

by-entry assessments, we will calculate wherever possible an exporter/importer-specific assessment rate for each class or kind of AFBs.

We will direct the Customs Service to collect cash deposits of estimated antidumping duties on all appropriate entries in accordance with the procedures discussed in the final results of the reviews (62 FR 2081, 2082) and as amended by this determination.

The amended deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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 the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.28.

Dated: March 14, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-7589 Filed 3-25-97; 8:45 am]

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#### [A-570-848]

#### **Notice of Preliminary Determination of Sales at Less Than Fair Value: Freshwater Crawfish Tail Meat From the People's Republic of China**

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

**EFFECTIVE DATE:** March 26, 1997.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Trainor, Elisabeth Urfer or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-0666, (202) 482-4052, or (202) 482-4733, respectively.

#### **The Applicable Statute**

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Rounds Agreements Act (URAA).

#### **Preliminary Determination**

We determine preliminarily that freshwater crawfish tail meat (crawfish tail meat) from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Act. The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

#### **Case History**

Since the initiation of this investigation (61 FR 54154, October 17, 1996), the following events have occurred:

On October 23, 1996, the Department of Commerce (the Department) sent a letter to the PRC's Ministry of Foreign Trade and Economic Cooperation (MOFTEC) requesting the identification of producers and exporters, and information regarding the production and sales of crawfish tail meat exported to the United States. On November 15, 1996, the Department sent a separate letter to the China Chamber of Commerce for Import & Export of Foodstuffs, Native Produce & Animal By-Products (the China Chamber of Commerce) requesting information regarding exports of the subject merchandise to the United States. We received no response to our inquiries from either MOFTEC or the China Chamber of Commerce, except for the March 10, 1997 letter noted below.

On November 4, 1996, the United States International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case (see ITC Investigation No. 731-TA-752). The ITC found that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from the PRC of crawfish tail meat.

The Department issued an antidumping questionnaire to MOFTEC on November 8, 1996, with instructions to forward the document to all exporters of crawfish tail meat, and to inform these companies that they must respond by the due dates. We also sent courtesy

copies of the antidumping questionnaire to all identified companies for which we had addresses.

The questionnaire is divided into four sections. Section A requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C request home market sales listings and U.S. sales listings, respectively. (Section B does not normally apply in antidumping proceedings involving the PRC.) Section D requests information on the factors of production of the subject merchandise.

On December 13, 1996 and December 19, 1996, fifteen PRC exporters submitted their section A and section C responses. On December 23, 1996, 23 PRC producer/supplier factories submitted section D questionnaire responses.

On December 23, 1996, we requested that interested parties provide publicly available published information for valuing the factors of production and for surrogate country selection. We received comments from those interested parties on January 17, 1997, and rebuttal comments on January 27, 1997.

On January 10, 1997, we issued supplemental questionnaires to five respondents and we sent a deficiency letter to three companies that had not previously submitted section D responses. We received section D questionnaire responses from those companies on January 17, 1997. On January 23, 1997, we issued a supplemental questionnaire to a sixth respondent, Lianyungang Yupeng Aquatic Products Co., Ltd. (Lianyungang Yupeng). We issued a second supplemental questionnaire on January 31, 1997 to the five largest respondents, and we received their responses on February 7, 1997.

On January 24, 1997, after receiving complete questionnaire responses from fifteen PRC crawfish exporters, we determined that we would only be able to analyze the responses of the six largest PRC crawfish exporters to the United States due to limited resources. (See Respondent Selection section below.)

On February 14, 1997, we postponed the preliminary determination until not later than March 19, 1997 (62 FR 6948), because we determined this investigation to be extraordinarily complicated within the meaning of section 733(c)(1)(B)(i) of the Act.

On February 18, 1997, we granted an additional period of time for interested parties to submit factual information and arguments with respect to the

question of surrogate values. We received comments on February 24, 1997 and rebuttals on February 27, 1997.

On March 10, 1997, respondents submitted a letter from the China Chamber of Commerce to the Department, providing some limited information with respect to the Chinese crawfish industry.

#### Scope of the Investigation

The product covered by this investigation 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 investigation 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 0306.19.00.10 and 0306.29.00.00. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this investigation is dispositive.

#### Period of Investigation

The period of investigation (POI) is March 1, 1996 through August 31, 1996.

#### Non-Market-Economy Country Status

The Department has treated the PRC as a nonmarket-economy country (NME) in all past antidumping investigations and administrative reviews. See, e.g., Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) (Silicon Carbide); and Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from the People's Republic of China, 60 FR 22545 (May 8, 1995) (Furfuryl Alcohol). Neither respondents nor petitioner has challenged such treatment. Therefore, in accordance with section 771(18)(C) of the Act, we will continue to treat the PRC as an NME in this investigation.

#### Surrogate Country

When investigating imports from an NME, section 773(c)(1) of the Act directs the Department in most circumstances to base normal value (NV) on the NME producers' factors of production, valued in a surrogate market-economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4), the Department, in valuing the factors of

production, shall utilize, to the extent possible, the prices or costs of factors of production in one or more market-economy countries that are comparable in terms of economic development to the NME country and are significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the NV section below.

The Department has determined that India, Pakistan, Sri Lanka, Egypt and Indonesia are countries comparable to the PRC in terms of economic development. See Memorandum from David Mueller to Edward Yang, dated December 20, 1996.

Based upon the information on the record, we have found that none of these five countries are significant producers of the subject merchandise. However, the Department has determined that India is a significant producer of comparable merchandise, processed seafood. Since India's level of economic development is comparable to that of the PRC, we have calculated NV using Indian prices to value all of the PRC producers' factors of production except for the raw material input of whole, harvested crawfish. India does not have a crawfish industry, and we have determined that other forms of seafood processed in India are not sufficiently comparable to serve as surrogate values for the primary input. Therefore, we have considered other countries in which to value the crawfish input and have determined that Spain is a reasonable surrogate country. Although our research has revealed that Spain does not have a crawfish tail meat industry, we consider whole processed crawfish to be a comparable product within the meaning of section 773(c)(4)(B). Evidence on the record indicates that Spain is a significant producer of whole processed crawfish. We have therefore valued the crawfish input using 1996 Spanish import data, in conformance with our practice of obtaining and relying upon publicly available information wherever possible. For further discussion, see Concurrence Memorandum from the team to Joseph A. Spetrini: Preliminary Determination, Freshwater Crawfish Tail Meat from the People's Republic of China, dated March 18, 1997, on file in room B-099 of the Commerce Department (Concurrence Memorandum).

#### Respondent Selection

Because we do not have the administrative resources to analyze the responses of all participating exporters, we have determined that it is appropriate to limit our investigation to

the analysis of the six largest PRC crawfish tail meat exporters to the United States, in accordance with section 777A(c)(2) of the Act. We identified the largest exporters based on the data supplied by those PRC companies which submitted a full questionnaire response. (See Memorandum from the team to Joseph A. Spetrini, dated January 24, 1997 (Respondent Selection Memorandum).) The following PRC exporters submitted full questionnaire responses in a timely manner: China Everbright Trading Company (China Everbright), Binzhou Prefecture Foodstuffs Import and Export Corp. (Binzhou), Yancheng Fengbao Aquatic Food Co., Ltd. (Yancheng Fengbao), Yancheng Foreign Trade Corp. (Yancheng FTC), Huaiyin Foreign Trade Corp. (Huaiyin FTC), Jiangsu Cereals, Oils & Foodstuffs Import & Export Corp. (Jiangsu Cereals), Jiangsu Light Industrial Products Import & Export (Group) Yangzhou Co. (Jiangsu Light), Lianyungang Yupeng, Jiangsu Overseas Group Corp. (Jiangsu Overseas), Anhui Cereals, Oils and Foodstuffs Import & Export Corp. (Anhui Cereals), Qidong Baolu Aquatic Products Co., Ltd. (Qidong Baolu), Shandong Foodstuffs Import & Export Corp. (Shandong), Nantong Delu Aquatic Food Co., Ltd. (Nantong Delu), Huaiyin Ningtai Fisheries Co., Ltd. (Huaiyin Ningtai), and Yancheng Baolong Aquatic Foods Co., Ltd. (Yancheng Baolong). Four of these firms, Anhui Cereals, Qidong Baolu, Shandong, and Jiangsu Overseas, reported no shipments during the POI. The Department selected the following six companies to examine: (1) China Everbright; (2) Binzhou; (3) Huaiyin FTC; (4) Yancheng FTC; (5) Jiangsu Light; and (6) Lianyungang Yupeng.

#### Market-Oriented Industry (MOI) Status

Respondents in this investigation have claimed that their material inputs are acquired at market prices, and that, accordingly, the Department should find that the Chinese crawfish tail meat industry is a market-oriented industry (MOI). Thus, respondents claim, the Department should use respondents' actual PRC prices for valuing these inputs.

The Department's criteria for determining whether an MOI exists include, but are not limited to:

(1) For the subject merchandise, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-required production of the subject merchandise, whether for export or domestic consumption in the NME country, would be an almost insuperable barrier to finding an MOI;

(2) The industry producing the subject merchandise should be characterized by private or collective ownership. There may be state-owned enterprises in the industry, but substantial state ownership would weigh heavily against finding an MOI; and

(3) Market-determined prices must be paid for all significant inputs, whether material or non-material (e.g., labor and overhead), and for all but an insignificant portion of all the inputs accounting for the total value of the subject merchandise. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

Amendment to Final Determination of Sales at Less than Fair Value and Amendment to Antidumping Duty Order: Chrome-plated Lug Nuts from the People's Republic of China, 57 FR 15054 (April 24, 1992) (Lug Nuts Amended Final); Final Determination of Sales at Less than Fair Value: Sulfanilic Acid from the People's Republic of China, 57 FR 29705 (July 6, 1992); and Porcelain-on-Steel Cooking Ware from the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review, 62 FR 4250, 4251 (January 29, 1997).

We have determined that the criteria outlined above have not been met in this case because we do not have complete information on the crawfish tail meat industry. We received questionnaire responses from only 25 percent of the 61 exporters named in the petition. As described above, the Department sent MOFTEC and the China Chamber of Commerce several requests for information regarding the crawfish tail meat industry, including a request that MOFTEC identify all of the exporters of crawfish tail meat to the United States. We also informed MOFTEC of the possibility that a request for MOI treatment could be made. MOFTEC failed to provide a complete list of Chinese crawfish tail meat exporters, nor did it respond to the Department's other requests for information. Analysis of the Port Import/Export Reporting Services (PIERS) import data, published by the Journal of Commerce, provides further evidence of the lack of complete information regarding the PRC crawfish tail meat industry available on the record in this case. PIERS statistics indicate that during the POI, crawfish tail meat was imported from several exporters who did not respond to our questionnaire. See Memorandum from Tamara Underwood to the File, dated

March 19, 1997 (PIERS Data Memorandum). Without information for each Chinese exporter, we cannot determine that the criteria for establishing an MOI are met. Therefore, we preliminarily find that an MOI does not exist. We have calculated NV in accordance with section 773(c) of the statute. For further discussion regarding the MOI decision, see Concurrence Memorandum.

#### Separate Rates

All of the respondents have requested separate, company-specific rates. In their questionnaire responses, respondents state that they are independent legal entities. Of the eleven responding exporters in this investigation, seven have reported that they are collectively-owned enterprises, registered as "owned by the whole people," and four have reported that they are licensed as PRC-foreign joint ventures. As stated in Silicon Carbide and Furfuryl Alcohol, ownership of a company by all the people does not require the application of a single rate. Accordingly, each of these respondents is eligible for consideration for a separate rate.

To establish whether a firm is sufficiently independent from government control to be entitled to a separate rate, the Department analyzes each exporting entity under the test originally established in the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588 (May 6, 1991) (Sparklers), and amplified in Silicon Carbide. Under this test, the Department assigns separate rates in nonmarket-economy cases only if an exporter can affirmatively demonstrate the absence of both (1) *de jure* and (2) *de facto* governmental control over export activities. See Silicon Carbide and Furfuryl Alcohol.

#### 1. De Jure Control

The respondents have placed on the administrative record a number of documents to demonstrate absence of *de jure* control. Respondents submitted the Civil Law of the People's Republic of China, issued on April 12, 1988 (the Civil Law) and the "Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People," adopted April 13, 1988 (the Industrial Enterprises Law). The Department has previously determined that the Civil Law does not confer *de jure* independence on the branches of government-owned and controlled enterprises. See *Sigma Corp. v. United States*, 890 F. Supp. 1077, 1080 (CIT 1995). However, the Industrial

Enterprises Law has been analyzed by the Department in past cases and has been found to sufficiently establish an absence of *de jure* control of companies "owned by the whole people," such as those participating in this case. (See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Partial-Extension Steel Drawer Slides with Rollers from the People's Republic of China, 60 FR 29571, 29573 (June 5, 1995); Notice of Preliminary Determination of Sales at Less Than Fair Value: Honey from the People's Republic of China, 60 FR 14725, 14727 (March 20, 1995); and Furfuryl Alcohol. The Industrial Enterprises Law provides that enterprises owned by "the whole people" shall make their own management decisions, be responsible for their own profits and losses, choose their own suppliers, and purchase their own goods and materials. The Regulations of the People's Republic of China for Controlling the Registration of Enterprises as Legal Persons (Legal Persons Regulations), issued on July 13, 1988 by the State Administration for Industry and Commerce of the PRC, provide that, to qualify as legal persons, companies must have the "ability to bear civil liability independently" and the right to control and manage their business. These regulations also state that, as an independent legal entity, a company is responsible for its own profits and losses. See Notice of Final Determination of Sales at Less Than Fair Value: Manganese Metal from the People's Republic of China, 60 FR 56046 (November 6, 1995). Respondents have also submitted the "Foreign Trade Law of the People's Republic of China," enacted May 12, 1994 (the Foreign Trade Law), which allows producers to export without using trading companies, and further demonstrates the absence of *de jure* control. See, e.g., Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China, 61 FR 19026 (April 30, 1996) (Bicycles); and Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Melamine Institutional Dinnerware Products from the People's Republic of China, 61 FR 43337 (August 22, 1996) (Melamine). In past PRC investigations, the "Law of the People's Republic of China on Chinese Contractual Joint Ventures" (April 13, 1988) has also been placed on the record as evidence of absence of *de jure* control with respect to Chinese-foreign joint venture corporations. See Concurrence Memorandum; and Notice of Preliminary Determination of Sales at

Less Than Fair Value and Postponement of Final Determinations: Brake Drums and Brake Rotors from the People's Republic of China, 61 FR 53190, 53192 (October 10, 1996) (Brake Drums and Rotors). The articles of this law authorize joint venture companies to make their own operational and managerial decisions. Respondents state that crawfish tail meat does not appear on any government lists regarding export provisions or export licensing, and that no quotas are imposed on crawfish tail meat.

In sum, in prior cases, the Department has analyzed the Chinese laws and regulations on the record in this case, and found that they establish an absence of *de jure* control. We have no new information in these proceedings which would cause us to reconsider this determination.

## 2. De Facto Control

The Department typically considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses. See, e.g., Silicon Carbide and Furfuryl Alcohol.

Respondents have asserted the following: (1) They establish their own export prices; (2) they negotiate contracts, without guidance from any governmental entities or organizations; (3) they make their own personnel decisions; and (4) they retain the proceeds of their export sales, use profits according to their business needs, and have the authority to obtain loans. In addition, respondents' questionnaire responses indicate that company-specific pricing during the POI does not suggest coordination among exporters. There is no indication from the respondents' business licenses that the issuing authority imposes any type of restriction on respondents' businesses. Respondents state that no such restrictions exist. This information supports a preliminary finding that there is a *de facto* absence of governmental control of the export functions of these companies. (See the Concurrence Memorandum.)

Consequently, we preliminarily determine that these exporters have met the criteria for the application of separate rates. We will examine this matter further at verification.

## China-Wide Rate

We are applying a single antidumping deposit rate—the China-wide rate—to all exporters in the PRC other than those firms that were fully responsive to our requests for information, and which we determined should be assigned separate rates. This determination is based on our presumption that the export activities of the companies that failed to respond are controlled by the PRC government. See, e.g., *Bicycles*.

Because we did not receive a response from MOFTEC, we do not know the universe of PRC crawfish tail meat exporters. The petition named 61 PRC producers and/or exporters of crawfish tail meat and we received responses from fifteen exporters. Furthermore, we have evidence on the record confirming that there are at least some additional exporters (see PIERS Data Memorandum). Therefore, we conclude that not all exporters of crawfish tail meat responded to our questionnaire.

Further, absent a response, we must presume government control of these and all other PRC companies for which we cannot make a separate rate determination. As discussed above, all PRC exporters that have not qualified for a separate rate have been treated as a single enterprise subject to government control. Because that single enterprise failed to respond to the Department's requests for information, that single enterprise is considered to be uncooperative.

Section 776(a)(2) of the Act provides that:

If an interested party or any other person— (A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782; (C) significantly impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority \* \* \* shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.

Accordingly, the Department based the China-wide antidumping rate on facts available. In addition, section 776(b) of the Act provides that, if the Department finds that an interested party "has failed to cooperate by not acting to the best of its ability to comply with a request for information," the

Department may draw an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. Section 776(b) provides that such an adverse inference may be based on secondary information, including information drawn from the petition.

The non-responding exporters have failed to cooperate by not acting to the best of their ability to comply with the Department's request for information. Accordingly, consistent with section 776(b)(1) of the Act, we have drawn an adverse inference and applied, as total adverse facts available, the higher of the margin from the petition, as adjusted in accordance with the Memorandum from Elisabeth Urfer to Edward Yang, Corroboration of Petition, March 18, 1997) (Corroboration Memorandum), on file in Room B-099 of the Commerce Department, or the highest rate calculated for a respondent in the proceeding. In the present case, based on our comparison of the calculated margin for the other respondents in this proceeding to the estimated margins in the petition, we have concluded that the petition, as adjusted, is the most appropriate record information on which to form the basis for dumping calculations. The petition rate is 201.63 percent.

Section 776(c) of the Act provides that when the Department relies on "secondary information," the Department shall, to the extent practicable, corroborate that information with independent sources reasonably at the Department's disposal. The Statement of Administrative Action (SAA) accompanying the URAA clarifies that the petition is "secondary information." See SAA at 870. The SAA also clarifies that "corroborate" means to determine whether the information used has probative value. *Id.*

In accordance with this requirement, we corroborated the margins in the petition to the extent practicable. (See Corroboration Memorandum.) The petitioner based export prices on actual FOB and CIF price quotations from exporters of Chinese crawfish tail meat. We compared the starting prices used by petitioner to prices derived from U.S. import statistics, and found that the similarity to the import statistics corroborated the starting prices in the petition. See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe from South Africa, 61 FR 24271, 24273 (May 14, 1996); and Brake Drums and Rotors. Petitioner made deductions to the export price for foreign inland freight, using the average distance between cities where crawfish tail meat

is processed in the PRC and the ports from which the majority of Chinese crawfish tail meat is exported. We could not corroborate the freight rate used by petitioner with other information on the record; therefore, we adjusted the freight rate used in the petition. We made no other adjustments to export price. Petitioner based NV on surrogate factor values obtained from Spanish import data and publicly available information from India. We confirmed the accuracy of petitioner's NV data by comparing the values used in the petition with values obtained from publicly available information collected in these and previous NME investigations. We adjusted petitioner's NV calculation using current Spanish import statistics. See Corroboration Memorandum.

#### Rate for Respondents Not Selected

As stated above, several PRC companies which reported shipments during the POI submitted full questionnaire responses in a timely manner and claimed eligibility for separate rates, but were not selected for analysis in this investigation. It would be inappropriate to assign these fully cooperative respondents a rate based on facts available, that would also apply to PRC exporters of crawfish tail meat who failed to cooperate in this investigation. Therefore, we have assigned these cooperative respondents a weighted-average dumping margin based on the calculated margins which were not zero or *de minimis*, of the six selected respondents that fully cooperated. (See *Brake Drums and Rotors*.)

#### Fair Value Comparisons

To determine whether sales of crawfish tail meat from the PRC, exported to the United States by the responsive exporters with shipments during the POI, were made at less than fair value, we compared the United States Price (USP) to the NV, as specified in the "United States Price" and "Normal Value" sections of this notice.

#### United States Price

We based USP on export price (EP) in accordance with section 772(a) of the Act, because crawfish tail meat was sold directly to the first unaffiliated purchaser in the United States prior to importation and constructed export price was not warranted based on the facts on the record. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to the NV of the subject merchandise calculated using the respondents' factors of production.

We calculated EP based on packed prices to unaffiliated purchasers in the United States. We made deductions from the starting price, where appropriate, for the following: Foreign inland freight, marine insurance (which includes foreign inland insurance), and ocean freight. The foreign inland freight, marine insurance, ocean freight, and foreign inland insurance were valued using Indian rates because these services were provided by a nonmarket-economy supplier.

To value foreign inland freight, we used public information regarding truck rates from an April, 1994 article published in the periodical, *The Times of India*. To value ocean freight, we obtained publicly available price quotes from Sea Land Services for shipping frozen crawfish tail meat from the PRC to the West Coast and the Gulf Coast of the United States. See memorandum to the file from Tamara Underwood, "Ocean Freight Rates for the Antidumping Investigation of Crawfish Tail Meat from the People's Republic of China," dated March 12, 1997. Respondents stated in their supplemental questionnaire responses that they do not incur foreign brokerage and handling costs. Therefore, we have not included such costs in our calculation.

For marine insurance, we used public information reported in the Final Determination of Sales at Less Than Fair Value: Sulfur Dyes, Including Sulfur Vat Dyes from India, 58 FR 11835 (March 1, 1993) (Sulfur Dyes), and applied in both *Brake Drums and Rotors* and Preliminary Determination of Sales at Less Than Fair Value: Persulfates from the People's Republic of China 61 FR 53194 (December 27, 1996). See the Factors Valuation Memorandum from the team to Edward Yang, dated March 19, 1997 (Factors Memorandum).

Respondents have stated that their domestic inland freight cost includes insurance expenses; however, we do not have any evidence that our surrogate Indian freight rates include insurance. Since neither party submitted publicly available information regarding how to value foreign inland insurance, we have applied the same marine insurance rates obtained from the Sulfur Dyes investigation to value foreign inland insurance, as was done in the Final Determination of Sales at Less Than Fair Value: Coumarin from the People's Republic of China, 59 FR 66895 (December 2, 1994).

#### Normal Value

In accordance with section 773(c) of the Act, we calculated NV based on the factors of production reported by the

factories in the PRC which processed crawfish tail meat for the six exporters selected for investigation. With the exception of the crawfish input, we valued the factors of production using publicly available information from India. For the crawfish input, we used Spanish import statistics for crawfish imported from Portugal, as discussed in the "Surrogate Country" section of this notice.

#### Factor Valuations

The selection of the surrogate values was based on the quality and contemporaneity of the data. We used import prices to value many factors. As appropriate, we adjusted input prices by adding freight expenses to make them delivered prices. For those values not contemporaneous with the POI, we adjusted for inflation using wholesale price indices or, in the case of labor rates, consumer price indices, published in the International Monetary Fund's International Financial Statistics. For a complete analysis of surrogate values, see the Factors Memorandum.

To value whole crawfish, we used the average Spanish import price for fresh (not frozen) crawfish imported from Portugal between January and November 1996. Spanish import data show insignificant amounts of crawfish from other countries at aberrational prices and, therefore, it would not be appropriate to include this data in the calculation of the crawfish cost. This data is publicly available and is published by the Spanish Ministry of Customs in Madrid. This information is contemporaneous with the POI. See the Concurrence Memorandum and Factors Memorandum for further discussion.

To value the by-product of shells and body parts unfit for exportation (non-export quality crawfish), we used Indian import price data for the HTS category "shells of mollusks, crustaceans, and echinoderms," from the April through August 1995 issues of Monthly Statistics of the Foreign Trade of India (Monthly Statistics).

To value coal and electricity we used data reported as the average Indian domestic prices within the categories of "Steam Coal for Industry" and "Electricity for Industry," published in the International Energy Agency's publication, *Energy Prices and Taxes*, Second Quarter, 1996. We adjusted the cost of coal to include an amount for transportation. For water, we relied upon public information from the November 1993 Water Utilities Data Book: Asian and Pacific Region, published by the Asian Development Bank.

To value plastic bags, cardboard boxes, adhesive tape, paper, and labels, we relied upon Indian import data from the April through August 1995 issues of Monthly Statistics. We adjusted the values of packing materials to include the cost of transportation. Respondents did not provide distances between their suppliers of adhesive tape, paper and labels and their factories. Therefore, as facts available, we used the longest distance for either cardboard boxes or plastic bags.

To value labor, we used data from the United Nations' publication, Yearbook of Labor Statistics (YLS). Data from the YLS is not differentiated by skill level, or by whether the labor is direct or indirect. Thus, following the method established in Preliminary

Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from the People's Republic of China, 60 FR 52647 (October 10, 1995), we applied a single labor value to all reported labor factors, including indirect labor.

To value factory overhead, selling, general, and administrative expenses (SG&A), and profit, we calculated simple average rates using publicly available financial statements of five Indian seafood processing companies submitted in the petition, and applied these rates to the calculated cost of manufacture. See Concurrence Memorandum.

#### Verification

As provided in section 782(i) of the Act, we will verify the information used in making our final determination.

#### Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing the Customs Service to suspend liquidation of all entries of freshwater crawfish tail meat from the PRC that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service will require a cash deposit or posting of a bond equal to the estimated dumping margins by which the NV exceeds the USP, as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Manufacturer/Exporter	Weighted-average margin (percent)
China Everbright Trading Company .....	172.97
Binzhou Prefecture Foodstuffs Import and Export Corp .....	103.68
Huaiyin Foreign Trade Corp .....	85.50
Yancheng Foreign Trade Corp .....	87.16
Jiangsu Light Industrial Products Import & Export (Group) Yangzhou Co .....	102.54
Lianyungang Yupeng Aquatic Products Co., Ltd .....	110.50
Yancheng Fengbao Aquatic Food Co., Ltd. <sup>1</sup> .....	113.35
Jiangsu Cereals, Oils & Foodstuffs Import & Export Corp. <sup>1</sup> .....	113.35
Nantong Delu Aquatic Food Co., Ltd. <sup>1</sup> .....	113.35
Huaiyin Ningtai Fisheries Co., Ltd. <sup>1</sup> .....	113.35
Yancheng Baolong Aquatic Foods Co., Ltd. <sup>1</sup> .....	113.35
China-wide Rate <sup>2</sup> .....	201.63

<sup>1</sup> This rate is the weighted average margin of the top six exporters named above.

<sup>2</sup> The China-wide rate applies to all entries of the subject merchandise except for entries from exporters that are identified individually above.

#### ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

#### Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than May 12,

1997, and rebuttal briefs, no later than May 19, 1997. A list of authorities used and a summary of arguments made in the briefs should accompany these briefs. Such summary should be limited to five pages total, including footnotes. We will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. At this time, the hearing is scheduled for May 21, 1997, from 1:00–5:00 in Room 1414, at the U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for

Import Administration, U.S. Department of Commerce, Room 1870, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the case briefs. If this investigation proceeds normally, we will make our final determination by June 2, 1997.

This determination is published pursuant to section 733(f) of the Act.

Dated: March 19, 1997.

**Robert S. LaRussa,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-7590 Filed 3-25-97; 8:45 am]

BILLING CODE 3510-DS-P