

Republic of China, the Court of International Trade vacated the Department of Commerce's scope ruling and entered a judgement order.

Consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed.Cir. 1990), the Department is notifying the public that this decision was "not in harmony" with the Department's original final scope ruling.

**EFFECTIVE DATE:** November 7, 2003.

**FOR FURTHER INFORMATION CONTACT:** David J. Goldberger at (202) 482-4136 or Rebecca Trainor at (202) 482-4007, Office of Antidumping and Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 19, 1999, the Department of Commerce (the Department) published notice of its amended final determination of less-than-fair-value (LTFV) investigation of certain preserved mushrooms from the People's Republic of China (PRC) and the antidumping duty order. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms from the People's Republic of China*, 64 FR 8308 (February 19, 1999).

On January 6, 2000, producers/exporters, Mei Wei Food Industry Co., Ltd, Tak Fat Trading Co., Leung Mi International, Tak Yeun Corp., and U.S. importer Genex International Corp. (collectively, Tak Fat), requested that the Department determine that certain marinated or acidified mushrooms produced in the People's Republic of China (PRC) are outside the scope of the antidumping duty order on certain preserved mushrooms. *See Request for Scope Determination: Certain Preserved Mushrooms from the People's Republic of China*, January 6, 2000. The Department made a final ruling on this scope request on June 19, 2000, finding that the "marinated or acidified" mushrooms produced, exported or imported by Tak Fat are within the scope of the antidumping duty order on certain preserved mushrooms from the PRC based on their acetic acid content level.

Tak Fat appealed this ruling to the Court of International Trade (CIT). On October 17, 2003, the CIT issued its decision granting Tak Fat's request to

vacate the scope ruling. *See Tak Fat Trading Company, et al., v. United States*, Slip Op. 03-134.

**Timken Notice**

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to 19 USC 1516(e), the Department must publish notice of a decision of the CIT or the CAFC which is "not in harmony" with the Department's determination. Therefore, publication of this notice fulfills this obligation of the Department. In addition, this notice will serve to continue the suspension of liquidation. If this decision is not appealed, or if appealed, if it is upheld, the Department will amend its scope ruling.

Dated: November 3, 2003.

**James Jochum,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A-583-830]**

**Stainless Steel Plate in Coils from Taiwan: Final Rescission of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of the Final Rescission of Antidumping Duty Administrative Review of Stainless Steel Plate in Coils from Taiwan.

**SUMMARY:** On June 4, 2003, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary rescission of its administrative review of the antidumping duty order on stainless steel plate in coils from Taiwan. *See Notice of the Preliminary Rescission of Antidumping Duty Administrative Review of Stainless Steel Plate in Coils from Taiwan*, 68 FR 33472 (June 4, 2003) ("Preliminary Rescission"). This review covers two manufacturers of the subject merchandise, Yieh United Steel Corporation ("YUSCO"), a Taiwanese producer of subject merchandise, and Ta Chen Stainless Pipe Co., Ltd. ("Ta Chen"), also a Taiwanese producer of subject merchandise. The period of review ("POR") is May 1, 2001 through April 30, 2002.

We preliminarily rescinded this review based on record evidence supporting the conclusion that there were no entries into the United States of subject merchandise during the POR by respondents. *See Preliminary Rescission*. We are now issuing our final rescission of this review based on evidence on the record indicating that there were no entries into the United States of subject merchandise during the POR from the respondents.

**EFFECTIVE DATE:** November 7, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Catherine Bertrand or Robert Bolling, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3207 or (202) 482-3434 respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 21, 1999, the Department of Commerce ("Department") published the antidumping duty order on stainless steel plate in coils from Taiwan. *See Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 64 FR 27756 (May 21, 1999). On May 6, 2002, the Department published a notice of opportunity to request an administrative review of this order for the period May 1, 2001 through April 30, 2002. *See Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation*, 67 FR 30356 (May 6, 2002). On May 7, 2002, Petitioners<sup>1</sup> timely requested that the Department conduct an administrative review of sales by YUSCO, a Taiwan producer and exporter of subject merchandise, and Ta Chen, also a Taiwan producer and exporter of subject merchandise. On June 25, 2002, in accordance with section 751(a) of the Tariff Act of 1930 as amended ("the Act"), the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review of sales by YUSCO and Ta Chen for the period May 1, 2001 through April 30, 2002. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 67 FR 42753 (June 25, 2002).

On July 10, 2002, the Department issued its antidumping duty

<sup>1</sup> Allegheny Ludlum, AK Steel Corporation, Butler Armco Independent Union, United Steelworkers of America, AFL-CIO/CLC, and Zanesville Armco Independent Organization are collectively "Petitioners" for this review.