With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review,* 61 FR 6812 (February 22, 1996), the Department disregarded the highest margin in that case as adverse best information available (the predecessor to facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. Similarly, the Department does not apply a margin that has been discredited. *See D & L Supply Co.* v. *United States,* 113 F.3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). The information used in calculating this margin was based on sales and production data of a respondent in a prior review, together with the most appropriate surrogate value information available to the Department, chosen from submissions by the parties in that review, as well as gathered by the Department itself. Furthermore, the calculation of this margin was subject to comment from interested parties in the proceeding. *See 99–00 Final Results.* Moreover, as there is no information on the record of this review that demonstrates that this rate is not appropriately used as AFA, we determine that this rate has relevance. As the rate is both reliable and relevant, we determine that it has probative value. Accordingly, we determine that the highest rate from any segment of this administrative proceeding (*i.e.*, the calculated rate of 223.01 percent, which is the current PRC-wide rate) is in accord with section 776(c)'s requirement that secondary information be corroborated (*i.e.*, that it have probative value).

Final Results of Review

For these final results we determine that the following dumping margin exists:

Manufacturer and exporter	Period of review	Margin (percent)
PRC-Wide Rate [1]	9/1/01–8/31/02	223.01

[1] Shouzhou Huaxiang, Shanghai Taoen, Yangzhou Lakebest, Weishan Fukang, and Qingdao Rirong are now included in the PRC-wide rate.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of these final results for this administrative review for all shipments of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) For previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (2) for PRC exporters which do not have a separate rate, including the exporters named in the footnote above, the cash deposit rate will be the PRC-wide rate, 223.01 percent; and (3) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Assessment of Antidumping Duties

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. For assessment purposes, we will direct CBP to assess the *ad valorem* rates against the entered value of each entry of the subject merchandise during the POR. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of review.

Notification to Importers

This notice serves as a final 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 review period. 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/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 5, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix

List of Issues

Comment 1: Valuation of the Raw Crawfish Input.

Comment 2: Application of Adverse Facts Available to Shanghai Taoen International Trading Co., Ltd.

Comment 3: Application of Adverse Facts Available to Shouzhou Huaxiang Foodstuffs Co., Ltd.

[FR Doc. 04–3257 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–855]

Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision

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

ACTION: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision.

SUMMARY: On November 20, 2003, in *Yantai Oriental Juice Co., et al.* v. *United States and Coloma Frozen Foods, Inc., et al.*, Court No. 00–00309, Slip Op. 03–150, the Court of

International Trade (''CIT'') affirmed the Department of Commerce's (''the Department's'') remand determinations and entered a judgment order. This litigation related to the Department's *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China,* 65 FR 19873 (April 13, 2000) and accompanying Issues and Decision Memorandum (April 6, 2000) (''*Issues and Decision Memorandum*''), and *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China,* 65 FR 35606 (June 5, 2000) (collectively, ''*Final Determination*'').

In its remand determinations, the Department reviewed the record evidence regarding the selection of a surrogate country; the valuation of juice apples, steam coal, and ocean freight; and the calculation of selling, general and administrative (''SG&A'') expenses, overhead, and profit. The Department found that Turkey, rather than India, was the appropriate surrogate country. Juice apples, SG&A, overhead and profit were valued using surrogate value information from Turkey. Steam coal was valued using a domestic Indian price and the ocean freight rate was revised to include a rate for Detroit.

The remand determinations resulted in weighted average margins of zero percent for Yantai Oriental Juice Co. (''Oriental''), Qingdao Nannan Foods Co. (''Nannan''), Sanmenxia Lakeside Fruit Juice Co. Ltd. (''Lakeside''), Shaanxi Haisheng Fresh Fruit Juice Co. (''Haisheng''), and SDIC Zhonglu Juice Group Co. (''Zhonglu''). Therefore, these companies will be excluded from the antidumping duty order on certain non-frozen apple juice concentrate (''AJC'') from the People's Republic of China (''PRC'').

As the remand determinations resulted in changes to calculated company-specific margins, the Department also recalculated the separate rate margin it applied to producers/exporters that responded to the Department's separate rate (''Section A'') questionnaire but were not selected to respond to the full questionnaire (''separate-rate companies''). The calculated antidumping rate for Xian Yang Fuan Juice Co., Ltd. (''Xian Yang''), Xian Asia Qin Fruit Co., Ltd. (''Xian Asia''), Changsha Industrial Products & Minerals Import & Export Corporation (''Changsha Industrial''), and Shandong Foodstuffs Import & Export Corporation (''Shandong Foodstuffs'') (collectively ''separate-rate companies'') is 3.83 percent.

The PRC-wide rate of 51.74 percent is unchanged from our *Final Determination* in the investigation.

As there is now a final and conclusive court decision in this action, we are amending our Final Determination.

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Audrey Twyman or John Brinkmann, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3534, or (202) 482–4126, respectively.

SUPPLEMENTARY INFORMATION:

Period of Investigation

The period of this investigation (''POI'') is October 1, 1998, through March 31, 1999.

Background

Following publication of the *Final Determination,* Oriental, Nannan, Lakeside, Haisheng, Zhonglu, Xian Yang, Xian Asia, Changsha Industrial and Shandong Foodstuffs (collectively the ''respondents''), filed lawsuits with the CIT challenging the Department's *Final Determination*.

In the underlying investigation, the Department was required to choose a surrogate country based on ''significant production'' of ''comparable merchandise'' and ''economic comparability'' to the PRC. The Department selected India because it is economically comparable to the PRC, and a significant producer of apples and single strength apple juice, products the Department found to be comparable to AJC. The Department then valued the juice apples, SG&A, overhead, profit, steam coal and other factors of production in India. In calculating ocean freight rates, the Department included freight rates to Detroit in its calculation of an East Coast freight rate.

The Court remanded five issues to the Department.

First, the Court questioned the Department's reliance on a market study included in the petition and an annual report for an Indian company as the basis for determining that India was a significant producer of comparable merchandise. In particular, the Court found the Department had not corroborated the market study, nor had it explained the connection between the market study and the annual report, and the Department's conclusion that India was a significant producer of AJC. The Court similarly rejected the Department's determination that India's status as a significant producer of apples was relevant to the Department's treatment of India as a significant producer of comparable merchandise.

The Court directed the Department to develop sufficient evidence from the record of India's suitability as the surrogate market economy country for AJC production, or, if it could not, to select another suitable country.

Second, the Court instructed the Department to provide an explanation of why the distortions caused by the Government of India's market intervention scheme did not disturb the fair market value of Indian apples. The Court also directed the Department to explain why it treated government subsidies that enabled producers to lower their prices as market distorting, but did not apply the same treatment to such subsidies that raise prices. Furthermore, the Court requested that the Department explain why the price paid by Himachal Pradesh Horticultural Produce Marketing & Processing Corp., a government-controlled entity, should be considered a market-derived price.

Third, for steam coal valuation, the Department used Indian import statistics data because it found that the value was contemporaneous with the period of investigation and because there was no evidence to suggest that the data was aberrational or unreliable. The Court instructed the Department either to recalculate normal value using Indian domestic prices for steam coal, or explain why the use of domestic prices for steam coal was not appropriate during the period of investigation.

Fourth, the Court concluded that the Department's use of data from the *Reserve Bank of India Bulletin,* rather than data from an Indian producer, to value SG&A and overhead was not supported by substantial evidence on the record and instructed the Department to either recalculate these values using the financial statement of an Indian producer, or fully explain why the Department felt that the *Reserve Bank of India Bulletin* gave better financial data.

Finally, the Court instructed the Department to explain its reasoning for not calculating a separate Detroit freight rate and to explain why the Department did not weight its calculation to reflect accurately the volume of merchandise actually shipped to each destination.

To assist it in complying with the Court's instructions, the Department opened the record and requested new information concerning possible surrogate countries. The petitioners submitted data supporting the use of Poland, while the respondents pointed

to Turkish data that they had placed on the record in the investigation.

The ''Draft Results Pursuant to Court Remand'' (''*First Draft Results*'') were released to the parties on November 6, 2002. In its *First Draft Results*, pursuant to the analysis followed by the Court, the Department concluded that the record did not support its determination in the investigation that India was a significant producer of AJC. Instead, the Department determined that Turkey was a more appropriate surrogate country for the PRC because it was the country most economically comparable to the PRC that was also a significant producer of AJC.

Accordingly, the Department amended its calculations using Turkish data to value juice apples, SG&A expenses, overhead, and profit. The Department also changed its valuations of steam coal and East Coast freight. Because the Department's recalculated company-specific margins were all zero percent, the Department also recalculated the margin for the separate-rate companies by weighting the calculated margins of zero with the PRC-wide rate of 51.74%, resulting in a separate rates margin of 28.33%.

Comments on the *First Draft Results* were received from all parties on November 12, 2002. On November 15, 2002, the Department responded to the Court's Order by filing its ''Redetermination Pursuant to Court Remand'' (''*First Redetermination*''). The Department's *First Redetermination* was similar to the *First Draft Results* except for the inclusion of the Department's responses to comments submitted by the petitioners and respondents. The final margins in the *First Redetermination* were identical to the *First Draft Results*.

The CIT affirmed, in part, the Department's *First Redetermination* on March 21, 2003. *See Yantai Oriental Juice Co., et al.* v. *United States and Coloma Frozen Foods, Inc., et al.* Court No. 00–00309, Slip Op. 03–33 (March 21, 2003). The Court affirmed the Department's calculation of company-specific margins but remanded the calculation of the antidumping margin for the separate-rate companies because the Court found that the Department's methodology, weight-averaging the PRC-wide rate and the zero margins, was not supported by substantial evidence on the record.

Accordingly, the ''Draft Redetermination Pursuant to Court Remand'' (''*Second Draft Results*'') was released to the parties on April 18, 2003. In its *Second Draft Results*, the Department reviewed the record evidence and, based on information on the record, calculated a normal value and export price for the separate rate companies. Using this information, the Department calculated estimated margins for the separate rate companies and weight-averaged these margins with the zero margins for the fully-investigated companies and derived a separate rate of 4.91 percent.

Comments on the *Second Draft Results* were received on April 23, 2003. On May 5, 2003, the Department responded to the Court's Order of Remand by filing its ''Redetermination Pursuant to Court Remand'' (''*Second Redetermination*''). The Department's *Second Redetermination* differed from the *Second Draft Results* in that in calculating export price, we removed the fully-investigated companies' constructed export price sales, and adjusted our calculations to reflect the different terms of sale. These changes resulted in a weighted-average separate-rate margin of 3.83%.

The CIT affirmed the Department's *Second Redetermination* on November 20, 2003. *See Yantai Oriental Juice Co., et al.* v. *United States and Coloma Frozen Foods, Inc., et al.* Court No. 00–00309, Slip Op. 03–150 (November 20, 2003). On December 12, 2003, the Department published *Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China: Notice of Court Decision and Suspension of Liquidation,* (68 FR 69377), (''*Timken Notice*''). No party appealed the CIT's decision. Accordingly, we are now publishing the *Amended Final Determination* as provided in the *Timken Notice*.

Amended Final Determination

Because there is now a final and conclusive decision in the court proceeding, we are amending the *Final Determination* to reflect the revised weighted-average dumping margins:

Manufacturer/exporter	Weighted average margin percentage (percent)
Yantai Oriental Juice Co.	0
Qingdao Nannan Foods Co.	0
Sanmenxia Lakeside Fruit Juice Co. Ltd	0
Shaanxi Haisheng Fresh Fruit Juice Co.	0
SDIC Zhonglu Juice Group Co. (a.k.a. Shandong Zhonglu Juice Group Co., Ltd., Rushan Shangjin-zhonglu Foodsuff Co., Ltd., Shandong Luling Fruit Juice Co., Ltd.)	0
Xian Yang Fuan Juice Co., Ltd.	3.83
Xian Asia Qin Fruit Co., Ltd.	3.83
Changsha Industrial Products & Minerals Import & Export percent Corporation	3.83
Shandong Foodstuffs Import & Export Corporation	3.83

The ''PRC-wide Rate'' was not affected by the Final Results of Redetermination and remains at 51.74 percent as determined in the Final Determination.

The Department will issue appraisement instructions directly to U.S. Customs and Border Protection (''CBP'').

As a result of an injunction issued by the CIT on August 15, 2000, entries of AJC manufactured or exported by Oriental, Nannan, Lakeside, Haisheng, Zhonglu, Xian Yang, Xian Asia, Changsha Industrial, and Shandong Foodstuffs that were entered on or after November 23, 1999, have not been liquidated. The injunction is now lifted and the Department will instruct CBP to liquidate all merchandise covered by the injunction consistent with the terms of the injunction and the Court-approved redeterminations. Consequently, for Oriental, Nannan, Lakeside, Haisheng, and Zhonglu, which are excluded from the antidumping duty order on AJC from the People's Republic of China, we are instructing CBP to liquidate all entries without regard to antidumping duties.

The Department notes that the redetermination rate of 3.83 percent calculated for the separate rate companies is merely a cash deposit rate that is subject to modification after the Department conducts reviews. In this proceeding, the Department has conducted two administrative reviews (*see Certain Non-frozen Apple Juice*

Concentrate from the People's Republic of China: Final Results of the 1999–2001 Administrative Review and Partial Rescission of Review, 67 FR 68987 (November 14, 2002) (''*First Review*''), and *Certain Non-frozen Apple Juice Concentrate from the People's Republic of China: Final Results and Partial Rescission of the 2001–2002 Administrative Review, and Final Results of the New Shipper Review*, 68 FR 71062 (December 22, 2003) (''*Second Review*'')).

Changsha Industrial did not respond to the Department's questionnaire in either review. Therefore, Changsha Industrial received a 51.74 percent margin in the first and second reviews. Based on these results, entries for Changsha Industrial between November 23, 1999, and May 31, 2002, will be liquidated at 51.74 percent, subject to the provisions of 19 CFR 351.212(d). Moreover, we are not changing Changsha Industrial's cash deposit rate of 51.74 percent.

Xian Asia and Shandong Foodstuffs were both included in the *First Review* and both received a zero percent margin. Therefore, for the first review period, November 23, 1999, through May 31, 2001, Xian Asia's and Shandong Foodstuff's entries will be liquidated without regard to antidumping duties. Xian Asia and Shandong Foodstuffs were then both included in the *Second Review* but the review was rescinded for both because they had no shipments during the review period. When a review is rescinded or withdrawn, entries are liquidated at the rate at which they entered. Therefore, although we do not believe that there are any entries during the second review period for Xian Asia and Shandong Foodstuffs, we will instruct CBP to liquidate as entered entries from Xian Asia and Shandong Foodstuffs during the second review period. Moreover, we do not intend to change the cash deposit rates for these companies as a result of this amended final determination. Thus, the cash deposit rate for Xian Asia and Shandong Foodstuffs will remain at zero percent pursuant to the final results of the first review.

Finally, Xian Yang was included in both the first and second administrative reviews, but in both cases, the review was rescinded for Xian Yang because it had no shipments. When a review is rescinded or withdrawn, entries are liquidated at the rate at which they entered. Therefore, although we do not believe that there are any entries during the first or second review periods for Xian Yang, we will instruct CBP to liquidate as entered entries from Xian Yang during the first and second review periods. Because neither the first nor the second review resulted in the calculation of a margin for Xian Yang, we are setting the cash deposit rate at 3.83 percent, effective December 12, 2003, the date of the *Timken Notice*.

This notice is issued and published in accordance with section 751(a)(1) of the Act.

Dated: February 9, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–3258 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570–851]

Certain Preserved Mushrooms From The People's Republic of China: Notice of Extension of Time Limit for Preliminary Results in New Shipper Review

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

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the seventh new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC), which covers the period February 1, 2003, through July 31, 2003.

EFFECTIVE DATE: February 13, 2004.

FOR FURTHER INFORMATION CONTACT: Brian Smith at (202) 482–1766, Sophie Castro at (202) 482–0588, or Jim Mathews at (202) 482–2778, Office 2, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230.

SUPPLEMENTARY INFORMATION: In accordance with section 751(a)(2)(B)(iv) of the Tariff Act of 1930 (the Act), as amended, the Department shall make a preliminary determination in a new shipper review within 180 days after the date on which the review is initiated. However, if the case is extraordinarily complicated, it may extend the 180 day period for the preliminary results to 300 days.

The Department initiated the seventh new shipper review[1] of the antidumping duty order on certain preserved mushrooms on October 7, 2003 (68 FR 57877). The current deadline for the preliminary results in this review is March 28, 2004.

The Department finds that this case is extraordinarily complicated and thus we need additional time to conduct verifications[2] and to analyze issues pertaining to the reporting of factors of production. Therefore, an extension of time is necessary.

Therefore, in accordance with sections 751(a)(2)(B)(iv) of the Act, the Department is extending the time for completion of the preliminary results of this review by 120 days, or until July 26, 2004. This notice is published in accordance with section 751(a)(3)(A) of the Act.

Dated: February 6, 2004.

Jeffrey May,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 04–3256 Filed 2–12–04; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–841]

Structural Steel Beams From the Republic of Korea; 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 of structural steel beams from the Republic of Korea.

SUMMARY: On September 9, 2003, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on structural steel beams from the Republic of Korea (68 FR 53129). This review covers imports of subject merchandise from Dongkuk Steel Mill Co., Ltd. (''DSM'') and INI Steel Company (''INI''). The period of review (''POR'') is August 1, 2001 through July 31, 2002.

Based on our analysis of the comments received, we have made changes in the margin calculations to DSM. Therefore, the final results differ from the preliminary results of review. The final weighted-average dumping

[1] The new shipper respondents are Nanning Runchao Industrial Trade Company, Ltd. and Guangxi Hengxian Pro-Light Foods, Inc.

[2] Due to administrative constraints, we are unable to conduct verifications until after the date of the currently scheduled preliminary results.