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DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-813]

Certain Preserved Mushrooms from India: Notice of Amended Final Results Pursuant to Final Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.
SUMMARY: On May 8, 2008, the United States Court of International Trade (CIT) sustained the results of redetermination made by the Department of Commerce (the Department) pursuant to the CIT's remand in *Agro Dutch Industries Limited v. United States*, Slip Op. 07-185 (CIT December 26, 2007) (*Agro Dutch II*). See *Agro Dutch Industries Limited v. United States*, Slip Op. 08-50 (CIT May 8, 2008) (*Agro Dutch III*). Subsequent to the CIT's judgment upholding Commerce's remand redetermination, in October 2008, the CIT exercised its equitable power to order reliquidation of some of *Agro Dutch's* entries. See *Agro Dutch Industries Limited v. United States*, Slip Op. 08-110 (CIT October 17, 2008) (*Agro Dutch IV*). The Government appealed the CIT's decision in *Agro*

Dutch IV to the United States Court of Appeals for the Federal Circuit (CAFC), and on December 15, 2009, the CAFC affirmed the CIT's decision. See *Agro Dutch Industries Limited v. United States*, Slip Op. 2009-1127 (Fed.Cir. December 15, 2009) (*Agro Dutch V*). As there is now a final and conclusive court decision in this case, the Department is amending the final results of the 2000-2001 administrative review of certain preserved mushrooms from India.

EFFECTIVE DATE: April 9, 2010.

FOR FURTHER INFORMATION CONTACT:

David Goldberger or Katherine Johnson, AD/CVD Operations, Office 2, Import Administration, 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

On July 12, 2002, the Department issued its final results in the antidumping duty administrative review of certain preserved mushrooms from India covering the period of review of February 1, 2000, through January 31, 2001. See *Certain Preserved Mushrooms From India: Final Results of Antidumping Duty Administrative Review*, 67 FR 46172 (July 12, 2002), and accompanying Issues and Decisions Memorandum (*Final Results*). *Agro Dutch* challenged certain aspects of the Department's *Final Results*: (1) that the use of partial facts available and adverse inferences for certain of its sales was improper; (2) that the methodology used to determine *Agro Dutch's* constructed value was in error; (3) that the calculation of its imputed credit expenses was in error; and (4) that its entries were improperly and prematurely liquidated.

In *Agro Dutch Industries Limited v. United States*, Slip Op. 07-25 (CIT February 16, 2007) (*Agro Dutch I*), the CIT upheld the Department's determinations on issues (2) and (3) regarding constructive value and imputed credit expense methodologies. However, with respect to the first issue, that the use of partial facts available and adverse inferences for certain of *Agro Dutch's* sales was improper, the CIT instructed the Department on remand to revisit its determination.

On March 3, 2007, the Department filed its remand redetermination and further explained its use and application of facts available in this review. In *Agro Dutch II*, the CIT did not accept the Department's explanation

and again remanded the case to the Department.

On April 3, 2008, the Department issued its final results of redetermination pursuant to *Agro Dutch II*. The remand redetermination explained that, in accordance with the CIT's instructions, the Department analyzed the information on the record and made its determination for certain Agro Dutch sales on the basis of facts available without imputing an adverse inference. The Department's redetermination resulted in a change to the *Final Results* weighted-average margin for Agro Dutch from 27.80 percent to 1.54 percent. The CIT sustained the Department's remand redetermination on May 8, 2008. See *Agro Dutch III*. On May 23, 2008, consistent with the decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department notified the public that the CIT's decision was not in harmony with the Department's *Final Results*. See *Certain Preserved Mushrooms from India: Notice of Court Decision Not in Harmony with Final Results of Administrative Review*, 73 FR 30051 (May 23, 2008).

Subsequent to the CIT's judgment upholding Commerce's remand redetermination, in October 2008, the CIT exercised its equitable power to order reliquidation of some of Agro Dutch's entries. Specifically, the CIT amended the effective date of the injunction retroactively to the date the CIT granted the injunction (*i.e.*, October 1, 2002) and ordered that Agro Dutch's entries of subject merchandise that were liquidated on or after October 1, 2002, pursuant to the Department's *Final Results*, be reliquidated in accordance with the CIT's judgment in *Agro Dutch III*. See *Agro Dutch IV*.

The Government appealed the CIT's decision in *Agro Dutch IV* to the CAFC and on December 15, 2009, the CAFC affirmed the CIT's decision. See *Agro Dutch V*. Because there is now a final and conclusive court decision in this case, the Department is amending the final results of the 2000–2001 administrative review.

Amended Final Results of Review

We are amending the final results of the 2000–2001 administrative review of the antidumping duty order on certain preserved mushrooms from India to reflect the results of our remand redetermination. Specifically, the Department's redetermination resulted in changes to the *Final Results* weighted-average margin for Agro Dutch from 27.80 percent to 1.54 percent.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries for this review in accordance with these amended final results of review. Additionally, pursuant to the CIT's decision in *Agro Dutch IV*, as affirmed by the CAFC, the Department will instruct CBP to reliquidate, in accordance with these amended final results of review, Agro Dutch's entries of subject merchandise that were liquidated on or after October 1, 2002, pursuant to the *Final Results*. We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 2, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–8164 Filed 4–8–10; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–821]

Certain Hot–Rolled Carbon Steel Flat Products from India: Extension of Time Limit for Final Results of Countervailing Duty Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Gayle Longest, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482–3338.

SUPPLEMENTARY INFORMATION:

Background

On January 11, 2010, the U.S. Department of Commerce (“the Department”) published a notice of preliminary results of the administrative review of the countervailing duty order on certain hot-rolled carbon steel flat products from India covering the period January 1, 2008, through December 31, 2008. See *Certain Hot–Rolled Carbon Steel Flat Products From India: Preliminary Results of Countervailing Duty Administrative Review*, 75 FR 1496 (January 11, 2010). Therefore, the final

results were originally due no later than May 11, 2010. As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days. The revised deadline for the final results of this review is now May 18, 2010. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding “Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm,” dated February 12, 2010.

Extension of Time Limit for Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”), requires the Department to make a final determination within 120 days after the date on which the preliminary results is published. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 120-day period to issue its final results to up to 180 days.

Due to the issues in this administrative review, such as the number and complexity of programs under review during the POR, we have determined that it is not practicable to complete the final results within the 120-day period. Therefore, in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the final results of the review by 60 days. The final results are now due no later than July 17, 2010. However, because July 17, 2010, falls on a weekend, the actual due date will be the first business day following the weekend, *i.e.*, July 19, 2010.

This notice is issued and published in accordance with section 751(a)(3)(A) of the Act.

Dated: April 5, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–8158 Filed 4–8–10; 8:45 am]

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