regulations. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the case brief is filed. If a hearing is held, an interested party must limit its presentation only to arguments raised in its briefs. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

The Department will issue the final results of this new shipper review, which will include the results of its analysis of issues raised in the briefs, within 90 days from the date of the preliminary results, unless the time limit is extended.

#### Notification

At the completion of this new shipper review, either with a final rescission or a notice of final results, the Department

will notify the U.S. Bureau of Customs and Border Protection ("BCBP") that bonding is no longer permitted to fulfill security requirements for shipments by the exporter/producer combination Zhoushan Huading of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of the final rescission or results notice in the **Federal Register**. After the publication of the final rescission notice, a cash deposit of 223.01 percent *ad valorem* shall be collected for any entries exported/produced by Zhoushan Huading. Should the Department reach a final result other than a rescission, an appropriate antidumping duty rate will be calculated for both assessment and cash deposit purposes.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

This new shipper review and this notice are published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: August 28, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-848]

#### Freshwater Crawfish Tail Meat From the People's Republic of China: Rescission of Antidumping Duty New Shipper Reviews

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

**SUMMARY:** On November 7, 2002 the Department published the initiation of new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China covering the period September 1, 2001, through August 31, 2002. *See Freshwater Crawfish Tail Meat From the*

*People's Republic of China: Initiation of Antidumping New Shipper Reviews* (67 FR 67822) ("*New Shipper Initiation*"). These new shipper reviews covered four exporters: Zhoushan Huading Seafood Co., Ltd. (Zhoushan Huading); Hubei Qianjiang Houhu Frozen & Processing Factory (Hubei Houhu); Qingdao Jin Yong Xiang Aquatic Foods Co., Ltd. (Qingdao JYX); and Siyang Foreign Trading Corporation (Siyang). For the reasons discussed below, we are rescinding the new shipper reviews of Hubei Houhu and Qingdao JYX.

**EFFECTIVE DATE:** September 5, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Scott Lindsay or Thomas Gilgann at (202) 482-0780 and (202) 482-4236, respectively; AD/CVD Enforcement, Office 7, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

#### Background

On November 7, 2002, the Department published the initiation of antidumping new shipper reviews of Qingdao JYX, Hubei Houhu, Zhoushan Huading, and Siyang, covering the period September 1, 2001, through August 31, 2002. *See New Shipper Initiation*. On April 14, 2003, the Department extended the time limit for the preliminary results of these new shipper reviews. *See Notice of Extension of Time Limit of Preliminary Results of New Shipper Reviews: Freshwater Crawfish Tail Meat From the People's Republic of China*, 68 FR 18946 (April 14, 2003).

On January 6, 2003, the Department received Hubei Houhu's questionnaire responses regarding its corporate structure, sales information, and factors of production. A supplemental questionnaire was issued by the Department requesting additional sales information; Hubei Houhu responded on March 31, 2003. The Department also issued a questionnaire to Hubei Houhu's importer. Hubei Houhu's importer submitted their response on March 14, 2003.

On January 7, 2003, the Department received Qingdao JYX's questionnaire responses regarding its corporate structure, sales information, and factors of production. Three supplemental questionnaires and one importer questionnaire were issued by the Department requesting additional sales information; Qingdao JYX responded to these on March 31, 2003, June 12, 2003, July 2, 2003, and July 28, 2003.

On June 23, 2003 the Department rescinded the review on Siyang. *See*

*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