

15 days of publication of these final results of review.

### Cash Deposit Requirements

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of certain cut-to-length plate from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) for the company covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in the investigation, the cash deposit rate will continue to be the company-specific rate from the final determination; (3) if the exporter is not a firm covered in this review or the investigation, but the producer is, the cash deposit rate will be that established for the producer of the merchandise for the most recent period; and (4) if neither the exporter nor the producer is a firm covered in this review or the investigation, the cash deposit rate will be 75.04 percent, the "Romania-wide" rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402 (f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

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

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 3, 2006.

**David M. Spooner,**

Assistant Secretary for Import Administration.

[FR Doc. E6-1880 Filed 2-9-06; 8:45 am]

**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: Notice of Court Decision Not In Harmony with Final Results of Administrative Review

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

**SUMMARY:** On December 29, 2005, the United States Court of International Trade ("Court") sustained the final remand determination made by the Department of Commerce ("the Department") pursuant to the Court's remand of the final results of the administrative review of freshwater crawfish tail meat from the People's Republic of China. *See Crawfish Processors Alliance v. United States*, Consol. Ct. No. 02-00376, Slip Op. 05-166 (Ct. Int'l Trade December 29, 2005) ("CPA Remand III"). This case arises out of the Department's *Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review* 67 FR 19546 (April 22, 2002) ("Final Results"). The final judgment in this case was not in harmony with the Department's April 2002 *Final Results*.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Scot Fullerton or Christopher D. Riker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482-1386 or (202) 482-3441, respectively.

**SUPPLEMENTARY INFORMATION:** In *Crawfish Processors Alliance v. United States*, 395 F. Supp. 2d 1330 (CIT 2005), the Court remanded the Department's determination in the final results to collapse Jiangsu Hilong International Trade Co., Ltd. ("Jiangsu") and Ningbo Nanlian Frozen Foods Company, Ltd. ("Nanlian") with instructions to either: (1) (a) Explain with specificity how the interactions between Jiangsu and Ningbo indicate that one company has control over the other or both, especially how the invoices from Jiangsu to Hontex

Enterprises, Inc., d/b/a Louisiana Packing Company created a business relationship with Nanlian during the September 1, 1999, to August 31, 2000, period of review ("99/00 POR"), and (b) explain with specificity how Mr. Wei's contacts with Jiangsu and Nanlian demonstrate control of either company on behalf of the other or control over both; and (2) if the Department is unable to provide substantial evidence supporting its collapsing decision, then it is to treat Jiangsu and Nanlian as unaffiliated entities and assign separate company specific antidumping duty margins using verified information on the record.

On November 25, 2005, the Department issued the draft results of redetermination pursuant to remand ("draft results") for comment by interested parties. No party filed comments in response to the Department's draft results of redetermination pursuant to remand. On December 9, 2005, the Department issued its final results of redetermination pursuant to remand to the Court. The remand redetermination explained that without the presumption of affiliation between Jiangsu and Nanlian from the prior administrative reviews, the invoices and Mr. Wei's contacts between the two companies were insufficient to sustain the determination to collapse the two companies. Therefore, the Department stated that it would treat Jiangsu and Nanlian as unaffiliated entities. Accordingly, Nanlian's antidumping duty margin for the 99/00 POR is 62.51 percent. The Department did not initiate a review of Jiangsu during the period of review. Thus, the Department did not determine an antidumping duty margin for Jiangsu for the 99/00 POR.

On December 29, 2005, the Court found that the Department complied with the Court's remand order and sustained the Department's remand redetermination. *See CPA Remand III.*

### Timken Notice

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) ("Timken"), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The Court's decision in *CPA Remand III* on December 29, 2005, constitutes a final decision of that court that is not in harmony with the Department's final

results in the 99/00 administrative review of freshwater crawfish tail meat. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, upon a final and conclusive court decision.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: February 3, 2006.

**David Spooner,**  
Assistant Secretary for Import Administration.

[FR Doc. E6-1890 Filed 2-9-06; 8:45 am]

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: Notice of Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On October 7, 2005, the Department of Commerce ("the Department") published the preliminary results of its administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China ("PRC"). See *Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 58672 ("Preliminary Results"). Based on our analysis of the record, including factual information obtained since the preliminary results, we have made changes to the margin calculation for Yancheng Hi-King. Therefore, the final results differ from the preliminary results. See Final Results of Review section, below.

**EFFECTIVE DATE:** February 10, 2006.

**FOR FURTHER INFORMATION CONTACT:** Scot Fullerton or Erin Begnal, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1386 or (202) 482-1442, respectively.

#### SUPPLEMENTARY INFORMATION:

## Background

On October 7, 2005, the Department published the preliminary results of its administrative review of the antidumping duty order on freshwater crawfish tail meat from the PRC. See *Preliminary Results*. The administrative review covers four exporters or producer/exporters: (1) Yancheng Hi-King Agriculture Developing Co., Ltd. ("Yancheng Hi-King"); (2) Yancheng Yaou Seafood Co., Ltd. ("Yancheng Yaou"); (3) China Kingdom International ("China Kingdom"); and (4) Weishan Zhenyu Foodstuff Co., Ltd. ("Weishan Zhenyu"), and exports of the subject merchandise to the United States during the period September 1, 2003, through August 31, 2004.

We invited parties to comment on our *Preliminary Results*, and received a case brief from the Crawfish Processors Alliance ("petitioners"), the Louisiana Department of Agriculture and Forestry, and Bob Odom, Commissioner of Agriculture (collectively, "Domestic Parties"), on November 7, 2005. We also received a rebuttal case brief from Yancheng Hi-King on November 14, 2005. On December 7, 2005, we held a public hearing in this review.

## Scope of Order

The product covered by this antidumping duty 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 (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by U.S. Customs

<sup>1</sup> The Department determined that Yancheng Yaou and Qingdao Zhengri Seafood Co., Ltd. ("Qingdao Zhengri") should be treated as a single entity in the 99/00 administrative review. See *Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546, (April 22, 2002). As the Department was not presented with information sufficient to demonstrate that the companies should no longer be treated as a single entity, consistent with the Department's practice, the Department continued to treat Yancheng Yaou and Qingdao Zhengri as a single entity in subsequent reviews, including the instant review.

and Border Protection ("CBP") in 2000, and HTSUS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of this order is dispositive.

## Separate Rates

Yancheng Hi-King, Yancheng Yaou, China Kingdom and Weishan Zhenyu have requested separate, company-specific antidumping duty rates. In our preliminary results, we found that Yancheng Hi-King, China Kingdom, and Weishan Zhenyu had met the criteria for the application of a separate antidumping duty rate. See *Preliminary Results*. Also in the *Preliminary Results*, as Yancheng Yaou withdrew from verification, and filed a letter stating that it would no longer participate in the current administrative review, the Department determined that Yancheng Yaou had not established its eligibility for a separate rate. *Id.* We have not received any information since the *Preliminary Results* with respect to Yancheng Hi-King, Yancheng Yaou, China Kingdom and Weishan Zhenyu which would warrant reconsideration of our separate-rates determinations with respect to these companies.

## Analysis of Comments Received

All issues raised in the briefs are addressed in the "Issues and Decision Memorandum for the Final Results in the 2003/2004 Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David Spooner, Assistant Secretary for Import Administration," dated

February 6, 2006 ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues raised, all of which are in the *Issues and Decision Memorandum*, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum on file in the Central Records Unit ("CRU"), room B-099 of the Herbert H. Hoover Building. In addition, a complete version of the *Issues and Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

## Changes Since the Preliminary Results

Based on the comments received from the interested parties, we have made