

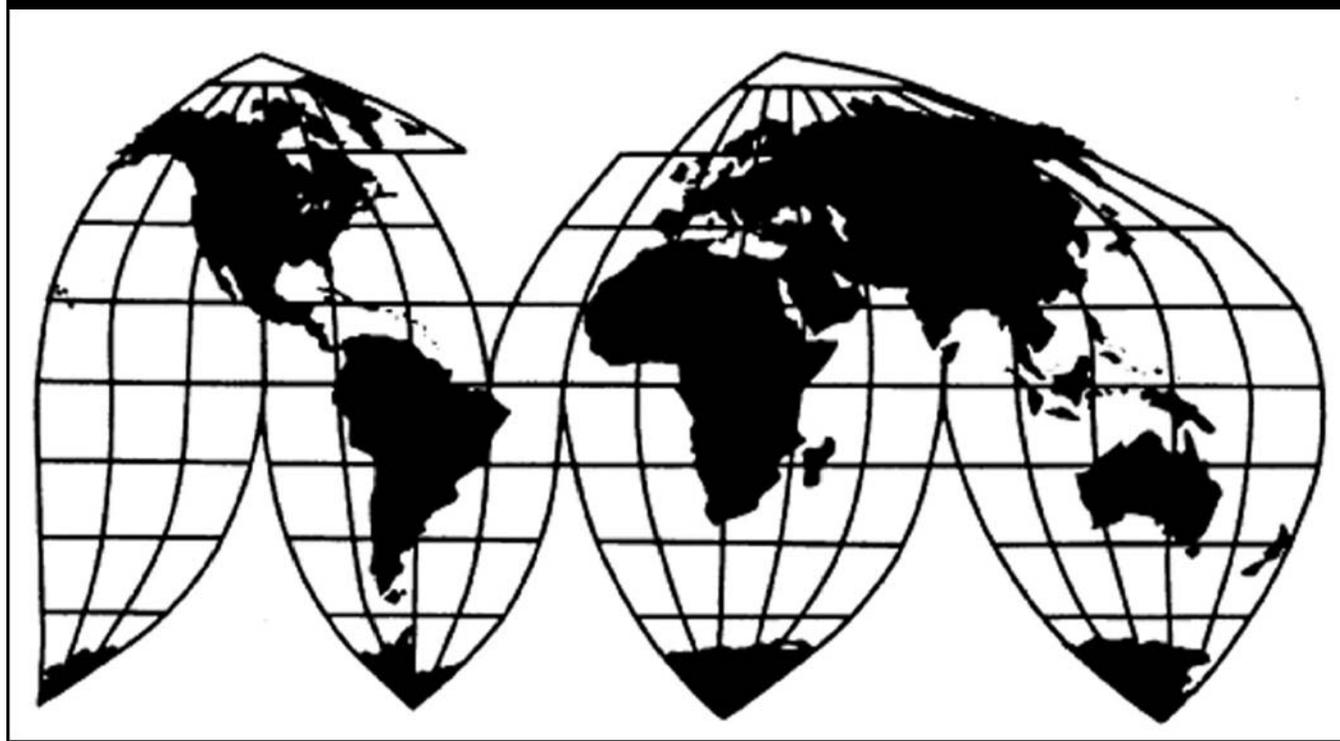
# **Crawfish Tail Meat from China**

Investigation No. 731-TA-752 (Second Review)

**Publication 4047**

**November 2008**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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Note.—Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted from this report. Such deletions are indicated by asterisks.



# UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-752 (Second Review)

## CRAWFISH TAIL MEAT FROM CHINA

### **DETERMINATION**

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### **BACKGROUND**

The Commission instituted this review on July 1, 2008 (73 F.R. 37489) and determined on October 6, 2008 that it would conduct an expedited review (73 F.R. 62318, October 20, 2008).

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<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).



## VIEWS OF THE COMMISSION

Based on the record in this five-year review, we determine under section 751(c) of the Tariff Act of 1930, as amended (the “Act”), that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### I. BACKGROUND

In September 1997, the Commission determined that an industry in the United States was materially injured by reason of imports of crawfish tail meat from China sold at less than fair value.<sup>1</sup> On September 15, 1997, Commerce published an antidumping duty order covering crawfish tail meat from China.<sup>2</sup>

In July 2003, in its first five-year review of the order, the Commission determined that revocation of the antidumping duty order covering crawfish tail meat from China would likely lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

On July 1, 2008, the Commission instituted this second five-year review pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”), to determine whether revocation of the antidumping duty order on crawfish tail meat from China would likely lead to the continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.<sup>4</sup> The Crawfish Processors Alliance (“CPA”), a trade association representing the vast majority of domestic crawfish tail meat producers, filed a response to the notice of institution,<sup>5</sup> but no respondent interested party filed a response.

On October 6, 2008, the Commission determined that the domestic interested party group response to its notice of institution was adequate, but that the respondent interested party group response was inadequate.<sup>6</sup> In the absence of an adequate respondent interested party group response, or other factors warranting a full review, the Commission determined to conduct an expedited review pursuant to section 751(c)(3) of the Act.<sup>7 8</sup> No respondent interested party has provided any information or argument to the Commission in this review. Accordingly, we rely on the facts available on the record, which consist primarily of information from the original investigation and first five-year review, as well as information collected in this five-year review, including that submitted by the CPA.<sup>9</sup>

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<sup>1</sup> Confidential Staff Report (“CR”) at I-4; Public Staff Report (“PR”) at I-4.

<sup>2</sup> CR at I-4; PR at I-4.

<sup>3</sup> CR at I-5; PR at I-4.

<sup>4</sup> CR at I-3; PR at I-3.

<sup>5</sup> See Letter from Adduci Mastriani & Schaumberg LLP to Secretary Marilyn Abbott on behalf of the Crawfish Processors Alliance (“CPA”) in response to the notice of institution, Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Second Review) (August 20, 2008) (“Domestic Interested Parties’ Response”). The CPA filed no written comments on what determination the Commission should reach in the review, which were due on November 5, 2008, but addressed the issue in its response to the notice of institution.

<sup>6</sup> See CR at I-3; PR at I-3; CR/PR at Appendix B.

<sup>7</sup> 19 U.S.C. § 1675(c)(3).

<sup>8</sup> See CR/PR at Appendix B.

<sup>9</sup> Section 751(c)(3)(B) of the Act indicates that the Commission in an expedited five-year review may issue a determination based on the facts available. See 19 U.S.C. § 1677e(a).

## II. DOMESTIC LIKE PRODUCT AND INDUSTRY

### A. Domestic Like Product

In making its determination under section 751(c), the Commission defines the “domestic like product” and the “industry.”<sup>10</sup> The Act defines the “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”<sup>11</sup> In five-year reviews, the Commission looks to the domestic like product definition from the original determination and any previous reviews and considers whether the record indicates any reason to revisit that definition.<sup>12</sup>

In this five-year review, Commerce has defined the scope of the antidumping duty order as follows:

The product covered by the 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 broiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof.<sup>13</sup>

Commerce’s scope definition in this five-year review is unchanged from the scope definition in the original investigation and first five-year review.

Crawfish tail meat is one of the three forms of crawfish meat sold for commercial consumption in the United States, the other two forms being live whole crawfish and whole boiled crawfish.<sup>14</sup> Most domestic crawfish tail meat is sold fresh with the fat on, whereas all subject imported crawfish tail meat from China is sold frozen with the fat washed off, due to the perishable nature of the product and the fact that the fat spoils faster than the meat.<sup>15</sup> Because crawfish tail meat fat imparts flavor, fresh domestic crawfish tail meat is generally preferred by customers in Louisiana, the largest market for crawfish tail meat, though non-traditional markets outside Louisiana may be indifferent to the issue.<sup>16</sup> Crawfish tail meat is used in prepared dishes, such as bisques and etouffees.<sup>17</sup>

The starting point of the Commission’s like product analysis in a five-year review is the Commission’s like product determination in the original determination.<sup>18</sup> In the original investigation, the

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<sup>10</sup> 19 U.S.C. § 1677(4)(A).

<sup>11</sup> 19 U.S.C. § 1677(10). See Nippon Steel Corp. v. United States, 19 CIT 450, 455 (1995); Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), aff’d, 938 F.2d 1278 (Fed. Cir. 1991). See also S. Rep. No. 249, 96<sup>th</sup> Cong., 1<sup>st</sup> Sess. 90-91 (1979).

<sup>12</sup> See Stainless Steel Sheet and Strip from France, Germany, Italy, Japan, Korea, Mexico, Taiwan, and the United Kingdom, Inv. Nos. 701-TA-380 to 382 and 731-TA-797 to 804 (Review), USITC Pub. 3788 at 6 (July 2005); Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); Steel Concrete Reinforcing Bar from Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

<sup>13</sup> CR at I-10; PR at I-9.

<sup>14</sup> CR at I-12; PR at I-10.

<sup>15</sup> CR at I-13; PR at I-11.

<sup>16</sup> CR at I-13; PR at I-11.

<sup>17</sup> CR at I-13; PR at I-11.

<sup>18</sup> In its domestic like product determination, the Commission generally considers a number of factors, including the following: (1) physical characteristics and uses; (2) interchangeability; (3) channels of distribution; (4) common  
(continued...)

Commission defined the domestic like product as crawfish tail meat, whether peeled or “shell on,” coextensive with Commerce’s scope.<sup>19</sup> The Commission adopted the same domestic like product definition in the first five-year review.<sup>20</sup>

In this second five-year review, the domestic interested parties agree with the Commission’s domestic like product definition from the original investigation and first five-year review.<sup>21</sup> No new facts have been presented to warrant a different conclusion. Accordingly, we find, based on the available information, that there is one domestic like product consisting of crawfish tail meat, coextensive with the scope of the order.

## **B. Domestic Industry and Related Parties**

Section 771(4)(A) of the Act defines the relevant domestic industry as the “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”<sup>22</sup> In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market, provided that adequate production-related activity is conducted in the United States.<sup>23</sup>

In its original investigation and first five-year review, the Commission defined the domestic industry to encompass all domestic producers of crawfish tail meat, including processors but not the farmers and fishermen who harvest live crawfish.<sup>24</sup> The domestic interested parties agree with this definition of the domestic industry,<sup>25</sup> and no new facts have been presented to warrant a different conclusion. Accordingly, consistent with our definition of the domestic like product, we define the domestic industry to include all domestic producers of crawfish tail meat.<sup>26</sup>

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<sup>18</sup> (...continued)

manufacturing facilities, production processes and production employees; (5) customer or producer perceptions; and, when appropriate, (6) price. See Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996). No single factor is dispositive, and the Commission may consider other factors it deems relevant based on the facts of a particular investigation. The Commission looks for clear dividing lines among possible like products, and disregards minor variations. See, e.g., S. Rep. No. 249, 96<sup>th</sup> Cong., 1<sup>st</sup> Sess. 90-91 (1979); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), aff’d, 938 F.2d 1278 (Fed. Cir. 1991).

<sup>19</sup> Confidential Views, Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Final) (“Original Determination”) at 8.

<sup>20</sup> Confidential Views, Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Review) (“Review Determination”) at 6.

<sup>21</sup> Domestic Interested Parties’ Response at 18.

<sup>22</sup> 19 U.S.C. § 1677(4)(A).

<sup>23</sup> See United States Steel Group v. United States, 873 F. Supp. 673, 682-83 (Ct. Int’l Trade 1994), aff’d, 96 F.3d 1352 (Fed. Cir. 1996).

<sup>24</sup> Original Determination at 10; Review Determination at 6.

<sup>25</sup> Domestic Interested Parties’ Response at 18.

<sup>26</sup> The related parties provision, 19 U.S.C. § 1677(4)(B), allows for the exclusion of certain domestic producers from the domestic industry for the purposes of an injury determination. In the original investigation, the Commission found that \*\*\* qualified as a related party, as both a domestic producer and importer of subject merchandise, but that circumstances did not warrant its exclusion from the domestic industry. Original Determination at 10-11. The Commission did not consider any related party issues in the first sunset review. The domestic interested parties reported no knowledge of any domestic producer that qualifies as a related party in this review, though they listed CPA members \*\*\* and \*\*\* as known importers of crawfish tail meat from China. CR at

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### III. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF THE ANTIDUMPING DUTY ORDER IS REVOKED

For the reasons stated below, we determine that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to the domestic industry producing crawfish tail meat within a reasonably foreseeable time.

#### A. Legal Standard In a Five-Year Review

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping duty order unless (1) it makes a determination that dumping is likely to continue or recur, and (2) the Commission makes a determination that revocation of the antidumping duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”<sup>27</sup> The Uruguay Round Agreements Act (“URAA”), Statement of Administrative Action (“SAA”), states that “under the likelihood standard, the Commission will engage in a counter-factual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”<sup>28</sup> Thus, the likelihood standard is prospective in nature.<sup>29</sup> The U.S. Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.<sup>30 31 32</sup>

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<sup>26</sup> (...continued)

I-18; PR at I-14; see also Domestic Interested Parties’ Response at 16.

<sup>27</sup> 19 U.S.C. § 1675a(a).

<sup>28</sup> The SAA, H.R. Rep. No. 103-316, vol. I, at 883-84 (1994). The SAA states that “[t]he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” SAA at 883.

<sup>29</sup> While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued [sic] prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

<sup>30</sup> See NMB Singapore Ltd. v. United States, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), aff’d without opinion, 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, Slip Op. 02-153 at 7-8 (Ct. Int’l Trade Dec. 24, 2002) (same); Usinor Industeel, S.A. v. United States, Slip Op. 02-152 at 4 n.3 & 5-6 n.6 (Ct. Int’l Trade Dec. 20, 2002) (“more likely than not” standard is “consistent with the court’s opinion”; “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); Indorama Chemicals (Thailand) Ltd. v. United States, Slip Op. 02-105 at 20 (Ct. Int’l Trade Sept. 4, 2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); Usinor v. United States, Slip Op. 02-70 at 43-44 (Ct. Int’l Trade July 19, 2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

<sup>31</sup> For a complete statement of Commissioner Okun’s interpretation of the likely standard, see Additional Views of Vice Chairman Deanna Tanner Okun Concerning the “Likely” Standard in Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Argentina, Brazil, Germany, and Italy, Inv. Nos. 701-TA-362 (Review) and 731-TA-707-710 (Review) (Remand), USITC Pub. 3754 (Feb. 2005).

<sup>32</sup> Commissioner Lane notes that, consistent with her views in Pressure Sensitive Plastic Tape from Italy, Inv. No. AA1921-167 (Second Review), USITC Pub. 3698 (June 2004) at 15-17, she does not concur with the U.S. Court of International Trade’s interpretation of “likely” but she will apply the Court’s standard in this review and all

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The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”<sup>33</sup> According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”<sup>34</sup>

Although the standard in a five-year review is not the same as the standard applied in an original antidumping duty investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”<sup>35</sup> It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if the orders are revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).<sup>36</sup>

No respondent interested party has participated in this review. The record, therefore, contains limited information with respect to the crawfish tail meat industry in China. Accordingly, we rely on the facts available on the record, which consist primarily of information from the original investigation and first five-year review, as well as information collected in this five-year review, including that submitted by the CPA.<sup>37 38</sup>

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<sup>32</sup> (...continued)

subsequent reviews until either Congress clarifies the meaning or the U.S. Court of Appeals for the Federal Circuit addresses the issue.

<sup>33</sup> 19 U.S.C. § 1675a(a)(5).

<sup>34</sup> SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

<sup>35</sup> 19 U.S.C. § 1675a(a)(1).

<sup>36</sup> 19 U.S.C. § 1675a(a)(1). Commerce did not make any duty absorption findings with respect to the order under review. *See Commerce’s Review Determination*, 73 Fed. Reg. 11,868. The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination. 19 U.S.C. § 1675a(a)(5). While the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

<sup>37</sup> 19 U.S.C. § 1677e(a) authorizes the Commission to “use the facts otherwise available” in reaching a determination when (1) necessary information is not available on the record or (2) an interested party or other person withholds information requested by the agency, fails to provide such information in the time, form, or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to section 782(i) of the Act. 19 U.S.C. § 1677e(a). The verification requirements in section 782(i) are applicable only to Commerce. 19 U.S.C. § 1677m(i). *See Titanium Metals Corp.*, 155 F. Supp. 2d at 765 (“[T]he ITC correctly responds that Congress has not required the Commission to conduct verification procedures for the evidence before it, or provided a minimum standard by which to measure the thoroughness of a Commission investigation.”).

<sup>38</sup> Commissioner Okun notes that the statute authorizes the Commission to take adverse inferences in five-year reviews, but such authorization does not relieve the Commission of its obligation to consider the record evidence as a whole in making its determination. 19 U.S.C. § 1677e. She generally gives credence to the facts supplied by the participating parties and certified by them as true, but bases her decision on the evidence as a whole, and does not automatically accept participating parties’ suggested interpretations of the record evidence. Regardless of the level of participation and the interpretations urged by participating parties, the Commission is obligated to consider all evidence relating to each of the statutory factors and may not draw adverse inferences that render such analysis

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## **B. Conditions of Competition and the Business Cycle**

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”<sup>39</sup>

In the original investigation, the Commission identified several conditions of competition relevant to its analysis. First, the Commission found that most fresh crawfish tail meat was sold during the season in which domestic crawfish are harvested, running from January to June of each year, while most frozen crawfish tail meat was sold during the off-season.<sup>40</sup>

Second, the Commission found that the short shelf life of crawfish tail meat, ten days or less, limited sales of fresh crawfish tail meat to the region in and around Louisiana.<sup>41</sup> Consequently, most domestic producer sales outside of the Louisiana region or during the off-season were comprised of frozen crawfish tail meat.<sup>42</sup>

Third, the Commission found two markets for crawfish tail meat: the local market in and around Louisiana, where purchasers prefer fresh domestic crawfish tail meat, and the national market, where purchasers prefer a steady supply of frozen crawfish tail meat.<sup>43</sup> Due to the local market’s preference for fresh crawfish tail meat, and the domestic industry’s capacity constraints, the Commission found that over 90 percent of domestic producer shipments were made to purchasers within Louisiana during the period of investigation.<sup>44</sup> Further, in its volume analysis, the Commission found that most subject import shipments were made to purchasers in Louisiana and the contiguous states.<sup>45</sup>

Finally, the Commission found that apparent U.S. consumption of crawfish tail meat increased a substantial 80 percent over the period of investigation, from 5.27 million pounds in 1994 to 9.52 million pounds in 1996.<sup>46</sup>

In the first five-year review, the Commission found several additional conditions of competition relevant to its analysis, as well as several conditions of competition similar to those found in the original investigation. First, the Commission found that apparent U.S. consumption of crawfish tail meat fluctuated between 1997 and 2002, the period examined in the review, but was 178.7 percent higher in 2002 (at 10.55 million pounds) than in 1997 (at 3.78 million pounds).<sup>47</sup>

Second, the Commission found that the domestic industry’s market share peaked in 1997 at 38.2 percent, and declined to a period low of 4.6 percent in 2000 and 2001 due to drought conditions in Louisiana that reduced the crawfish harvest.<sup>48</sup> It also noted that most crawfish tail meat was processed by

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<sup>38</sup> (...continued)

superfluous. “In general, the Commission makes determinations by weighing all of the available evidence regarding a multiplicity of factors relating to the domestic industry as a whole and by drawing reasonable inferences from the evidence it finds most persuasive.” SAA at 869.

<sup>39</sup> 19 U.S.C. § 1675a(a)(4).

<sup>40</sup> Original Determination at 11-12.

<sup>41</sup> Original Determination at 12.

<sup>42</sup> Original Determination at 12.

<sup>43</sup> Original Determination at 13.

<sup>44</sup> Original Determination at 13-14.

<sup>45</sup> Original Determination at 20.

<sup>46</sup> Original Determination at 14.

<sup>47</sup> Review Determination at 10.

<sup>48</sup> Review Determination at 10-11.

small, family-owned businesses, and that crawfish tail meat production consumed around 12 percent of the annual crawfish harvest during the period examined.<sup>49</sup>

Third, the Commission found that most of the balance of U.S. demand for crawfish tail meat was satisfied by subject imports from China, which held a market share ranging from 61.8 and 92.2 percent during the period examined.<sup>50</sup> Based on evidence supplied by Customs and domestic producers, it also noted that importers of crawfish tail meat from China were circumventing the antidumping duty order by creating “new shippers,” posting a \$50,000 bond that permitted them to begin importing subject merchandise during Commerce’s new shipper review, and then disappearing before dumping duties in excess of \$50,000 could be assessed.<sup>51</sup>

Fourth, the Commission found that the distribution and markets for crawfish tail meat were substantially the same as in the original investigation. Over half of domestic producers’ shipments were sold to food stores, with most of the balance divided between restaurants and distributors, whereas \*\*\* percent to \*\*\* percent of subject imports were sold to distributors.<sup>52</sup> Domestic producers again made over 90 percent of their shipments to purchasers within Louisiana.<sup>53</sup> As before, most fresh crawfish tail meat sales were made within Louisiana in-season, while frozen crawfish tail meat dominated sales outside of Louisiana and out-of-season.<sup>54</sup>

Finally, the Commission found that most market participants agreed that domestic crawfish tail meat and subject imports were direct competitors in the U.S. market, notwithstanding some differences in quality, price, and availability.<sup>55</sup> With respect to such differences, it noted that almost all domestic crawfish tail meat was fresh, while almost all subject imported crawfish tail meat was frozen.<sup>56</sup> It also noted that pricing differences were important, though most purchasers ranked “quality/consistency” as the most important factor in their purchasing decisions.<sup>57</sup>

We have no new information to suggest that the general conditions of competition in this five-year review differ from those found in the original investigation and the first five-year review. In particular, we note the absence of any new information that would cause us to reconsider our findings that subject imports are sold into the same markets (primarily the market in and around Louisiana) and through the same channels of distribution, as the domestic like product, and that domestic and Chinese crawfish tail meat are, in the eyes of most purchasers, fungible commodities that compete largely on the basis of price.<sup>58</sup> China remained the principal source of imported crawfish tail meat during the period examined in this review, although small quantities of crawfish tail meat were imported from Spain and Trinidad & Tobago as well.<sup>59</sup>

The domestic interested parties claim that the fundamental characteristics of supply and demand and the business cycle for crawfish tail meat in the United States have not changed significantly since

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<sup>49</sup> Review Determination at 11.

<sup>50</sup> Review Determination at 10.

<sup>51</sup> Review Determination at 12.

<sup>52</sup> Review Determination at 12-13, n.61.

<sup>53</sup> Review Determination at 13.

<sup>54</sup> Review Determination at 14.

<sup>55</sup> Review Determination at 14-15.

<sup>56</sup> Review Determination at 15.

<sup>57</sup> Review Determination at 15.

<sup>58</sup> See CR at I-14-15; PR at I-12.

<sup>59</sup> CR/PR at Table I-4.

imposition of the order.<sup>60</sup> The only new condition of competition identified by the domestic interested parties was a temporary disruption to domestic crawfish producers caused by drought conditions in the summer of 2005, and hurricanes Katrina, on August 29, 2005, and Rita, on September 24, 2005, which struck southern Louisiana.<sup>61</sup> Though missing the principal crawfish harvesting area, both hurricanes reportedly reduced the crawfish harvest in 2006 by increasing the salinity of the water and introducing additional marine predators, and wreaked economic havoc in New Orleans and other traditional crawfish tail meat markets, resulting in a significant loss of demand.<sup>62</sup> Consistent with these developments, apparent U.S. consumption of crawfish tail meat declined significantly in 2005 before recovering in 2006 to 2004 levels, while domestic industry production and shipments of crawfish tail meat declined significantly in 2006 before recovering in 2007 to near-2005 levels.<sup>63 64</sup>

The domestic interested parties also claim that in the years since the first five-year review determination, Customs has failed to collect roughly 90 percent of the duties owed on the subject imports.<sup>65</sup> According to the U.S. Government Accountability Office, Customs failed to collect \$354 million in antidumping duties owed on subject imported crawfish tail meat between 2001 and 2007.<sup>66</sup>

### C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the antidumping duty order is revoked, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.<sup>67</sup> In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country,

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<sup>60</sup> CR at I-18; PR at I-14; Domestic Interested Parties’ Response at 18.

<sup>61</sup> CR at I-18; PR at I-14; Domestic Interested Parties’ Response at 18.

<sup>62</sup> CR at I-18; PR at I-14; Domestic Interested Parties’ Response at 18.

<sup>63</sup> Specifically, apparent U.S. consumption of crawfish tail meat declined from \*\*\* pounds in 2004 to \*\*\* pounds in 2005, or \*\*\* percent, before recovering to \*\*\* million pounds in 2006 and \*\*\* million pounds in 2007. CR/PR at Table I-5. Domestic production of crawfish tail meat declined from \*\*\* pounds in 2005 to \*\*\* pounds in 2006, or by \*\*\* percent, before recovering to \*\*\* pounds in 2007. *Id.* at Table I-3. Domestic shipments of crawfish tail meat declined from \*\*\* pounds in 2005 to \*\*\* pounds in 2006, or by \*\*\* percent, before recovering to \*\*\* pounds in 2007. *Id.*

<sup>64</sup> Vice Chairman Pearson notes that there has been a change in the methodology of harvesting live whole crawfish since the period examined in the first review and that this represents a changed condition of competition for the domestic crawfish tail meat processors. The harvesting of domestic crawfish has become increasingly a farming – as opposed to a fishing – activity. Whereas in the first review, over the period 1997 to 2002, the ratio in quantity terms of wild-harvested crawfish to the total harvest ranged between 12 percent and 46 percent, in this second review, over the period 2003 to 2007, that ratio declined to between 1 percent and 15 percent. *Compare* CR at I-12 n.27; PR at I-10 n. 27 *with* Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 (July 2003), at I-8 n.16. While during the first review it was noted that crawfish in China were “primarily sourced from wild harvests,” Crawfish Tail Meat from China, USITC Pub. 3614 at IV-6, the record on this second review contains no new information on the prevalence of different harvesting methods used by the Chinese industry.

<sup>65</sup> Domestic Interested Parties’ Response at 7-8.

<sup>66</sup> CR at I-9; PR at I-8.

<sup>67</sup> 19 U.S.C. § 1675a(a)(2).

which can be used to produce the subject merchandise, are currently being used to produce other products.<sup>68</sup>

In the original investigation, the Commission found that subject import volume more than tripled from 3.39 million pounds (valued at \$9.03 million) in 1994 to nearly 11 million pounds (valued at \$35.84 million) in 1995, before declining to 7.77 million pounds (valued at \$19.31 million) in 1996.<sup>69</sup> It found that subject import market share also increased significantly, from 57.6 percent in 1994 to 78.9 percent in 1995 and to 86.8 percent in 1996, in terms of quantity, and from 46.2 percent in 1994 to 69.9 percent in 1995 and to 76.1 percent in 1996, in terms of value.<sup>70</sup> Though acknowledging that a portion of rising subject import volume served demand for frozen crawfish tail meat in non-traditional markets outside Louisiana, the Commission found that most subject import shipments were made to purchasers in the Louisiana region.<sup>71</sup> Moreover, the increase in subject import volume and market share coincided with a decline in domestic industry sales volume and market share, as subject import volume increased faster than apparent U.S. consumption during the period examined.<sup>72</sup> Consequently, the Commission found the volume of subject imports and the increase in that volume over the period of investigation to be significant.<sup>73</sup>

In the first five-year review, the Commission found that subject import volume increased 279.3 percent between 1997 and 2002 to 8.88 million pounds, well in excess of the 178.7-percent increase in apparent U.S. consumption over the period, despite the antidumping duty order's imposition.<sup>74</sup> It noted that Chinese producers representing a small portion of the overall Chinese industry reported a capacity utilization rate of only \*\*\* percent, unused capacity of \*\*\* million pounds, and a high degree of export-orientation towards the United States, which accounted for \*\*\* percent of Chinese producer shipments in 2002.<sup>75</sup> In addition, Chinese producers reported that they would increase their exports of crawfish tail meat to the United States were the order to be revoked.<sup>76</sup> Based on these findings, the Commission found that the volume of subject imports would likely be significant absent the antidumping duty order.<sup>77</sup>

In this second five-year review, we find that subject import volume would likely be significant, and would likely increase significantly, were the order to be revoked. With the exception of 2005, subject import volume and market share were higher during the period of this review (2003-2007) than during the original period of investigation (1994-1996).<sup>78</sup> Based on official statistics, subject imports declined steadily from 15.4 million pounds (with a landed value of \$51.1 million) in 2003 to 8.1 million pounds (with a landed value of \$16.0 million) in 2005, but then increased steadily to 14.3 million pounds in 2007 (with a landed value of \$43.4 million).<sup>79</sup> Subject import volume as a share of apparent U.S. consumption declined steadily from \*\*\* percent in 2003 to \*\*\* percent in 2005, increased to \*\*\* percent in 2006, and

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<sup>68</sup> 19 U.S.C. § 1675a(a)(2)(A)-(D).

<sup>69</sup> Original Determination at 19.

<sup>70</sup> Original Determination at 19.

<sup>71</sup> Original Determination at 20.

<sup>72</sup> Original Determination at 20. The Commission attributed the slight decline in subject import volume in 1996 to the pendency of the investigation and the large inventories of frozen subject imported crawfish tail meat left over from 1995. *Id.* at 21.

<sup>73</sup> Original Determination at 22.

<sup>74</sup> Review Determination at 16-17.

<sup>75</sup> Review Determination at 17-18.

<sup>76</sup> Review Determination at 18.

<sup>77</sup> Review Determination at 18.

<sup>78</sup> CR/PR at Table I-5.

<sup>79</sup> CR/PR at Table I-4.

then declined \*\*\* to \*\*\* percent in 2007.<sup>80</sup> Given the significant presence of subject imports in the U.S. market during the period of review, we find that Chinese producers would likely continue to export significant quantities of crawfish tail meat to the U.S. market after revocation of the order.

In addition, there is no new information on the record of this review that would cause us to reconsider our findings from the first five-year review that Chinese producers of crawfish tail meat possess significant excess capacity, and a high degree of export orientation towards the United States.<sup>81</sup> In 2002, the most recent year for which data are available on the Chinese industry, Chinese producers representing a minority of the Chinese industry reported a capacity utilization rate of \*\*\* percent, and excess capacity of \*\*\* million pounds, equivalent to \*\*\* percent of domestic production that year.<sup>82</sup> These same Chinese producers reported that \*\*\* percent of their shipments were exported to the United States in 2002, with \*\*\* home market shipments and \*\*\* export shipments to third country markets.<sup>83</sup> Based on these factors, we find that Chinese producers would likely increase their exports of crawfish tail meat to the United States significantly after revocation of the order.<sup>84</sup>

We conclude that subject import volume would likely increase significantly were the order to be revoked.

#### **D. Likely Price Effects of Subject Imports**

In evaluating the likely price effects of subject imports if the antidumping order is revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.<sup>85</sup>

In the original investigation, the Commission found that domestic producer selling prices generally increased during the period examined, while subject import selling prices declined.<sup>86</sup> It also found that subject imports from China undersold the domestic like product in all quarterly comparisons by margins exceeding 20 percent.<sup>87</sup>

Rejecting the possibility that these facts indicated a lack of substitutability, the Commission found ample evidence that subject imports were substitutable with the domestic like product, including evidence that several purchasers had switched from the domestic like product to subject imports on the basis of price.<sup>88</sup> Rather, the persistent price differential between the domestic like product and subject imports, the Commission found, reflected the inability of small, family-owned domestic producers to reduce prices to meet subject import competition, which forced them to reduce production and sales

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<sup>80</sup> CR/PR at Table I-5.

<sup>81</sup> See CR at I-28-29; PR at I-23; CR/PR at Table I-6.

<sup>82</sup> See CR/PR at Tables I-3, I-6.

<sup>83</sup> CR/PR at Table I-6.

<sup>84</sup> We note that there have been no antidumping actions against crawfish tail meat from China outside the United States. CR at I-25; PR at I-20. There is no information on the record of this second five-year review concerning existing subject import inventories or the ability of Chinese producers to product shift.

<sup>85</sup> 19 U.S.C. § 1675a(a)(3). The SAA states that “[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

<sup>86</sup> Original Determination at 22.

<sup>87</sup> Original Determination at 23.

<sup>88</sup> Original Determination at 23-24.

volume.<sup>89</sup> The Commission also found that subject import underselling prevented domestic producers from increasing their prices sufficiently to cover rising production costs.<sup>90</sup> Accordingly, the Commission found that subject import underselling was significant and had suppressed domestic prices to a significant degree.<sup>91</sup>

In the first five-year review, as in the original investigation, the Commission found that subject imports undersold the domestic like product in virtually all quarterly comparisons at margins typically exceeding 20 percent, notwithstanding the order's imposition.<sup>92</sup> It also found that domestic prices fluctuated during the period of review, ending the period slightly higher than at the beginning of the period, while subject import prices declined.<sup>93</sup> As in the original investigation, the Commission found that subject import underselling had suppressed domestic prices, preventing domestic producers from increasing their prices sufficiently to cover their increased production costs.<sup>94</sup> Accordingly, the Commission found that revocation of the order would likely result in significant subject import underselling that would likely depress and suppress domestic prices to a significant degree.<sup>95</sup>

In this second five-year review, we find that subject imports would likely have a significant adverse impact on domestic like product prices were the order to be revoked. As addressed above, there is no new information on the record of this review that would cause us to reconsider our findings from the original investigation and the first five-year review that subject imports are generally fungible with the domestic like product, and compete primarily on the basis of price. During the period of review, the average unit value ("AUV") of subject imports was \*\*\* to \*\*\* percent lower than the AUV of domestic producer shipments.<sup>96</sup> Given this evidence of continued underselling with the order in place, and the pervasive underselling found in the original investigation and the first five-year review, we find that subject import underselling would likely be significant after revocation of the order.

We also find that the significant subject import underselling likely after revocation would likely depress or suppress prices for the domestic like product to a significant degree. We base this finding on the fact that significant subject import underselling in the original investigation was found to have suppressed domestic prices to a significant degree, by preventing small, family-owned domestic crawfish tail meat processors from raising their prices sufficiently to cover increased production costs. There is no new information on the record of this review to suggest that significant subject import underselling after revocation of the order would not suppress domestic prices to a similar degree. In addition, the likely significant increase in subject import volume after revocation of the order would likely result in a significant increase in crawfish tail meat supply relative to crawfish tail meat demand in the U.S. market, placing additional downward pressure on prices for the domestic like product.

We conclude that revocation of the order would likely result in significant subject import underselling that would likely depress and suppress prices for the domestic like product to a significant degree.

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<sup>89</sup> Original Determination at 24-26.

<sup>90</sup> Original Determination at 26-27.

<sup>91</sup> Original Determination at 27.

<sup>92</sup> Review Determination at 19-20.

<sup>93</sup> Review Determination at 20.

<sup>94</sup> Review Determination at 20-21.

<sup>95</sup> Review Determination at 21.

<sup>96</sup> CR/PR at Tables I-3-4. We note that AUV comparisons are not advisable where product mix issues exist. Such concerns, however, are mitigated to some degree by our finding that fresh and frozen crawfish tail meat are generally interchangeable. See Original Determination at 23-24; Review Determination at 14-15.

## E. Likely Impact of Subject Imports

In evaluating the likely impact of imports of subject merchandise if the antidumping duty order is revoked, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including, but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.<sup>97</sup> All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry.<sup>98</sup> As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order at issue and whether the industry is vulnerable to material injury if the order is revoked.

In the original investigation, the Commission found that subject imports had a significant adverse impact on the domestic industry during the period of investigation.<sup>99</sup> Specifically, as increased subject import volume displaced domestic industry sales and subject import underselling suppressed domestic prices, the domestic industry experienced falling production and sales volumes, capacity utilization, and employment, and worsening financial performance, with slim profit margins turning to losses by the end of the period of investigation.<sup>100</sup> Rejecting respondents' argument that these trends resulted from bad weather, the Commission found that subject import competition significantly aggravated any difficulties stemming from weather-related crawfish shortages.<sup>101</sup> Thus, the Commission concluded that the domestic crawfish tail meat industry was materially injured by reason of subject imports.<sup>102</sup>

In the first five-year review, the Commission noted that while the domestic industry's production and market share improved immediately following imposition of the antidumping duty order, in 1997 and 1998, the industry nevertheless lost money in each year other than 2002 and ended the period of review in

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<sup>97</sup> 19 U.S.C. § 1675a(a)(4).

<sup>98</sup> 19 U.S.C. § 1675a(a)(4). Section 752(a)(6) of the Act states that "the Commission may consider the magnitude of the margin of dumping" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv). See also SAA at 887. In its expedited review of the order, Commerce has concluded that were the antidumping duty order to be revoked, dumping would likely recur at the rate of 91.50 percent to 156.77 percent for producers with company-specific rates and at the rate of 201.63 percent China-wide. 73 Fed. Reg. 65832 (Nov. 5, 2008).

Section 751(a)(4) of the Act requires Commerce, if requested by a party in an administrative review, to determine whether a foreign producer or importer of subject merchandise has absorbed antidumping duties. 19 U.S.C. § 1675a(a)(4). Commerce found duty absorption in two administrative reviews conducted under the order, including the second (1998-99) administrative review and the fourth (2000-2001) administrative review. Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review and New Shipper Reviews, and Final Partial Rescission of Antidumping Duty Administrative Review, 66 Fed. Reg. 20634 (Apr. 24, 2001); Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review, 68 Fed. Reg. 19504, 19505 (Apr. 21, 2003).

<sup>99</sup> Original Determination at 30.

<sup>100</sup> Original Determination at 28-29.

<sup>101</sup> Original Determination at 29-30.

<sup>102</sup> Original Determination at 30.

a worse position than at the beginning of the period.<sup>103</sup> Moreover, the domestic industry's performance during the period of review was significantly worse than its performance over the original period of investigation in terms of capacity utilization, wages per hour, productivity, and the unit value of net sales, with 16 of 30 domestic producers reporting net losses in 2002.<sup>104</sup> Absent disbursements under the Continued Dumping and Subsidy Offset Act (the "CDSOA," otherwise known as the Byrd Amendment), the Commission noted, the domestic industry would have lost money in every year of the period.<sup>105</sup>

Based on these findings, the Commission found that the domestic industry was vulnerable to the continuation of material injury from subject imports.<sup>106</sup> It also found that the domestic industry had benefitted from the order through the disbursement of CDSOA funds, but not enough to reduce its vulnerability to the continuation of material injury.<sup>107</sup> Given the domestic industry's vulnerability, and the likelihood of significant subject import volume and adverse price effects absent the order, the Commission concluded that revocation of the order would likely have a significant adverse impact on the domestic industry.<sup>108</sup>

The Commission considered and rejected several arguments advanced by respondents, finding them unsupported by the facts and law. In rejecting respondents' argument that domestic producers had chosen to concentrate on sales of whole live crawfish instead of processing, the Commission found that the domestic industry remained committed to and dependent on continued crawfish tail meat production.<sup>109</sup> Rejecting respondents' argument, the Commission found that domestic crawfish tail meat production had been constrained far more by subject import competition over the period examined than by labor or crawfish shortages.<sup>110</sup> In rejecting respondents' argument that subject imports and the domestic like product did not compete in the marketplace, the Commission observed that a significant proportion of subject imports competed directly with the domestic like product for sales to food stores in and around Louisiana.<sup>111</sup> Finally, the Commission rejected the respondents' contention that the order should be revoked because it had proven ineffective, noting that the ineffectiveness of the order in no way detracts from the Commission's finding that material injury would likely continue after revocation.<sup>112</sup>

In this second five-year review, we note that there is limited information on the record concerning the current condition of the domestic industry. Based on this limited information, however, domestic industry production and shipments were significantly lower throughout this review than during 1994 and 1995, the first two years of the period examined in the original investigation.<sup>113</sup> Domestic industry production and shipment levels in this review period were similar to the levels that prevailed in 1996, when the Commission determined that the domestic industry was suffering present material injury by reason of subject imports.<sup>114</sup> Domestic industry shipments declined by \*\*\* percent from 2.2 million pounds in 1994 to \*\*\* million pounds in 2007, even as apparent U.S. consumption \*\*\* from 5.3 million pounds in 1994 to \*\*\* million pounds in 2007. Consequently, domestic industry shipments as a share of

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<sup>103</sup> Review Determination at 21-23.

<sup>104</sup> Review Determination at 23.

<sup>105</sup> Review Determination at 23.

<sup>106</sup> Review Determination at 23.

<sup>107</sup> Review Determination at 23-24.

<sup>108</sup> Review Determination at 24.

<sup>109</sup> Review Determination at 24-25.

<sup>110</sup> Review Determination at 25.

<sup>111</sup> Review Determination at 25-27.

<sup>112</sup> Review Determination at 27.

<sup>113</sup> CR/PR at Table I-3.

<sup>114</sup> CR/PR at Table I-3.

apparent U.S. consumption was significantly lower in 2007, at \*\*\* percent, than in any year of the original period of investigation, when domestic industry market share ranged from 13.2 to 42.4 percent.<sup>115</sup> On the other hand, the AUV of domestic industry shipments was significantly higher in 2007, at \$\*\*\* per pound, that in any year of the original period of investigation, when the AUV of domestic industry shipments ranged from \$5.13 per pound to \$5.67 per pound.<sup>116</sup> The limited information available on the domestic industry's current condition, and in particular its current financial condition, prevents us from being able to determine whether the domestic industry is vulnerable to the continuation or recurrence of material injury if the antidumping duty order were to be revoked. We recognize, however, that notwithstanding large increases in apparent U.S. consumption, domestic production and shipments were at lower levels in this review period than in 1994 and 1995 during the original investigation.

We do find that the domestic industry has experienced positive effects as a result of the order. We base this finding primarily on the fact that domestic producers received \$26.4 million in disbursements under the CDSOA between 2003 and 2007, but also on the likelihood that subject import volumes would have been higher, and subject import prices lower, absent the order.<sup>117 118</sup>

As discussed above, revocation of the antidumping duty order on crawfish tail meat from China would likely result in a significant increase in subject import volume and significant subject import underselling. We find that the intensified subject import competition likely after revocation of the order would likely have a significant adverse impact on the domestic industry. Specifically, the domestic industry would likely lose additional market share to subject imports, which would adversely impact the industry's production, shipments, sales, and revenues. Declining production, sales and revenues, as well as depressed or suppressed prices for the domestic like product, would adversely impact the domestic industry's profitability, as well as its ability to raise capital and make and maintain necessary capital investments. We also find it likely that revocation of the order would result in reduced domestic industry employment.

We conclude that revocation of the antidumping duty order on crawfish tail meat from China likely would have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

## CONCLUSION

For the foregoing reasons, we determine that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to the U.S. crawfish tail meat industry within a reasonably foreseeable time.

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<sup>115</sup> CR/PR at Table I-5.

<sup>116</sup> CR/PR at Table I-3.

<sup>117</sup> CR/PR at Table I-2. We note that duties collected on subject imports that entered the United States prior to October 1, 2007 will continue to be distributed to domestic producers pursuant to the CDSOA, regardless of whether the order is maintained or revoked. See Freshwater Crawfish Tail Meat from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent to Rescind Review in Part, 73 Fed. Reg. 58115 (Oct. 6, 2008) (reporting the preliminary results of Commerce's administrative review of subject imports that entered the United States between September 1, 2006 and August 31, 2007, with final results due within 120 days).

<sup>118</sup> Chairman Shara L. Aranoff does not join in the foregoing paragraph.

**INFORMATION OBTAINED IN THE SECOND REVIEW**



## INTRODUCTION

On July 1, 2008, in accordance with section 751(c) of the Tariff Act of 1930, as amended (“the Act”),<sup>1</sup> the U.S. International Trade Commission (“Commission” or “USITC”) gave notice that it had instituted a review to determine whether revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.<sup>2 3</sup> On October 6, 2008, the Commission determined that the domestic interested party response to its notice of institution was adequate;<sup>4</sup> the Commission also determined that the respondent interested party response was inadequate. The Commission found no other circumstances that would warrant conducting a full review.<sup>5</sup> Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.<sup>6 7</sup> The Commission voted on this review on November 14, 2008, and notified Commerce of its determination on November 25, 2008. Selected information relating to the schedule of this current review is presented below:<sup>8</sup>

Effective date	Action	<i>Federal Register</i> citation
July 1, 2008	Commission's institution of second five-year review	73 FR 37489 July 1, 2008
July 1, 2008	Commerce's initiation of second five-year review	73 FR 37411 July 1, 2008
October 6, 2008	Commission's determination to conduct expedited second five-year review and scheduling of expedited review	73 FR 62318 October 20, 2008
October 29, 2008	Commerce's final results due for expedited second five-year review	Not applicable
November 14, 2008	Date of the Commission's vote	Not applicable
November 25, 2008	Commission's determination transmitted to Commerce	Not applicable

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<sup>1</sup> 19 U.S.C. 1675(c).

<sup>2</sup> 73 FR 37489, July 1, 2008. All interested parties were requested to respond to this notice by submitting the information requested by the Commission. The Commission's notice of institution is presented in app. A.

<sup>3</sup> In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of a five-year review of the subject antidumping duty order concurrently with the Commission's notice of institution. 73 FR 37411, July 1, 2008.

<sup>4</sup> The domestic processors' group, the Crawfish Processors Association (“CPA”), submitted the only response to the Commission's notice of institution for the subject review. The CPA is represented by the law firm of Adduci Mastriani & Schaumberg, LLP. The CPA indicated in its response that its members accounted for approximately 85 percent of U.S. crawfish tail meat production in 2007. Response of the CPA to the notice of institution (“Response,” August 20, 2008), p. 3.

<sup>5</sup> The Commission's statement on adequacy is presented in app. B.

<sup>6</sup> 19 U.S.C. § 1675(c)(3).

<sup>7</sup> 73 FR 62318, October 20, 2008. The Commission's notice of scheduling of the expedited review appears in app. A.

<sup>8</sup> Cited *Federal Register* notices beginning with the Commission's institution of the second five-year review are presented in app. A.

## The Original Investigation and the First Five-Year Review

On September 20, 1996, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured and threatened with further material injury by reason of less-than-fair-value (“LTFV”) imports of crawfish tail meat from China.<sup>9</sup> On August 1, 1997, Commerce made an affirmative final LTFV determination (amended September 15, 1997) regarding crawfish tail meat from China.<sup>10</sup> The Commission completed its original investigation concerning crawfish tail meat from China on September 8, 1997, determining that an industry in the United States was materially injured by reason of LTFV imports of crawfish tail meat from China, and Commerce issued an antidumping duty order on imports of crawfish tail meat from China.<sup>11</sup>

On August 2, 2002, the Commission instituted the first review of the antidumping duty order on imports of crawfish tail meat from China and, on November 4, 2002, the Commission determined that it should proceed to a full review.<sup>12</sup> On December 6, 2002, Commerce found that revocation of the antidumping duty order on crawfish tail meat from China would likely lead to continuation or recurrence of dumping.<sup>13</sup> On July 28, 2003, the Commission determined that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.<sup>14</sup>

### Commerce’s Original Determination and Subsequent Review Determination

Commerce conducted nine successive annual administrative reviews, summarized in table I-1. Additionally, Commerce found duty absorption in two administrative reviews conducted, for the periods 1998-99 and 2000-01.<sup>15</sup> Commerce has not conducted any changed-circumstances reviews and there have been no scope rulings on the subject merchandise covered by the order. The order remains in effect for all manufacturers, producers, and exporters of crawfish tail meat from China. Information on Commerce’s final determination, antidumping duty order, and administrative and five-year review determinations is presented in table I-1.

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<sup>9</sup> The petition was filed by counsel on behalf of the CPA, Breaux Bridge, LA. INV-U-059, August 14, 1997 (“*Confidential Investigation Report*”), p. I-1.

<sup>10</sup> 62 FR 41347 and 62 FR 48218.

<sup>11</sup> 62 FR 48218, September 15, 1997.

<sup>12</sup> 67 FR 69557, November 18, 2002. In response to its notice of institution in the first review of the order published on August 2, 2002, the Commission received adequate responses from the CPA and its members (which numbered 32 at the time); the China Chamber of Commerce for Import & Export of Foodstuffs, Native Produce & Animal By-Products (“CCCNFA”); and 16 Chinese producers and/or exporters of crawfish tail meat. The CPA accounted for 74 percent of domestic production of crawfish tail meat in 2001. The CCCNFA accounted for 59 percent of exports of crawfish tail meat from China in 2001. The Commission determined that both the domestic interested party group response and the respondent interested party group responses were adequate. Accordingly, on November 4, 2002, the Commission determined that it should proceed to a full review on the outstanding order on crawfish tail meat from China (67 FR 69557, November 18, 2002).

<sup>13</sup> 67 FR 72645, December 6, 2002.

<sup>14</sup> 68 FR 45276, August 1, 2003.

<sup>15</sup> For the period 1998-99, Commerce found that antidumping duties were absorbed by the affiliated importer of Ningbo Nanlian/Huaiyin 5 and that antidumping duties were absorbed by Ocean Harvest for sales in which Yancheng FTC acted as the exporter for Nantong Delu (66 FR 20634 (April 21, 2001)). For the period 2000-01, for Qingdao Rirong, China Kingdom, and all exporters that were part of the China-wide rate, Commerce concluded that duties had been absorbed by the producer or exporter during the review (68 FR 19505, April 21, 2003).

**Table I-1**

**Crawfish tail meat: Commerce's final determination, antidumping duty order, administrative review determinations, and first five-year review determination**

Period of review	Type of proceeding and date results published	Margin (percent)
03/01/96-08/31/96	<b>Final determination and antidumping duty order</b> August 1, 1997 (62 FR 41347) amended September 15, 1997 with AD order (62 FR 48218)	China Everbright Trading Co. 156.77 Binzhou Prefecture Foodstuffs Import & Export Corp. . . . . 119.39 Huaiyin Foreign Trade Corp. . . 91.50 Yancheng Foreign Trade Corp. . . . . 108.05 Jiangsu Cereals, Oils & Foodstuffs Import & Export Corp. . . . . 122.92 Yancheng Baolong Aquatic Foods Co., Ltd. . . . . 122.92 Huaiyin Ningtai Fisheries Co. Ltd. . . . . 122.92 Nantong Delu Aquatic Food Co., Ltd. . . . . 122.92 China-wide rate . . . . . 201.63
09/01/97-03/31/98	<b>Final results of new shipper review</b> May 24, 1999 (64 FR 27961)	Ningbo Nanlian Frozen Foods Co., Ltd. (Ningbo Nanlian) . . . . . 0.00
03/26/97-08/31/98	<b>Final results of administrative and new shipper reviews</b> April 19, 2000 (65 FR 20948), amended November 6, 2006 (71 FR 64926)	Qingdao Rirong Foodstuff Co., Ltd. (Qingdao Rirong) . . . . 0.00 Lianyungang Haiwang Aquatic Products Co., Ltd. (Lianyungang) . . . . . 201.63 Ningbo Nanlian Frozen Foods Co. . . . . 2.16 Huaiyin Foreign Trade Corp. (5) . . . . . 201.63 China-wide rate <sup>1</sup> . . . . . 201.63
09/01/98-02/28/99	<b>Final results of new shipper review</b> August 4, 2000 (65 FR 47958)	Yancheng Haiteng Aquatic Products & Foods Co. . . . . 36.42
09/01/98-08/31/99	<b>Final results of administrative and new shipper reviews</b> April 24, 2001 (66 FR 20634) amended for Huaiyin 30 June 6, 2001 (66 FR 30410)	Ningbo Nanlian/Huaiyin 5 . . . . 2.75 Yancheng Haiteng . . . . . 0.00 Huaiyin 30 . . . . . 138.69 Yancheng FTC . . . . . 35.73 Fujian Pelagic . . . . . 38.76 Yangzhou Lakebest . . . . . 0.00 Suqian FTC . . . . . 0.00 Qingdao Zhengri . . . . . 0.00 Shantou SEZ . . . . . 0.00 China-wide rate . . . . . 201.63
09/01/99-03/31/00	<b>Final results of new shipper review</b> August 27, 2001 (66 FR 45002) amended September 27, 2001 (66 FR 49343)	China Kingdom . . . . . 77.30 Nantong Shengfa . . . . . 21.85 Weishan Fukang . . . . . 20.16

Table continued on the following page.

Table I-1--Continued

Crawfish tail meat: Commerce's final determination, antidumping duty order, administrative review determinations, and first five-year review determination

Period of review	Type of proceeding and date results published	Margin (percent)
09/01/99-09/30/00	<b>Final results of new shipper review</b> December 17, 2001 (66 FR 64949)	Shanghai Taoen . . . . . 7.53
09/01/99-08/31/00	<b>Final results of administrative review</b> April 22, 2002 (67 FR 19546) amended May 11, 2006 (71 FR 27458) and July 11, 2008 (73 FR 39939)	Ningbo Nanlian/Huaiyin 5 (a.k.a Jiangsu Hilong) . . . . . 62.51 Yancheng Haiteng . . . . . 65.81 Huaiyin 30 . . . . . 223.01 Fujian Pelagic . . . . . 60.83 Yangzhou Lakebest . . . . . 41.93 Suqian FTC . . . . . 41.41 Qingdao Rirong . . . . . 9.76 Nantong Shengfa . . . . . 45.40 China-wide rate . . . . . 223.01
--	<b>Final results of first expedited five-year review</b> December 6, 2002 (67 FR 72645)	China Everbright Trading Co. 156.77 Binzhou Prefecture Foodstuffs Import & Export Corp. . . . . 119.39 Huaiyin Foreign Trade Corp. . . 91.50 Yancheng Foreign Trade Corp. . . . . 108.05 Jiangsu Cereals, Oils & Foodstuffs Import & Export Corp. . . . . 122.92 Yancheng Baolong Aquatic Foods Co., Ltd. . . . . 122.92 Huaiyin Ningtai Fisheries Co. Ltd. . . . . 122.92 Nantong Delu Aquatic Food Co., Ltd. . . . . 122.92 China-wide rate . . . . . 201.63
09/01/00-08/31/01	<b>Final results of new shipper review</b> January 10, 2003 (68 FR 1439)	Shouzhou Huaxiang . . . . . 15.44
09/01/00-08/31/01	<b>Final results of administrative review</b> April 21, 2003 (68 FR 19504)	Qingdao Rirong . . . . . 223.01 China Kingdom <sup>2</sup> . . . . . 223.01 China-wide rate <sup>3</sup> . . . . . 223.01
09/01/01-02/28/02	<b>Final results of new shipper review</b> July 21, 2003 (68 FR 43085)	Weishan Zhenyu Foodstuff Co., Ltd. (Weishan Zhenyu) . . . 0.00
09/01/01-08/31/02	<b>Final results of administrative review</b> February 13, 2004 (69 FR 7193)	China-wide rate <sup>4</sup> . . . . . 223.01
09/01/02-08/31/03	<b>Final results of administrative review</b> October 20, 2004 (69 FR 61636)	China-wide rate <sup>5</sup> . . . . . 223.01

Table continued on the following page.

**Table I-1--Continued**

**Crawfish tail meat: Commerce’s final determination, antidumping duty order, administrative review determinations, and first five-year review determination**

Period of review	Type of proceeding and date results published	Margin (percent)
09/01/03-08/31/04	<p align="center"><b>Final results of administrative review</b> February 10, 2006 (71 FR 7013)</p>	China Kingdom International . 223.01 Weishan Zhenyu Foodstuff Co., Ltd. . . . . 223.01 Yancheng Hi-King Agriculture Developing Co., Ltd. . . . . 32.57 China-wide rate (including Yancheng Yaou Seafood Co., Ltd.) . . . . . 223.01
09/01/04-08/31/05	<p align="center"><b>Final results of administrative review</b> April 17, 2007 (72 FR 19174)</p>	Qingdao Jinyongxiang Aquatic Foods Co., Ltd . . . . . 50.98 Xiping Opeck Food Co., Ltd . . 34.85 Xuzhou Jinjiang Foodstuffs Co., Ltd . . . . . 0.00 China-wide rate (including Jiangsu Jiushoutang Organisms-Manufactures Co., Ltd. and Shanghai Sunbeauty Trading Co., Ltd.) . . . . . 223.01
09/01/05-08/31/06	<p align="center"><b>Final results of administrative review</b> April 15, 2008 (73 FR 20249)</p>	Xiping Opeck Food Co., Ltd. . . 13.61 Xuzhou Jinjiang Foodstuffs Co., Ltd. . . . . 223.01 China-wide rate . . . . . 223.01
<p><sup>1</sup> Binzhou Prefecture Foodstuffs Import &amp; Export Corp.; Huaiyin Foreign Trade Corp.; Huaiyin Foreign Trade Corp. (5) (a.k.a. Huaiyin Cereals, Oils &amp; Foodstuffs); Huaiyin Foreign Trade Corp. (30); Huaiyin Ningtai Fisheries Co., Ltd.; Nantong Delu Aquatic Food Co., Ltd.; Yancheng Baolong Aquatic Foods Co., Ltd.; and Yancheng Baolong Foreign Trade Corp. were subject to the China-wide rate of 201.63 percent.</p> <p><sup>2</sup> The rate of 223.01 was redetermined to be 90.66 on appeal to the Court of International Trade (“CIT”) effective September 22, 2008. The new rate is pending the final period of appeal (73 FR 61783, October 17, 2008).</p> <p><sup>3</sup> Fujian Pelagic, Qingdao Zhengri/Yancheng Yaou, Shantou SEZ, Suqian Foreign Trade, Yangheng Foreign Trade, and Yangzhou Lakebest are included in the China-wide rate.</p> <p><sup>4</sup> Shouzhou Huaxiang, Shanghai Taoen, Yangzhou Lakebest, Weishan Fukang, and Qingdao Rirong are included in the China-wide rate.</p> <p><sup>5</sup> Nantong Shengfa, Hubei Houhu, Shouzhou Huaziang, and Qingdao JYX are included in the China-wide rate.</p> <p>Source: Cited <i>Federal Register</i> notices.</p>		

**Commerce’s Final Results of Expedited Second Five-Year Review**

On August 20, 2008, Commerce notified the Commission that it did not receive an adequate response to its notice of initiation from the respondent interested parties with respect to crawfish tail meat from China and that it would conduct an expedited review of the order.<sup>16</sup> Commerce will issue the final results of its review no later than October 29, 2008.

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<sup>16</sup> Letter from Barbara E. Tillman, Director, Office 6, AD/CVD Operations, Import Administration, U.S. Department of Commerce, August 20, 2008.

## Distribution of Continued Dumping and Subsidy Offset Act Funds to Affected Domestic Producers

Qualified U.S. producers of crawfish tail meat are eligible to receive disbursements from U.S. Customs and Border Protection (“Customs”) under the Continued Dumping and Subsidy Offset Act of 2000 (“CDSOA”), also known as the Byrd Amendment.<sup>17</sup> Many domestic producers received such funds from fiscal years 2002 through 2007; however, the amount of duties collected and disbursed were far less than the duties assessed by Customs during that time period.

The Government Accountability Office (“GAO”) conducted a review of uncollected duties under the CDSOA function in March 2008 and found that the crawfish investigation accounted for 58 percent of the total uncollected funds from fiscal years 2001 through 2007 (the data were based on a total of \$613 million in uncollected funds; the total amount of uncollected funds for the crawfish investigation according to the GAO was \$354 million).<sup>18</sup>

Table I-2 presents CDSOA disbursements for Federal fiscal years 2002-08. The table also presents amounts for uncollected duties from both the Customs web site for fiscal years 2004-07 and from information provided by domestic interested parties through a FOIA request for fiscal years 2002 and 2003 that were not available on the Customs web site. The aggregation from different sources resulted in a higher overall estimate of uncollected duties (\$514 million) than the estimate given in the GAO report of \$354 million. The higher figure may be the result of the summation of the yearly aggregation of uncollected funds that may have been collected in the next year, possibly causing some double-counting. Accordingly, the \$354 million figure published by the GAO should be considered the conservative figure.

**Table I-2**  
**Crawfish tail meat: Crawfish industry’s CDSOA disbursements, Federal fiscal years 2002-08**

Fiscal year	Amount disbursed (dollars)	Amount uncollected (dollars)
2002	7,468,892	57,000,000 <sup>1</sup>
2003	9,763,987	85,000,000 <sup>1</sup>
2004	8,183,566	170,053,408
2005	2,199,146	32,370,446
2006	4,545,131	91,774,248
2007	1,734,364 <sup>2</sup>	77,903,369
2008	5,420,508 <sup>3</sup>	--
<b>Total</b>	<b>39,315,594</b>	<b>514,101,471</b>

<sup>1</sup> Data from *Response*, August 20, 2008, exh. 3, derived from documents obtained under FOIA.

<sup>2</sup> Data exclude \$65,250 that was collected but set aside for pending litigation.

<sup>3</sup> Data are for preliminary CDSOA amounts available as of April 30, 2008.

Note.—There were no disbursements made in fiscal year 2001.

Note.—The GAO report of March 2008 published a total figure of uncollected duties of \$354 million.

Source: Customs’ *CDSOA Annual Reports* for disbursement data and *Uncollected Duties* for uncollected amounts for 2004-07 at [http://www.cbp.gov/xp/cgov/trade/priority\\_trade/add\\_cvd/cont\\_dump/](http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/), retrieved October 10, 2008 and *Response*, August 20, 2008, exh. 2 and 3 for uncollected amounts for 2002-03.

<sup>17</sup> 19 CFR 159.64(g).

<sup>18</sup> *Response*, August 20, 2008, exh. 2.

## THE PRODUCT

### Scope

In its continuation order, Commerce defined the subject merchandise as follows:

The product covered by the 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.<sup>19</sup>

### U.S. Tariff Treatment

The merchandise under review is currently classifiable in the Harmonized Tariff Schedule of the United States (“HTS”) under the statistical reporting numbers shown in the following tabulation, and enters the United States duty-free. The statistical reporting number 1605.40.1090 (crustaceans, other than peeled freshwater crawfish tail meat), a category that was not included in import data in the first review, is not included in import data in this second review because it contains mostly out-of-scope products.

HTS provision	Article description	General <sup>1</sup>	Special <sup>2</sup>	Column 2 <sup>3</sup>
		Rates ( <i>percent ad valorem</i> )		
0306.19.0010	Freshwater crawfish, including in-shell, cooked by steaming or by boiling in water, frozen; flours, meals, and pellets, fit for human consumption	Free		Free
0306.29.0000	Crustaceans, not elsewhere specified or included, not frozen, including cooked by steaming/boiling in water, dried, salted or in brine; flours, meals and pellets fit for human consumption	Free		Free
1605.40.1010	Crustaceans, peeled freshwater crawfish tail meat	Free		Free
1605.40.1090	Crustaceans, other than peeled freshwater crawfish tail meat	Free		Free

<sup>1</sup> Normal trade relations, formerly known as the most-favored-nation duty rate.  
<sup>2</sup> See general note 3(c)(I). China is not eligible for special tariff rates.  
<sup>3</sup> Applies to imports from a small number of countries that do not enjoy normal trade relations duty status.

Note.—Prior to July 1, 2000, the relevant HTS subheading preceding statistical reporting numbers 1605.40.1010 and 1605.40.1090 was 1605.40.10.

Source: Harmonized Tariff Schedule of the United States (2008).

<sup>19</sup> 68 FR 48340, August 13, 2003.

## Domestic Like Product and Domestic Industry

The domestic like product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product.<sup>20</sup>

In its original determination the Commission found the appropriate domestic like product to be “crawfish tail meat, whether peeled or shell-on,” coextensive with Commerce’s scope.<sup>21</sup> It also found that the relevant domestic industry included tail meat processors.<sup>22</sup> In its full first review determination, the Commission noted that the parties raised no new domestic like product arguments. The Commission also noted that it found no new information in the record of the first review that would suggest that a different domestic like product definition was appropriate. Therefore, the Commission defined the domestic like product as crawfish tail meat, coextensive with Commerce’s scope.<sup>23</sup> The Commission defined a single domestic industry consisting of all producers of crawfish tail meat.<sup>24</sup> In response to a question soliciting comments regarding the appropriate domestic like product and domestic industry in the Commission’s notice of institution of this second review, counsel for the CPA agreed with the Commission’s domestic like product and domestic industry definitions as stated in the notice of institution.<sup>25</sup>

## Physical Characteristics and Uses<sup>26</sup>

In the United States, crawfish are sold for commercial consumption in three forms: live whole, whole boiled, and processed tail meat. Accounting for a very large share of U.S. sales, live whole crawfish are the complete living animals (tail, head, body, claws, and shell) that are sold to end users who boil, peel, sometimes season, and eat them.<sup>27</sup> Whole boiled crawfish account for a very small share of

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<sup>20</sup> The Commission’s decision regarding the appropriate domestic products that are “like” the subject imported products is based on a number of factors, including (1) physical characteristics and uses; (2) common manufacturing facilities and production employees; (3) interchangeability; (4) customer and producer perceptions; (5) channels of distribution; and, where appropriate, (6) price.

<sup>21</sup> *Crawfish Tail Meat from China*, Investigation No. 731-TA-752 (Final), USITC Publication 3057, August 1997 (“*Published Investigation Report*”), p. 8.

<sup>22</sup> *Ibid.*, p. 9.

<sup>23</sup> *Crawfish Tail Meat from China*, Investigation No. 731-TA-752 (Review), USITC Publication 3614, July 2003 (“*Published Review Report*”), p. 5.

<sup>24</sup> *Ibid.* The Commission did not include producers or growers of whole crawfish in the domestic industry.

<sup>25</sup> *Response*, August 20, 2008, p. 18.

<sup>26</sup> This section was taken largely from INV-AA-083, June 27, 2003 (“*Confidential Review Report*”), pp. I-10-I-11.

<sup>27</sup> U.S. processors ship some of their purchases of crawfish as live whole crawfish, but account for only a minor portion of the total whole crawfish sold. Fishermen, farmers, and other distributors also sold live whole crawfish in Louisiana. Total harvests of live whole crawfish in Louisiana were 77.0 million pounds in 1997 (46.9 farmed and 30.1 wild), 66.3 million pounds in 1998 (36.1 farmed and 30.2 wild), 62.4 million pounds in 1999 (41.2 farmed and 21.2 wild), 18.5 million pounds in 2000 (16.2 farmed and 2.3 wild), 34.2 million pounds in 2001 (27.7 farmed and 6.5 wild), 74.5 million pounds in 2002 (60.5 farmed and 14.0 wild), 83.2 million pounds in 2003 (73.0 farmed and 10.2 wild), 77.8 million pounds in 2004 (69.5 farmed and 8.3 wild), 82.0 million pounds in 2005 (73.8 farmed and 8.2 wild), 94.2 million pounds in 2006 ((79.7 farmed and 14.5 wild), and 110.6 million pounds in 2007 (109.2 farmed and 1.4 wild). Louisiana crawfish harvest statistics, [www.lsuagcenter.com](http://www.lsuagcenter.com), downloaded October 28, 2008.

U.S. sales; they are typically packaged with seasonings and are shipped either fresh or frozen.<sup>28</sup> During this second review (from 2003 to 2007), approximately \*\*\* percent of crawfish were further processed into tail meat, down from approximately 12 percent in the first review (1997-2002) and 13 percent during the original investigation (1994-96).<sup>29</sup> Processors peel blanched whole crawfish and package the meat into bags that are shipped either fresh or frozen.<sup>30</sup>

Most domestic tail meat is sold fresh, whereas all the imported tail meat from China is sold frozen because of the perishable nature of the product. In addition to the fresh versus frozen distinction, domestic tail meat is usually sold with the fat on, while the imported tail meat from China traditionally has been sold with the fat washed off. The fat of the crawfish is actually its hepatopancreas, which is golden-yellow in color. The fat imparts flavor and thus is generally preferred by customers in Louisiana; however, non-traditional markets served mainly by imported tail meat may be indifferent to the issue. In addition, because the fat spoils more quickly than the meat, the meat is sold washed (without fat) in frozen form to extend its shelf life.

Live whole crawfish are used for crawfish “boils” or outdoor parties in Louisiana. Whole boiled crawfish are mainly consumed in Sweden for its August Waterfest festival. Crawfish tail meat is used in prepared dishes, such as bisques and etouffees.<sup>31</sup>

### **Manufacturing Process<sup>32</sup>**

In the first stage of crawfish tail meat production, the live whole crawfish are placed in cooking baskets and heated in unseasoned and untreated water at 200°F for five to six minutes. The crawfish are then removed from the water and discharged onto a cooling table or platform. Once cooled, they are placed on large peeling tables, where the tails are separated from the body and are peeled and deveined by hand. The head, body, claws, and shell are discarded as waste.

Peeled tail meat is delivered directly to the packaging room, where the meat is inspected for extraneous pieces of shell or debris missed by the peelers. The meat is then placed in plastic bags, weighed, and immediately chilled. The bags are packed in boxes, iced, and placed in a cooler room, ready for shipment as fresh tail meat. Meat intended to be frozen is placed directly in the freezer. After freezing, the bags are boxed and placed in freezer storage, usually to be sold after the season.

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<sup>28</sup> During the original investigation, the vast majority of the whole boiled product was exported in frozen form to Sweden, where it is viewed as a delicacy and commands a premium price.

<sup>29</sup> The percentage varied by year as follows: 11.7 percent in 1997, 16.3 percent in 1998, 10.0 percent in 1999, 10.6 percent in 2000, 11.4 percent in 2001, 11.6 percent in 2002, \*\*\* percent in 2003, \*\*\* percent in 2004, \*\*\* percent in 2005, \*\*\* percent in 2006, and \*\*\* percent in 2007. The percentage estimates are derived from U.S. processors’ shipments of crawfish tail meat during 1997-2007 (multiplied by a factor of 6.25 pounds of live whole crawfish to one pound of processed tail meat), compared with total Louisiana harvests during those years. *Published Investigation Report*, p. I-3 and footnote 11, *Published Review Report*, p. I-9 and footnote 18, and *Response*, exh. 5.

<sup>30</sup> Because tail meat is processed from crawfish that have only been blanched for 5 to 6 minutes, it is not sold as a fully cooked item. The partial shell-on tail meat is not blanched or cooked. *Ibid.*, p. I-3, footnote 12.

<sup>31</sup> *Published Investigation Report*, p. I-3. Partial shell-on tail meat is meant to be served alone, with tail fins splayed so that it looks like finger lobster. Petitioners claimed in the original investigation that partial shell-on tail meat is also used in etouffees and bisques.

<sup>32</sup> This section was taken largely from the *Confidential Review Report*, p. I-12.

## Interchangeability and Customer and Producer Perceptions

During the period examined in the original investigation (1994-96), the Commission noted that despite the large differential in prices between the fresh domestic crawfish tail meat and the frozen subject imports, the products were found to be substitutable. The Commission found that while some portion of the market had a preference for the fresh domestic product, the preference was neither as absolute nor as widespread as the respondents suggested. Among 14 responding purchasers, seven reported that fresh and frozen tail meat were easily substituted and an additional two reported that they were occasionally substituted. Moreover, a number of purchasers, mostly located in Louisiana, reported that they had switched from either fresh or frozen domestic tail meat to the Chinese product on the basis of price.<sup>33</sup>

During the period examined in first review (1997-2002), the Commission noted that most domestically produced crawfish tail meat was sold fresh, and all subject imports were sold frozen. Some quality differences, such as taste and texture, may have existed between the domestic like product and the subject imports. Such quality differences were more important to some Louisiana purchasers than to national purchasers, especially restaurant chains. Most market participants agreed that some differences in availability and price existed between the domestic like product and subject imports. However, most market participants, including purchasers, agreed that domestically produced crawfish tail meat and subject imports were direct competitors in the U.S. market. Moreover, pricing differences were important. Only a handful of customers would choose higher priced domestically produced crawfish tail meat over less expensive subject imports given price differences of 40 percent or more. Among purchasers, most ranked quality/consistency as the most important factor, but price as the second most important factor.<sup>34</sup>

In its response to the Commission's notice of institution in this current review, the CPA indicated that crawfish tail meat from the United States and China remains fungible.<sup>35</sup>

## Channels of Distribution<sup>36</sup>

In the U.S. market, sales of crawfish tail meat are made to distributors, restaurants, food stores, seafood markets, and other customers. During the period examined in the original investigation (1994-96), the channels of distribution were similar but with a trend toward increasing sales by U.S. producers to food stores, away from restaurants and distributors. For U.S. importers, there was a trend toward more sales to food stores and slightly less sales to distributors. Overall, U.S. importers during the original investigation sold 70 percent to distributors, 11 percent to restaurants, and 19 percent to food stores in 1996. U.S. processors sold 11 percent to distributors, 15 percent to restaurants, 61 percent to food stores, 12 percent to seafood markets, and 1 percent to other markets in 1996.

During the period examined in the first review (1997-2002), U.S. processors sold primarily to food stores and the U.S. importers sold primarily to distributors. Food stores and restaurants, however, were the primary final outlets for both the U.S.-produced and imported tail meat.

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<sup>33</sup> *Published Investigation Report*, p. 23.

<sup>34</sup> *Published Review Report*, p. 11.

<sup>35</sup> *Response*, August 20, 2008, p. 7.

<sup>36</sup> This section was taken largely from the *Confidential Review Report*, p. I-16.

## Pricing

During the period examined in the original investigation (1994-96), the Commission found underselling by the subject imports to be significant, and concluded that subject imports had suppressed prices for the domestic product to a significant degree. All price comparisons between subject imports and the domestic like product, in every market, showed underselling in excess of 20 percent. Prices for frozen tail meat from China were always below prices for the fresh domestic crawfish tail meat. The Commission considered, and rejected, the possibility that the significant price differences represented a lack of substitutability between the subject imports and the domestic like product, finding that the preference for the domestic like product was neither as absolute nor as widespread as the respondents suggested.<sup>37</sup>

During the period examined in the first review (1997-2002), underselling by the subject imports was persistent and widespread despite the existence of the order. Subject imports undersold the domestic like product in virtually every comparison, regardless of product, region, or type of purchaser. Underselling margins typically exceeded 20 percent. Subject import prices were lower than prices for fresh domestically produced tail meat, but even undersold domestically produced frozen tail meat by significant margins.<sup>38</sup> For example, in the fourth quarter of 2002, fresh domestic crawfish tail meat sold for \$\*\*\* per pound, frozen domestic crawfish tail meat sold for \$\*\*\* per pound, and frozen imported crawfish tail meat from China sold for \$\*\*\* per pound.<sup>39</sup>

According to the CPA in this current second review, average quarterly unit values for CPA members' commercial shipments in 2007 ranged from \$6.71 to \$9.17 per pound. By comparison, the landed, duty-paid average unit value of imports of crawfish tail meat from China in 2007 (from table I-4 in the section on imports in this report) was \$3.03 per pound (the average unit value of imports under the most relevant HTS statistical reporting number, 1605.40.1010, was \$3.44 per pound). The differential in average unit value would seem to support the CPA's contention that underselling in the U.S. crawfish market is a continuing issue of concern.<sup>40</sup>

## THE INDUSTRY IN THE UNITED STATES

### U.S. Producers

The U.S. crawfish tail meat industry in 1996 was comprised of about 40 processors, all but one of which was located in Louisiana. The processors were generally small, family-owned businesses, with sales averaging between \$350,000 and \$500,000 per year. In the original Commission investigation, 31 firms, accounting for between 80 and 85 percent of U.S. production of crawfish tail meat during 1996, provided the Commission with usable data. \*\*\*, a domestic producer of crawfish tail meat, also imported the subject merchandise during the original period of investigation; however, the Commission determined that appropriate circumstances did not exist to exclude \*\*\* from the domestic industry as a related party.<sup>41</sup>

At the time of the Commission's first review in 2002, the composition of the U.S. crawfish tail meat industry was substantially the same as in 1996. Processors were small family-owned businesses with annual sales averaging between \$300,000 and \$800,000 per year. Complete responses to the Commission's questionnaire in that full review were provided by 37 U.S. processors, which accounted for

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<sup>37</sup> *Published Investigation Report*, p. 23.

<sup>38</sup> *Published Review Report*, p. 14.

<sup>39</sup> *Confidential Review Report*, tables V-1 and V-2.

<sup>40</sup> *Response*, August 20, 2008, p. 12.

<sup>41</sup> *Confidential Investigation Report*, pp. III-2, and *Confidential Investigation Opinion*, p. 11.

85-90 percent of domestic production of crawfish tail meat. No related party issues were identified in the Commission's first review.<sup>42</sup>

In its response to the Commission's notice of institution in this second review, the CPA provided a list of 63 U.S. producers of the domestic like product; however, the CPA noted that some of the entities it listed may not be currently in operation.<sup>43</sup> Although the CPA indicated in its response that there are no parties known to be related to the U.S. producers listed, two domestic producers (i.e., CPA members \*\*\* and \*\*\*) are listed in the association's response as known importers of the subject merchandise from China.<sup>44</sup> Concerning changes regarding U.S. supply and demand and the business cycle for crawfish tail meat following the issuance of the antidumping duty order, the CPA indicated in its response that the only significant permanent change was "the disruption caused by massive imports of dumped Chinese product." The CPA further noted that there have been "temporary disruptions" that adversely affected the domestic crawfish industry during the 2006 season, namely, the drought of the summer of 2005 and hurricanes Katrina and Rita in August-September 2005. In particular, they noted that the hurricanes resulted in incursions of sea water from the storm surge that increased salinity and introduced marine predators in some crawfish harvesting areas, resulting in a significant loss of demand in some of the domestic industry's most important traditional markets.<sup>45</sup>

### **U.S. Producers' Trade, Employment, and Financial Data**

Data reported by U.S. producers of crawfish tail meat in the Commission's original investigation, in the first review, and in response to the second review's institution notice are presented in table I-3.

During the period examined in the original investigation (1994-96), the domestic industry producing crawfish tail meat experienced fluctuating but declining capacity and declining capacity utilization due to declining production and shipments. The unit value of U.S. shipments increased. Employment indicators generally declined as sales contracted and workers were laid off, although productivity increased overall. Financial indicators generally declined during the period, as net sales declined and expenses per pound increased.

During the period examined in the first review (1997-2002), the domestic industry's operating and financial performance generally improved between 1997 and 1998, deteriorated dramatically in 1999 and 2000, remained depressed in 2001, and then recovered in 2002. Domestic industry capacity fluctuated the least over the period, peaking in 1998 before declining slightly through 2000 and then increasing slightly through 2002, to a level just above that in 1997. Domestic industry production, capacity utilization, and U.S. shipments also peaked in 1998, but collapsed in 1999 and 2000, remained depressed in 2001, and then recovered to 1997 levels in 2002. The average unit value of the domestic

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<sup>42</sup> *Confidential Review Report*, pp. I-5, I-17-I-19.

<sup>43</sup> The CPA explained that all domestic processors of crawfish tail meat which are located in the State of Louisiana are required to be licensed by the state. The list of domestic producers that the CPA included in its response to the Commission's notice of institution was obtained from the Louisiana Department of Agriculture and Forestry and includes all entities in Louisiana that are licensed by the State of Louisiana to process crawfish tail meat.

<sup>44</sup> The current membership of the CPA is comprised of the following 26 firms: A&S Crawfish; Acadiana Fishermen's Cooperative; Arnaudville Seafood Plant; Atchafalaya Crawfish Processors; Bayou Land Seafood, LLC; Bellard's Crawfish Plant, Inc.; Blanchard's Seafood, Inc.; Bonanza Crawfish Farm, Inc.; CJL Enterprise, Inc., dba C.J.'s Seafood & Purged Crawfish; Cajun Seafood Distributor, Inc.; Catahoula Crawfish, Inc.; Choplin Seafood; Clearwater Crawfish, LLC; Crawfish Enterprises, Inc.; Dugas Seafood (aka Carl's Seafood); Harvey's Seafood; Louisiana Premium Seafood; Louisiana Seafood Co.; L.T. West, Inc.; Phillips' Seafood; Prairie Cajun Wholesale Distributors; Randol, Inc. (aka Randol's Seafood and Restaurant); Riceland Crawfish, Inc. (aka Beaucoup Crawfish); Seafood International, Inc.; Sylvester's Crawfish; and Teche Valley Seafood. *Response*, August 20, 2008, exh. 1.

<sup>45</sup> *Response*, August 20, 2008, p. 18 and exh. 10.

industry's U.S. shipments showed the opposite trend, increasing between 1997 and 2000 to a period high, before declining through 2002 to a level still slightly above that in 1997. Nevertheless, domestic industry sales followed the same trend as production and shipments, peaking in 1998, declining sharply in 1999 and 2000, remaining depressed in 2001, and then recovering in 2002 to 1997 levels. Domestic industry net income and net income as a percentage of sales remained negative between 1997 and 2001, with losses greatest in 1999, but increased to positive levels in 2002, reaching the highest level of any year examined in the original investigation or review due to the receipt of CDSOA funds.<sup>46</sup> The number of production workers employed by the domestic industry declined between 1997 and 2000 but then increased through 2002, to a level above that in 1997. Hourly wages and productivity (in pounds per hour) followed the same trend, but ended the period slightly lower than in 1997.

During the period examined in this second review (2003-07), domestic industry production and U.S. shipments declined between 2003 and 2006, and then recovered in 2007 to levels still below those of 2003. The average unit value of the domestic industry's U.S. shipments increased irregularly from \$\*\*\* per pound in 2003 to \$\*\*\* per pound in 2007.

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<sup>46</sup> The Commission examined net income in the original investigation and in the first review.

**Table I-3**  
**Crawfish tail meat: U.S. producers' trade, employment, and financial data, 1994-96, 1997-2002, and 2003-07**

Item	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Average capacity ( <i>1,000 pounds</i> )	3,585	3,111	3,260	4,175	4,875	4,218	3,861	4,154	4,311	( <sup>1</sup> )				
Production ( <i>1,000 pounds</i> )	2,237	1,886	1,260	1,300	1,548	959	308	573	1,304	1,455	1,376	1,359	710	1,233
Capacity utilization ( <i>percent</i> )	62.4	60.6	38.6	31.1	31.8	22.7	8.0	13.8	30.2	( <sup>1</sup> )				
U.S. shipments: Quantity ( <i>1,000 pounds</i> )	2,232	1,877	1,254	1,444	1,725	997	315	625	1,380	***	***	***	***	***
Value (\$ <i>1,000</i> )	11,461	10,352	7,118	8,262	10,801	6,737	2,609	4,540	8,431	***	***	***	***	***
Unit value ( <i>\$/pound</i> )	\$5.13	\$5.51	\$5.67	\$5.72	\$6.26	\$6.76	\$8.28	\$7.27	\$6.11	\$***	\$***	\$***	\$***	\$***
Inventories/U.S. shipments	1.1	1.2	2.3	0.4	0.7	0.9	4.8	1.8	0.8	( <sup>1</sup> )				
PRWs ( <i>number</i> )	1,392	862	760	787	940	808	495	673	940	( <sup>1</sup> )				
Hours worked ( <i>1,000 hours</i> )	530	348	253	436	555	417	201	360	592	( <sup>1</sup> )				
Wages paid ( <i>\$1,000</i> )	2,596	2,242	1,634	2,200	2,692	1,884	707	1,438	2,948	( <sup>1</sup> )				
Hourly wages	\$4.90	\$6.45	\$6.47	\$5.05	\$4.85	\$4.51	\$3.52	\$4.00	\$4.98	( <sup>1</sup> )				
Productivity ( <i>pounds per hour</i> )	4.2	5.4	5.0	3.0	3.0	2.3	1.5	1.7	2.3	( <sup>1</sup> )				
Unit labor costs ( <i>per pound</i> )	\$1.16	\$1.19	\$1.30	\$1.65	\$1.60	\$1.92	\$2.27	\$2.23	\$2.09	( <sup>1</sup> )				

Table continued on following page.

**Table I-3--Continued****Crawfish tail meat: U.S. producers' trade, employment, and financial data, 1994-96, 1997-2002, and 2003-07**

Item	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Net sales (\$1,000)	11,514	10,241	7,114	7,098	9,354	5,991	2,477	4,026	7,410	( <sup>1</sup> )				
Purchased crawfish (\$1,000)	6,820	5,963	4,402	4,495	6,035	4,250	1,754	2,996	4,962	( <sup>1</sup> )				
Total expenses (\$1,000)	11,058	9,952	7,300	7,309	10,257	7,024	2,753	4,908	9,144	( <sup>1</sup> )				
Net income or (loss) <sup>2</sup> (\$1,000)	456	288	(186)	(211)	(902)	(1,017)	(275)	(882)	988	( <sup>1</sup> )				
Total expenses/sales (percent)	96.0	97.2	102.6	103.0	109.7	117.2	111.1	121.9	123.4	( <sup>1</sup> )				
Net income or (loss)/sales (percent)	4.0	2.8	(2.6)	(3.0)	(9.6)	(17.0)	(11.1)	(21.9)	13.3	( <sup>1</sup> )				

<sup>1</sup> Not available.

<sup>2</sup> Other income was added to net sales to calculate net income in 1998, 1999, and 2002. The only amount of consequence was \$2,723,000 in Byrd Amendment receipts in 2002. The amount reported by questionnaire respondents was far less than the \$7,468,892 amount disbursed by Customs in that year in part because of the exclusion of several respondents from the reporting data in the first review, but was primarily attributable to a lag in the receipt of funds into 2003 by questionnaire respondents.

Note.--Data reported for 1994-96 accounted for approximately 80-85 percent of U.S. production during the original investigation. Data reported for 1997-2002 accounted for approximately 85-90 percent of U.S. production in the first review. Data reported for 2003-07 accounted for approximately 85 percent of U.S. production in the second review.

Note.--Because of rounding, figures may not add to the totals shown. Calculated data are based on unrounded numbers.

Source: Compiled from data appearing in the *Confidential Investigation Report*, tables III-5, VI-2, and C-1; the *Confidential Review Report*, tables I-1, III-4, and III-5; and *Response*, August 20, 2008, exh. 5.

## U.S. IMPORTS AND APPARENT U.S. CONSUMPTION

### U.S. Importers

Twelve U.S. importers responded to the Commission's questionnaires in the final phase of the original investigation. The 12 firms accounted for about 80 percent of estimated U.S. imports from China during 1996. All reported imports from China were of frozen crawfish tail meat and were primarily imported from export trading companies rather than from the processors themselves.<sup>47</sup>

In their responses to the Commission's notice of institution in the first review, the Chinese respondents listed 18 U.S. companies that imported crawfish tail meat during May-July 2002. The domestic respondents listed over 90 U.S. importers of the subject merchandise. During the Commission's full review, seven U.S. importers of the subject merchandise from China provided usable data in response to Commission questionnaires. These firms accounted for approximately 14 percent of subject imports in 2002, \*\*\* of which were reported by \*\*\*. This firm imported from \*\*\*, the largest responding exporter of the subject product to the United States in 2002. At the time, counsel for the CPA noted that there had been problems enforcing the antidumping duty order, partly because importers had been setting up small "dummy" companies in the United States that made it hard to collect duties. Importing firms would seem to emerge for one or two years and then drop out of the market. These factors may help to explain the poor response to the Commission's importers' questionnaires.<sup>48</sup>

The CPA provided in its response to the Commission's notice of institution in this second review a listing of 169 currently operating U.S. importers of the subject merchandise from China.<sup>49</sup>

### U.S. Imports

Table I-4 and figure I-1 present import data on crawfish tail meat from 1994 to 2007. The data for 1994-96 are based on questionnaire data; 1997-2007 data are based on official import statistics.

During the original investigation period (1994-96), the quantity of subject imports increased irregularly and the average unit value of such imports declined irregularly. There were no imports from nonsubject sources during the original investigation period.

During the first review period (1997-2002), the quantity of subject imports dropped initially to a level well below that of the original investigation period, but increased irregularly to surpass the highest point reached during the initial investigation in 2001, after which imports declined to a fairly high level (exceeding imports as of the end of the original investigation period in 1996). The average unit value of subject imports began the review period at its lowest level and increased irregularly to a level only slightly above the average unit value at the end of the original period of investigation. Nonsubject imports reached a peak in 2000, with an average unit value well above that of the subject imports in that year. Nonsubject imports were primarily from Spain.

During the period examined in this second review (2003-07), subject import volume reached the highest level of the 1994-2007 period in 2003 before declining through 2005 and then increasing through 2007 to the second-highest level of any year examined. The average unit value of subject imports declined steadily from \$3.32 per pound in 2003 to \$1.73 per pound in 2006, the third-lowest of any year examined, before increasing to \$3.03 per pound in 2007.

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<sup>47</sup> *Confidential Investigation Report*, pp. IV-1-IV-2 and VII-2 fn. 4.

<sup>48</sup> *Confidential Review Report*, pp. I-20-I-21.

<sup>49</sup> *Response*, August 20, 2008, exh. 9.

Table I-4

Crawfish tail meat: U.S. imports, based on a combination of questionnaire data and official Commerce statistics, by source, 1994-2007

Item	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
<b>Quantity (1,000 pounds)</b>														
China	3,393	10,992	7,767	2,340	5,943	3,505	5,480	12,513	8,875	15,398	13,925	8,112	13,601	14,323
Other <sup>1</sup>	0	0	0	0	359	428	1,035	427	290	405	846	724	714	490
Total	3,393	10,992	7,767	2,340	6,302	3,934	6,515	12,940	9,165	15,803	14,771	8,836	14,315	14,813
<b>Landed, duty-paid value (\$1,000)</b>														
China	9,032	35,845	19,308	4,309	9,769	5,561	9,997	45,167	23,621	51,050	38,573	15,991	23,578	43,439
Other <sup>1</sup>	0	0	0	0	719	694	3,137	1,566	808	1,278	2,847	2,454	3,110	2,488
Total	9,032	35,845	19,308	4,309	10,487	6,255	13,134	46,733	24,429	52,329	41,420	18,445	26,688	45,927
<b>Landed, duty-paid unit value (per pound)</b>														
China	\$2.66	\$3.26	\$2.49	\$1.84	\$1.64	\$1.59	\$1.82	\$3.61	\$2.66	\$3.32	\$2.77	\$1.97	\$1.73	\$3.03
Other <sup>1</sup>	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )	\$2.00	\$1.62	\$3.03	\$3.66	\$2.78	\$3.15	\$3.36	\$3.39	\$4.35	\$5.08
Average	\$2.66	\$3.26	\$2.49	\$1.84	\$1.66	\$1.59	\$2.02	\$3.61	\$2.67	\$3.31	\$2.80	\$2.09	\$1.86	\$3.10
<b>Share of total quantity (percent)</b>														
China	100.0	100.0	100.0	100.0	94.3	89.1	84.1	96.7	96.8	97.4	94.3	91.8	95.0	96.7
Other <sup>1</sup>	0.0	0.0	0.0	0.0	5.7	10.9	15.9	3.3	3.2	2.6	5.7	8.2	5.0	3.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<b>Share of total value (percent)</b>														
China	100.0	100.0	100.0	100.0	93.1	88.9	76.1	96.6	96.7	97.6	93.1	86.7	88.3	94.6
Other <sup>1</sup>	0.0	0.0	0.0	0.0	6.9	11.1	23.9	3.4	3.3	2.4	6.9	13.3	11.7	5.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

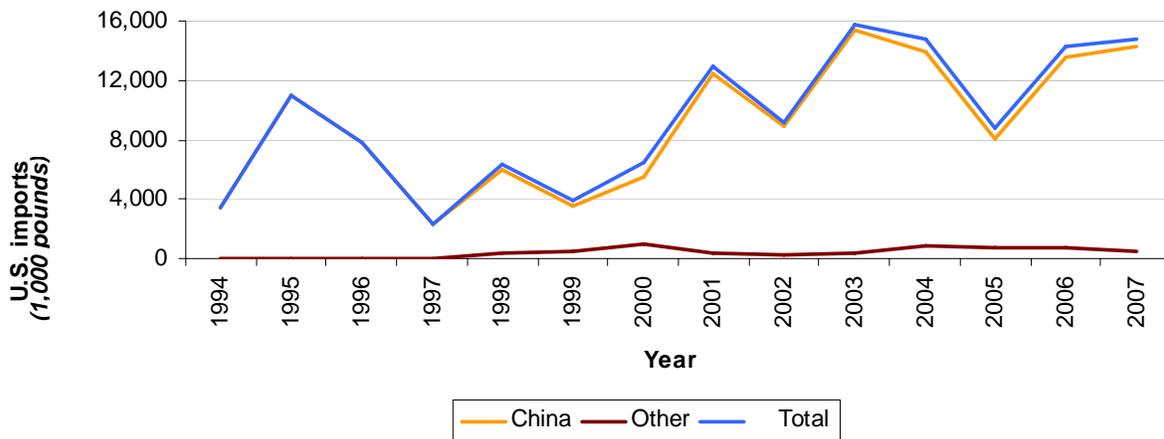
<sup>1</sup> Primarily Spain and Trinidad & Tobago.<sup>2</sup> Not applicable.

Note.—Because of rounding, figures may not add to the totals shown. Calculated data are based on unrounded numbers. Imports from 1994-96 are based on questionnaire data; imports from 1997-2007 are based on official statistics. (The quantities of subject imports based on official statistics for the original investigation period were the following: 1.6 million pounds in 1994; 2.8 million pounds in 1995; and 2.8 million pounds in 1996.)

Note.—Imports reported from official statistics are based on HTS statistical reporting numbers 0306.19.0010 (freshwater crawfish), 0306.29.0000 (crustaceans, not frozen, other), and 1605.40.1010 (peeled freshwater crawfish tail meat). During the original investigation, crawfish tail meat was classified under HTS subheadings 0306.19.00 and 0306.29.00. After the first review, the continuation order in August 2003 defined the scope as including two additional HTS statistical reporting numbers--1605.40.10.10 and 1605.40.10.90. In July 2000, HTS 1605.40.1000 split into 1605.40.1010 (peeled freshwater crawfish tail meat) and 1605.40.1090 (crustaceans other than peeled crawfish tail meat), the latter of which was determined by the Commission to contain only a small quantity of in-scope merchandise but a majority of out-of-scope products.

Source: Confidential Review Report, table I-1 for 1994-2002 (wherein data for 1994-96 are based on questionnaire data and data for 1997-2002 are based on official Commerce statistics), and official Commerce statistics (HTS statistical reporting numbers 0306.19.0010, 0306.29.0000, and 1605.40.1010) for 2003-07.

**Figure I-1**  
**Crawfish tail meat: U.S. imports, 1994-2007**



Source: Table I-4.

### **Apparent U.S. Consumption and Market Shares**

Apparent U.S. consumption and market shares are presented in table I-5. Apparent consumption increased during the initial investigation period (1994-96), while the U.S. producers' share by quantity decreased from 42.4 percent to 13.2 percent. During the first review period (1997-2002), apparent consumption grew irregularly from a lower base, and the U.S. producers' share decreased from 38.2 percent in 1997 to only 4.6 percent in 1999 and 2000, before increasing to 13.1 percent in 2002. During the second review period (2003-07), apparent consumption fluctuated \*\*\* downward and the U.S. producers' share decreased irregularly from \*\*\* percent to \*\*\* percent.

### **ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES**

There have been no known antidumping duty actions outside the United States concerning crawfish tail meat.

**Table I-5**  
**Crawfish tail meat: Apparent U.S. consumption<sup>1</sup> and market shares, 1994-96, 1997-2002, and 2003-07**

Item	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
<b>Quantity (1,000 pounds)</b>														
U.S. producers' U.S. shipments	2,232	1,877	1,254	1,444	1,725	997	315	625	1,380	***	***	***	***	***
U.S. imports: <sup>2</sup> China	3,039	7,020	8,268	2,340	5,943	3,505	5,480	12,513	8,875	15,398	13,925	8,112	13,601	14,323
Other sources	0	0	0	0	359	428	1,035	427	290	405	846	724	714	490
Total imports	3,039	7,020	8,268	2,340	6,302	3,934	6,515	12,940	9,165	15,803	14,771	8,836	14,315	14,813
Apparent U.S. consumption <sup>1</sup>	5,271	8,897	9,522	3,784	8,027	4,931	6,830	13,565	10,546	***	***	***	***	***
<b>Value (\$1,000)</b>														
U.S. producers' U.S. shipments	11,461	10,352	7,118	8,262	10,801	6,737	2,609	4,540	8,431	***	***	***	***	***
U.S. imports: <sup>2</sup> China	9,843	24,012	22,635	4,309	9,769	5,561	9,997	45,167	23,621	51,050	38,573	15,991	23,578	43,439
Other sources	0	0	0	0	719	694	3,137	1,566	808	1,278	2,847	2,454	3,110	2,488
Total imports	9,843	24,012	22,635	4,309	10,487	6,255	13,134	46,733	24,429	52,329	41,420	18,445	26,688	45,927
Apparent U.S. consumption <sup>1</sup>	21,304	34,364	29,753	12,570	21,288	12,992	15,744	51,273	32,860	***	***	***	***	***

Table continued on following page.

**Table I-5--Continued**

**Crawfish tail meat: Apparent U.S. consumption<sup>1</sup> and market shares, 1994-96, 1997-2002, and 2003-07**

Item	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
<b>Share of consumption based on quantity (percent)</b>														
U.S. producer's U.S. shipments	42.4	21.1	13.2	38.2	21.5	20.2	4.6	4.6	13.1	***	***	***	***	***
U.S. imports: <sup>2</sup> China	57.6	78.9	86.8	61.8	74.0	71.1	80.2	92.2	84.2	***	***	***	***	***
Other sources	0.0	0.0	0.0	0.0	4.5	8.7	15.1	3.2	2.8	***	***	***	***	***
Total imports	57.6	78.9	86.8	61.8	78.5	79.8	95.4	95.4	86.9	***	***	***	***	***
<b>Share of consumption based on value (percent)</b>														
U.S. producer's U.S. shipments	53.8	30.1	23.9	65.7	50.7	51.9	16.6	8.9	25.7	***	***	***	***	***
U.S. imports: <sup>2</sup> China	46.2	69.9	76.1	34.3	45.9	42.8	63.5	88.1	71.9	***	***	***	***	***
Other sources	0.0	0.0	0.0	0.0	3.4	5.3	19.9	3.1	2.5	***	***	***	***	***
Total imports	46.2	69.9	76.1	34.3	49.3	48.1	83.4	91.1	74.3	***	***	***	***	***

<sup>1</sup> For 1994-96, data consist of U.S. producers' internal consumption and U.S. commercial shipments plus *shipments of imports*; for 1997-2002 and 2003-07, data consist of U.S. producers' internal consumption and U.S. commercial shipments plus *imports*.

<sup>2</sup> For 1994-96, data consist of U.S. importers' *shipments of imports*; for 1997-2002 and 2003-07, data consist of U.S. importers' *imports*.

Note.--Because of rounding, figures may not add to the totals shown. Calculated data are based on unrounded numbers. Shipments of imports for 1994-96 are based on questionnaire data; imports for 1997-2007 are based on official statistics. (The quantity of subject imports based on official statistics for the original investigation period were the following: 1.6 million pounds in 1994; 2.8 million pounds in 1995; and 2.8 million pounds in 1996.)

Note.--Imports reported from official statistics are based on HTS statistical reporting numbers 0306.19.0010 (freshwater crawfish), 0306.29.0000 (crustaceans, not frozen, other), and 1605.40.1010 (peeled freshwater crawfish tail meat). During the original investigation, crawfish tail meat was classified under HTS subheadings 0306.19.00 and 0306.29.00. After the first review, the continuation order in August 2003 defined the scope as including two additional HTS statistical reporting numbers--1605.40.10.10 and 1605.40.10.90. In July 2000, HTS 1605.40.1000 split into 1605.40.1010 (peeled freshwater crawfish tail meat) and 1605.40.1090 (crustaceans other than peeled crawfish tail meat), the latter of which was determined by the Commission to contain only a small quantity of in-scope merchandise but a majority of out-of-scope products.

Source: *Confidential Review Report*, table I-1 for apparent consumption and U.S. shipments for 1994-2002 and imports for 1997-2002 (based on official Commerce statistics) and table IV-2 for shipments of imports for 1994-96 (based on questionnaire responses); *Response*, August 20, 2008, exh. 5 for U.S. shipments 2003-2007; and official Commerce statistics (HTS statistical reporting numbers 0306.19.0010, 0306.29.0000, and 1605.40.1010) for imports for 2003-07.

## THE INDUSTRY IN CHINA

The CPA indicated in its response to the Commission's notice of institution in this second review that "imports from China under HTS 1605.40.1010 alone had a value of \$36.6 million in 2007. Of course, {that} figure would reasonably be expected to increase if the order were revoked."<sup>50</sup>

During the original investigation, the Commission noted that the number of Chinese processors of crawfish tail meat stood at approximately 50 in 1995, but fell to about 15 during 1996. Approximately 95 percent of the Chinese production of crawfish at that time was located in Jiangsu Province, with the remaining 5 percent located in Anhui and Hubei Provinces. No Chinese processors of crawfish tail meat participated in the original investigation. Ten firms were listed as exporters of Chinese crawfish tail meat during the period for which data were collected in the original final investigation. Shipment data were provided to the Commission by Chinese exporters of crawfish tail meat which accounted for about 80 percent of estimated U.S. imports of the subject merchandise during 1996. The Commission concluded that the crawfish tail meat industry in China was created primarily for export sales to the United States, as there was only a small, undocumented market for tail meat in China at the time.<sup>51</sup>

In their response to the Commission's notice of institution in the first review of the antidumping duty order, the Chinese respondents listed 25 Chinese exporters that shipped crawfish tail meat to the United States during May-July 2002. The domestic respondents listed over 70 producers of the subject merchandise in China that exported to the United States since 1996. During the conduct of the Commission's full review, 10 out of 16 participating Chinese processors/exporters provided usable data in response to the Commission's questionnaire.<sup>52</sup> These 10 firms (i.e., eight producer/exporters and two exporters) accounted for about \*\*\* percent of subject U.S. imports during 2002.<sup>53</sup>

In its response to the Commission's notice of institution in this second review, the CPA provided a list of 119 producers of the subject merchandise in China that currently export or have exported subject merchandise to the United States or other countries since 2002.<sup>54</sup>

### Operations in China

Table I-6 presents data on the industry in China producing and/or exporting crawfish tail meat. During the original investigation period (1994-96), exports to the United States accounted for a declining share but an overall majority of total exports. Home market shipments accounted for less than 5 percent of total shipments. During the second review period (1997-2002), capacity grew steadily (except in 2002) and there was substantial excess capacity. Exports to the United States initially dropped to \*\*\* but thereafter accounted for an increasing share of total exports, reaching \*\*\* percent of total exports in 2002. The home market and third-country markets initially absorbed the shift away from exports to the United States, but by the end of the period the home market and third-country markets had declined to roughly \*\*\* percent (\*\*\* percent if internal consumption is included) and \*\*\* percent, respectively, of total shipments. Data regarding the operations of the Chinese industry producing and exporting crawfish tail meat were not available for the second review period (2003-07).

**Table I-6**

**Crawfish tail meat: China's capacity, production, shipments, and inventories, 1994-96 and 1997-2002**

\* \* \* \* \*

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<sup>50</sup> Ibid, p. 11.

<sup>51</sup> *Confidential Investigation Report*, pp. VII-1-VII-2.

<sup>52</sup> Counsel estimated that its 16 client firms in China accounted for virtually all exports of crawfish tail meat from China. *Confidential Review Report*, pp. IV-7-IV-8.

<sup>53</sup> The 10 responding firms were \*\*\*. \*\*\* accounted for \*\*\* percent of reported production from the eight respondent producers in 2001. Ibid., pp. IV-7-IV-8.

<sup>54</sup> *Response*, August 20, 2008, exh. 9.



**APPENDIX A**  
***FEDERAL REGISTER* NOTICES**



telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise on the Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date*.

(7) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2007 (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/

which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company

transfers of the *Domestic Like Product* produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2007 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2007 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply

conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(11)(Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: June 16, 2008.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-14181 Filed 6-30-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-752 (Second Review)]

### Crawfish Tail Meat From China

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of a five-year review concerning the antidumping duty order on crawfish tail meat from China.

**SUMMARY:** The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; <sup>1</sup> to be assured of

<sup>1</sup> No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the

consideration, the deadline for responses is August 20, 2008.

Comments on the adequacy of responses may be filed with the Commission by September 15, 2008. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**DATES:** *Effective Date:* July 1, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.** On September 15, 1997, the Department of Commerce issued an antidumping duty order on imports of crawfish tail meat from China (62 FR 48218). Following five-year reviews by Commerce and the Commission, effective August 13, 2003, Commerce issued a continuation of the antidumping duty order on imports of crawfish tail meat from China (68 FR 48340). The Commission is now conducting a second review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

OMB number is 3117-0016/USITC No. 08-5-185, expiration date July 31, 2008. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

**Definitions.** The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination and first full five-year review determination, the Commission defined the *Domestic Like Product* as crawfish tail meat, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its first full five-year review determination, the Commission defined the *Domestic Industry* as all domestic producers of crawfish tail meat, which, at that time, consisted of numerous processors that were generally small, family-owned businesses in Louisiana. The Commission did not include in its definition of the *Domestic Industry* producers or growers of whole crawfish.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the *Order Date* is September 15, 1997.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

**Participation in the review and public service list.** Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and

substantially in the corresponding underlying original investigation. The Commission's designated agency ethics official recently has advised that a five-year review is no longer considered the "same particular matter" as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 73 FR 24609 (May 5, 2008). This advice was developed in consultation with the Office of Government Ethics. Consequently, former employees are no longer required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202-205-3088.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.** Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Certification.** Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

**Written submissions.** Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is August 20, 2008.

Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is September 15, 2008. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

*Inability to provide requested information.* Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

*Information To Be Provided In Response to This Notice of Institution:* As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and e-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business

association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise on the Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2002.

(7) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2007 (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2007 (report quantity data

in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2007 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2002, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including

barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, Subject Merchandise produced in the *Subject Country*, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: June 16, 2008.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-14203 Filed 6-30-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-431 (Review)]

### DRAMs and DRAM Modules From Korea

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of a five-year review concerning the countervailing duty order on DRAMs and DRAM modules from Korea.

**SUMMARY:** The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the countervailing duty order on DRAMs and DRAM modules from Korea would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;<sup>1</sup> to be assured of consideration, the

<sup>1</sup> No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117-0016/USITC No. 08-5-186, expiration date July 31, 2008. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

deadline for responses is August 20, 2008. Comments on the adequacy of responses may be filed with the Commission by September 15, 2008. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**DATES:** *Effective Date:* July 1, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—On August 11, 2003, the Department of Commerce issued a countervailing duty order on imports of DRAMs and DRAM modules from Korea (68 FR 47546). The Commission is conducting a review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

**Definitions.**—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Korea.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determination, the Commission found a

single Domestic Like Product consisting of all DRAM products regardless of density, including cased and uncased DRAMs as well as DRAMs packaged into memory modules, and including all DRAM product types.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as all producers that fabricate and assemble DRAMs in the United States, excluding module "packagers" and fabless design houses. At the time of the Commission's original determination, the *Domestic Industry* consisted of Micron, Dominion, Infineon, Samsung Austin Semiconductor, HSMA, Fujitsu, IBM, Payton, and NECELAM.

(5) The *Order Date* is the date that the countervailing duty order under review became effective. In this review, the *Order Date* is August 11, 2003.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

**Participation in the review and public service list.**—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation. The Commission's designated agency ethics official recently has advised that a five-year review is no longer considered the "same particular matter" as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b)(19 CFR 201.15(b)). 73 FR 24609 (May 5, 2008). This advice was

**DEPARTMENT OF COMMERCE****International Trade Administration****Initiation of Five-year ("Sunset") Review**

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

**SUMMARY:** In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating a five-year review ("Sunset Review") of the antidumping and countervailing duty orders listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notice of *Institution of Five-*

*year Review* which covers the same orders.

**EFFECTIVE DATE:** July 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW, Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205-3193.

**SUPPLEMENTARY INFORMATION:****Background**

The Department's procedures for the conduct of Sunset Reviews are set forth

in its *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3 - *Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin*, 63 FR 18871 (April 16, 1998).

**Initiation of Review**

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping and countervailing duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department Contact
A-552-801 .....	731-TA-1012	Vietnam	Frozen Fish Fillets	Alex Villanueva (202) 482-3208
A-570-848 .....	731-TA-752 (Second Review)	PRC	Freshwater Crawfish Tail Meat	Lyn Johnson (202) 482-5287
C-580-851 .....	701-TA-431	Korea	Dynamic Random Access Memory Semiconductors	Nancy Decker (202) 482-0196

**Filing Information**

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's sunset Internet Web site at the following address:

≥<http://ia.ita.doc.gov/sunset/>." All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103 (c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The Department's regulations on

submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304-306.

**Information Required from Interested Parties**

Domestic interested parties defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b) wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. See 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note

that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.<sup>1</sup> Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218 (c).

Dated: June 18, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E8-14910 Filed 6-30-04; 8:45 am]

**BILLING CODE 3510-DS-S**

<sup>1</sup> In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests to extend that five-day deadline based upon a showing of good cause.

parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Parties are also advised to consult with the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207) for provisions of general applicability concerning written submissions to the Commission.

By order of the Commission.

Issued: October 14, 2008

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-24890 Filed 10-17-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1012 (Review)]

### Certain Frozen Fish Fillets From Vietnam

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of Commission determination to conduct a full five-year review concerning the antidumping duty order on certain frozen fish fillets from Vietnam.

**SUMMARY:** The Commission hereby gives notice that it will proceed with a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty order on certain frozen fish fillets from Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**DATES:** *Effective Date:* October 6, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special

assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** On October 6, 2008, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic and respondent interested party group responses to its notice of institution (73 FR 37487, July 1, 2008) were adequate. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 14, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-24894 Filed 10-17-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-752 (Second Review)]

### Crawfish Tail Meat From China

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of an expedited five-year review concerning the antidumping duty order on crawfish tail meat from China.

**SUMMARY:** The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207,

subparts A, D, E, and F (19 CFR part 207).

**DATES:** *Effective Date:* October 6, 2008.

**FOR FURTHER INFORMATION CONTACT:** Olympia DeRosa Hand (202-205-3182), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

### SUPPLEMENTARY INFORMATION:

**Background.**—On October 6, 2008, the Commission determined that the domestic interested party group response to its notice of institution (73 FR 37489, July 1, 2008) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.<sup>1</sup> Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

**Staff report.**—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on October 30, 2008, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

**Written submissions.**—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,<sup>2</sup> and any party other than an interested party to the review, may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before

<sup>1</sup> A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

<sup>2</sup> The Commission has found the responses submitted by the Crawfish Processors Alliance to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

November 5, 2008 and may not contain new factual information. Any person who is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by November 5, 2008. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in section II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 14, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-24891 Filed 10-17-08; 8:45 am]

**BILLING CODE 7020-02-P**

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Proposed Collection of Information; Comment Request

**ACTION:** Notice of an opportunity for public comment.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an

opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) [44 U.S.C. 3505(c)(2)(A)]. The program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of the collection requirements on respondents can be properly assessed.

**DATES:** Written comments must be submitted by December 12, 2008.

**ADDRESSES:** A copy of the ICR and supporting documentation as submitted to the Office of Management and Budget (OMB) can be obtained by contacting the Department of Labor. To obtain copies, contact Amy Hobby on 202-693-4553 (this is not a toll-free number) or e-mail: [hobby.amy@dol.gov](mailto:hobby.amy@dol.gov). Send comments regarding this proposed collection of information, including suggestions for reducing the burden to the U.S. Department of Labor, GovBenefits Office, FPB, Room N-4309, Washington, DC 20210.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The President's Management Agenda for E-Government (February 27, 2002) sets forth a strategy for simplifying the delivery of services to citizens. The President's agenda outlines a Federal EGovernment Enterprise Architecture that will transition the management and delivery of government services from a bureaucracy-centered to a citizen centered paradigm. To this end, the Department of Labor serves as the managing partner of the Administration's "GovBenefits" strategy for assisting citizens in identifying and locating information on benefits sponsored by the Federal government and State governments. This tool will greatly reduce the burden on citizens attempting to locate services available from many different government agencies by providing one-stop access to information on obtaining those services. Respondents answer a series of questions to the extent necessary for locating relevant information on Federal benefits. Responses are used by the respondent to expedite the identification and retrieval of sought after information and resources pertaining to the benefits sponsored by the Federal government.

##### **II. Current Action**

Pursuant to the PRA implementing regulations at 5 CFR 1320.8(d)(1), this notice requests comments on the

proposed information collection request discussed above in the Background section of this notice. OMB approval for this collection of information is currently scheduled to expire on January 31, 2009. This notice requests extended approval from OMB for the collection of information required for locating information on the GovBenefits Web site. Interested parties are encouraged to provide comments to the individual listed in the **ADDRESSES** section above.

##### **III. Desired Focus of Comments**

The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Office of the Secretary.

*Type of Review:* Revision of an existing OMB Control 1290-0003.

*Title of Collection:* Information Collection Plan for GovBenefits.

*OMB Control Number:* 1290-0003.

*Affected Public:* Individuals or households, not for-profit institutions.

*Estimated Number of Respondents:* 6,345,715.

*Frequency:* On occasion.

*Total Estimated Annual Responses:* 6,345,715.

*Estimated Average Time per Response:* 5.5 minutes.

*Estimated Total Annual Burden Hours:* 581,691 hours.

*Total Estimated Annual Cost Burden:* \$0.

Comments submitted in response to this notice will be summarized and may be included in the request for OMB approval of the final information collection request. The comments will become a matter of public record.



**APPENDIX B**  
**STATEMENT ON ADEQUACY**



## EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

*Crawfish Tail Meat from China*  
Inv. No. 731-TA-752 (Second Review)

On October 6, 2008, the Commission determined that it should proceed to an expedited review in the subject five-year review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3)(B).

The Commission determined that the domestic producer response filed by the Crawfish Processors Alliance (“CPA”), a trade association representing domestic crawfish tail meat producers, was individually adequate. Because the CPA represents domestic producers accounting for nearly all domestic production of crawfish tail meat, the Commission further determined that the domestic interested party group response was adequate.

The Commission did not receive a response from any respondent interested party in the review and, therefore, determined that the respondent interested party group response was inadequate.

Given the absence of an adequate respondent interested party group response, and any other circumstances that might warrant proceeding to a full review, the Commission determined to conduct an expedited review. A record of the Commissioners’ votes is available from the Office of the Secretary and the Commission’s website (<http://www.usitc.gov>).

