

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-822]

Certain Corrosion-Resistant Carbon Steel Flat Products from Canada: Rescission, in Part, of Antidumping Duty Administrative Review

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

ACTION: Notice.

SUMMARY: In response to a timely request from petitioners, Bethlehem Steel Corp., National Steel Corp., and United States Steel Corp., the Department initiated an administrative review of Stelco Inc. (Stelco) and Dofasco Inc. (Dofasco) under the antidumping duty order on certain corrosion-resistant carbon steel flat products (CORE) from Canada covering the period August 1, 2001 through July 31, 2002. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews, Requests for Revocation in Part and Deferral of Administrative Reviews*, 67 FR 60210 (September 25, 2002). Petitioners, which were the only parties to request this review, have now withdrawn their request for an administrative review with respect to Stelco. Accordingly, the Department is rescinding, in part, its review of CORE for Stelco in accordance with section 351.213(d)(1) of the Department's regulations.

EFFECTIVE DATE: July 11, 2003.

FOR FURTHER INFORMATION CONTACT: Christian Hughes or Elfi Blum-Page, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-0190 or (202) 482-0197, respectively.

SUPPLEMENTARY INFORMATION:**Background**

The Department published in the **Federal Register** the antidumping duty order on CORE from Canada on August 19, 1993. *See Antidumping Duty Orders: Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada*, 58 FR 44162 (August 19, 1993). On August 6, 2002, the Department published an opportunity to request administrative review. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative*

Review, 67 FR 50856 (August 6, 2002). On August 30, 2002, the Department received a timely request from petitioners to conduct an administrative review pursuant to section 351.213(b) of the Department's regulations. On September 25, 2002, the Department initiated the administrative review covering the period August 1, 2001 to July 31, 2002, for producers Stelco and Dofasco. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews, Requests for Revocation in Part and Deferral of Administrative Reviews*, 67 FR 60210 (September 25, 2002). On April 24, 2003, petitioners withdrew their review request for this period with respect to Stelco in accordance with section 351.213(d)(1) of the Department's regulations. On May 1, 2003, Stelco filed comments in opposition to petitioners' withdrawal request, and requested the Department to continue the review.

Rescission, in Part, of the Antidumping Duty Administrative Review of CORE

The Department is rescinding the antidumping duty administrative review of Stelco, covering the period August 1, 2001 through July 31, 2002, in accordance with section 351.213(d)(1) of the Department's regulations. Although petitioners' withdrawal request for this review was not within the normal time limit as prescribed in section 351.213(d)(1) of the Department's regulations, we find that, under the circumstances of this review, it is appropriate to accept the withdrawal request and rescind the review with respect to Stelco. According to section 351.213(d)(1) of the Department's regulations, the Department will rescind an administrative review "if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." The regulations further provide that the Secretary "may extend this time limit if the Secretary decides that it is reasonable to do so." In this case, petitioners' withdrawal request was not within the 90-day time limit. However, the Department has determined that rescinding the review is appropriate. Continuing this review would only require Stelco, the domestic industry and the Department to expend time and resources on a review in which the only parties that requested the review are no longer interested. The Department has not released supplemental questionnaires with respect to Stelco, nor conducted verification. Therefore, the Department does not believe the administrative review has proceeded to a point at which it would be "unreasonable" to

rescind the review. Furthermore, there are no overarching policy issues which would warrant continuing with this review.

The Department, therefore, has determined that it is reasonable to extend the 90-day time limit and to rescind, in part, the administrative review of CORE for the period August 1, 2001 through July 31, 2002 with respect to Stelco. (For a full discussion of the comments filed with respect to whether to rescind this review, *see Memorandum to the File from Christian Hughes, Analyst, Re: Antidumping Duty Order on Certain Corrosion-Resistant Carbon Steel Flat Products from Canada: 08/01/01- 07/31/02; Rescission, in Part, of the Ninth Administrative Review with Respect to Stelco, Inc.*, July 3, 2003.) The Department will issue appropriate assessment instructions directly to the U.S. Bureau of Customs and Border Protection (BCBP) within 15 days of publication of this notice. The Department will direct the BCBP to assess antidumping duties for this company at the cash deposit rate in effect on the date of entry for entries during the period August 1, 2001 through July 31, 2002.

Notification to Parties

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

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination and notice are issued and published in accordance with sections 351.213(d)(4) and sections 751(a)(2)(c) and 777(I)(1) of the Tariff Act of 1930, as amended.

Dated: July 3, 2003.

Joseph A. Spetrini,

*Acting Assistant Secretary for Grant Aldonas,
Under Secretary.*

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-813]

Certain Preserved Mushrooms From India: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On March 7, 2003, the Department of Commerce published the preliminary results of the third administrative review of the antidumping duty order on certain preserved mushrooms from India. The review covers three manufacturers/exporters. The period of review is February 1, 2001, through January 31, 2002.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: July 11, 2003.

FOR FURTHER INFORMATION CONTACT:

David J. Goldberger or Katherine Johnson, Office 2, AD/CVD Enforcement Group I, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4136 or (202) 482-4929, respectively.

SUPPLEMENTARY INFORMATION:

Background

The review covers three manufacturers/exporters: Agro Dutch Foods Ltd. ("Agro Dutch"), Himalya International Ltd. ("Himalya"), and Weikfield Agro Products Ltd. ("Weikfield"). The period of review is February 1, 2001, through January 31, 2002.

On March 7, 2003, the Department of Commerce published the preliminary results of the third administrative

review of the antidumping duty order on certain preserved mushrooms from India (68 FR 11045). We invited parties to comment on the preliminary results of review. On April 7, 2003, we received a request for a public hearing from respondent Weikfield. We received case briefs from the petitioner,¹ Agro Dutch, and Weikfield on May 2, 2003. We received rebuttal briefs from the petitioner and Weikfield on May 13, 2003. On June 3, 2003, Weikfield withdrew its request for a public hearing. We have conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended ("the Act").

Scope of the Order

The products covered by the order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under the order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of the order are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of the order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms"; (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified" or "pickled" mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to the order is classifiable under subheadings 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, and 0711.51.0000 of the *Harmonized Tariff Schedule of the United States*

¹ The petitioner is the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc.; Modern Mushroom Farms, Inc.; Monterey Mushrooms, Inc.; Mount Laurel Canning Corp.; Mushrooms Canning Company; Southwood Farms; Sunny Dell Foods, Inc.; and United Canning Corp.

("HTSUS")². Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping duty administrative review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Jeffrey May, Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated July 7, 2003, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the Decision Memo are identical in content.

Changes From the Preliminary Results

Based on our analysis of comments received, we have made certain changes to the margin calculations, including:

- We revised the calculation for Weikfield's indirect selling expenses to exclude the amounts for commissions and discounts Weikfield and its affiliate paid to unaffiliated parties.
- We revised Weikfield's U.S. indirect selling expenses used as an offset to home market commissions to include inventory carrying expenses.
- We excluded a deduction from Weikfield's home market price for "Discount Program 2."
- We did not make a deduction for the Indian export tax to the price of one of Weikfield's U.S. sales.
- We revised Weikfield's reported general and administrative (G&A) expenses to include idle depreciation costs experienced during the POR.
- We revised Weikfield's reported financial expenses to exclude long-term financial and non-financial income. In addition, we included all financial expenses incurred during the POR, including certain expenses associated with debt restructuring. Finally, we

² Prior to January 1, 2002, the HTSUS numbers were as follows: 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000.