Barnett-Dahl at (202) 482–6375, (202) 482–0405, or (202) 482–3833, respectively; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

## Scope of Order

For purposes of this order, the products covered are certain malleable iron pipe fittings, cast, other than grooved fittings, from the People's Republic of China. The merchandise is classified under item numbers 7307.19.90.30, 7307.19.90.60 and 7307.19.90.80 of the Harmonized Tariff Schedule (HTSUS). Excluded from the scope of this order are metal compression couplings, which are imported under HTSUS number 7307.19.90.80. A metal compression coupling consists of a coupling body, two gaskets, and two compression nuts. These products range in diameter from 1/2 inch to 2 inches and are carried only in galvanized finish. Although HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, the Department's written description of the scope of this proceeding is dispositive.

## Antidumping Duty Order

In accordance with section 735(a) of the Act, the Department made its final determination that malleable iron pipe fittings (MPF) from the People's Republic of China (the PRC) is being sold at less-than-fair-value (LTFV). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Malleable Iron Pipe Fittings from the PRC*, 68 FR 61395 (October 28, 2003). Subsequently, the Department amended its final determination of the antidumping duty investigation of MPF from the PRC to correct certain ministerial errors in the final margin calculation. *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Malleable Iron Pipe Fittings from the People's Republic of China*, 68 FR 65873 (November 24, 2003). On December 3, 2003, the International Trade Commission (ITC) notified the Department of Commerce (the Department) of its final determination, pursuant to section 735(b)(1)(A)(ii) of the Tariff Act of 1930, as amended (the Act), that the industry in the United States producing MPF is threatened with material injury by reason of import of the subject merchandise from the PRC. In accordance with section 736(a)(1) of the Act, the Department will direct CBP to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the U.S. price of the merchandise for all relevant entries of MPF from the PRC.

Section 736(b)(2) of the Act provides that duties shall be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination if that determination is based on the threat of material injury and is not accompanied by a finding that injury would have resulted but for the imposition of suspension of liquidation of entries since the Department's preliminary determination. In addition, section 736(b)(2) of the Act requires CBP to refund any cash deposits or bonds of estimated antidumping duties posted since the Department's preliminary antidumping determination if the ITC's final determination is based on a threat of material injury.

Because the ITC's final determination in this case is based on the threat of material injury and is not accompanied by a finding that injury would have resulted but for the imposition of suspension of liquidation of entries since the Department's preliminary determination, section 736(b)(2) of the Act is applicable to this order. Therefore, the Department will direct CBP to assess, upon further advice, antidumping duties on all unliquidated entries of MPF from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination of threat of material injury in the **Federal Register** and terminate the suspension of liquidation for entries of MPF from the PRC entered, or withdrawn from warehouse, for consumption prior to that date. The Department will also instruct CBP to refund any cash deposits made, or bonds posted, between the period 90 days prior to the publication date of the Department's preliminary antidumping determination and the publication of the ITC's final determination.

On or after the date of publication of this notice in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins noted below:

| Exporter/Manufacturer | Margin (percent) |
|---|---|
| Jinan Meide Casting Co., Ltd. | 11.31 |
| Beijing Sai Lin Ke Hardware Co. Ltd. | 15.92 |
| Langfang Pannext Pipe Fitting Co., Ltd. | 7.35 |
| Chengde Malleable Iron General Factory | 11.18 |
| SCE Co., Ltd. | 11.18 |
| PRC-Wide | 111.36 |

The ''PRC-wide'' rate applies to all exporters in the PRC of subject merchandise not specifically listed above.

This notice constitutes the antidumping duty order with respect to MPF from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, room B-099 of the main Commerce building, for copies of an updated list of the antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act, and 19 CFR 351.211(b).

Dated: December 5, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. E3–00548 Filed 12–11–03; 8:45 am]

**BILLING CODE 3510–DS–S**

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## DEPARTMENT OF COMMERCE

## Interntational Trade Administration

**[A–570–855]**

## Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China: Notice of Court Decision and Suspension of Liquidation

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

**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.

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 (''separate-rate companies''). The calculated antidumping rate for Xian Yang Fuan Juice Co., Ltd. (''Fuan''), Xian Asia Qin Fruit Co., Ltd. (''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 remand determinations also 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'').

The PRC-wide rate of 51.74 percent is unchanged from our final determination in the investigation.

Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (''Timken''), the Department will continue to order the suspension of liquidation of the subject merchandise until there is a ''conclusive'' decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct U.S. Customs and Border Protection to terminate the suspension of liquidation for Oriental, Nannan, Lakeside, Haisheng, and Zhonglu and revise the cash deposit rate from the investigation for Fuan, Asia, Changsha Industrial, and Shandong Foodstuffs.

**EFFECTIVE DATE:** December 12, 2003.

**FOR FURTHER INFORMATION CONTACT:** Audrey Twyman or John Brinkmann, AD/CVD Enforcement Group I, Office 1, 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:**

## Background

Following publication of the *Final Determination*, Oriental, Nannan, Lakeside, Haisheng, Zhonglu, Fuan, 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 argued 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 weigh 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*'') was 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 response 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).

**Suspension of Liquidation**

The U.S. Court of Appeals for the Federal Circuit, in *Timken*, held that the Department must publish notice of a decision of the CIT or the Federal Circuit which is not ''in harmony'' with the Department's *Final Determination*. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a ''conclusive'' decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT's November 20, 2003, decision or, if that decision is appealed, pending a final decision by the Federal Circuit. In the event that the CIT's ruling is not appealed, or if appealed and upheld by the Court of Appeals for the Federal Circuit, the Department will instruct U.S. Customs and Border Protection to revise cash deposit rates and liquidate relevant entries covering the subject merchandise effective the date of publication of this notice in the **Federal Register**.

Dated: December 5, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. E3–00550 Filed 12–11–03; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–427–814]**

### Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils From France

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

**ACTION:** Notice of Final Results of Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from France.

**SUMMARY:** On August 7, 2003, the Department of Commerce (''Department'') published the preliminary results of the administrative review of the antidumping duty order on stainless steel sheet and strip in coils from France. The merchandise covered by the order is stainless steel sheet and strip in coils (''SSSS'') as described in the ''Scope of the Review'' section of the Federal Register notice. This review covers imports of subject merchandise from Ugine, S.A (''Ugine''). The period of review (''POR'') is July 1, 2001, through June 30, 2002.

Based on our analysis of the comments received, we have made changes in the margin calculation. Therefore, the final results differ from the preliminary results of review. The final weighted-average dumping margin for Ugine is listed below in the section entitled ''Final Results of the Review.''

**EFFECTIVE DATE:** December 12, 2003.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Werner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2667.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 7, 2003, the Department published the *Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from France*, 68 FR 47049 (August 7, 2003) (''*Preliminary Results*''). In accordance with 19 CFR 351.309(c)(ii), we invited parties to comment on our *Preliminary Results*. On September 8, 2003, Ugine and the Petitioners filed comments. On September 15, 2003, Ugine and the Petitioners[1] filed rebuttal comments. We

[1] The Petitioners in this case are Allegheny Ludlum, AK Steel Corporation, North American Stainless, Butler-Armco Independent Union,

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