

1400 Independence Ave., SW., Room 1647-S, Stop 3604, Washington, DC 20250-3604.

- Fax: Send form AD-755 by facsimile transmission to: (202) 690-6755.

- Hand Delivery or Courier: Deliver form AD-755 to: Terri Henry, GIPSA, USDA, 1400 Independence Ave., SW., Room 1647-S, Stop 3604, Washington, DC 20250-3604.

**SUPPLEMENTARY INFORMATION:** Under authority of section 21 of the United States Grain Standards Act (Act) as amended, the Secretary of Agriculture established the Grain Inspection Advisory Committee (Advisory Committee) on September 29, 1981, to provide advice to the Administrator on implementation of the Act. Section 21 of the United States Grain Standards Act Amendments of 2000, Public Law 106-580, extended the authority for the Advisory Committee through September 30, 2005.

The Advisory Committee presently consists of 15 members, appointed by the Secretary, who represent the interests of grain producers, processors, handlers, merchandisers, consumers, and exporters, including scientists with expertise in research related to the policies in section 2 of the Act. Members of the Advisory Committee serve without compensation. They are reimbursed for travel expenses, including per diem in lieu of subsistence, for travel away from their homes or regular places of business in performance of Advisory Committee service, as authorized under section 5703 of title 5, United States Code. Alternatively, travel expenses may be paid by Committee members.

Nominations are being sought for persons to serve on the Advisory Committee to replace the four members and the one alternate member whose terms will expire March 2005.

Persons interested in serving on the Advisory Committee, or in nominating individuals to serve, should contact: GIPSA, by telephone (tel: 202-205-8281), fax (fax: 202-690-2755), or electronic mail (e-mail: [Terri.L.Henry@usda.gov](mailto:Terri.L.Henry@usda.gov)) and request Form AD-755. Form AD-755 may also be obtained via the Internet through GIPSA's homepage at: <http://www.usda.gov/gipsa/advcommittee/ad755.pdf>. Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Committee take into account the needs of the diverse groups served by the

Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The final selection of Advisory Committee members and alternates will be made by the Secretary.

**Donna Reifschneider,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

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**BILLING CODE 3410-EN-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

#### **Fresh Garlic From the People's Republic of China: Rescission of Antidumping Duty New Shipper Review**

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

**ACTION:** Rescission of Antidumping Duty New Shipper Review.

**SUMMARY:** On June 30, 2004, the Department of Commerce (the Department) initiated a new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China covering the period November 1, 2003, through April 30, 2004. See *Fresh Garlic from the People's Republic of China: Notice of Initiation of New Shipper Antidumping Duty Review*, 69 FR 40868 (July 7, 2003) (*Initiation Notice*). This new shipper review covered one exporter, Shandong Jining Jinshan Textile Co., Ltd. (Jining Jinshan). For the reasons discussed below, we are rescinding the review of Jining Jinshan.

**DATES:** Effective September 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** Sochieta Moth or Charles Riggle at (202) 482-0168 and (202) 482-0650, respectively, NME Office, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On May 28, 2004, the Department received a timely request for a new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) from Jining Jinshan, a producer of subject merchandise sold to the United States. On June 30, 2004, the Department

initiated this new shipper review covering the period November 1, 2003, through April 30, 2004. Based on evidence contained in Jining Jinshan's request for a new shipper review, the Department also launched a middleman-dumping inquiry on Jining Jinshan's exporter, H & T Trading Company. See *Initiation Notice*. On August 18, 2004, Jining Jinshan withdrew its request for review.

#### **Scope of the Antidumping Duty Order**

The products subject to this antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay.

The scope of this order does not include (a) garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed.

The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0000, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9500 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

In order to be excluded from antidumping duties, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use, or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed, must be accompanied by declarations to the U.S. Customs and Border Protection (CBP) to that effect.

#### **Rescission of New Shipper Review**

Pursuant to 19 CFR 351.214(f)(1), the Department may rescind a new shipper review if a party that requested a review withdraws its request not later than 60 days after the date of publication of notice of initiation of the requested review. Jining Jinshan withdrew its request for a new shipper review on August 18, 2004, before the expiration of the 60-day deadline. We find no

compelling reason not to permit withdrawal of the request for this new shipper review. Specifically, we had not started reviewing information for purposes of calculating an antidumping duty margin for Jining Jinshan. Furthermore, we did not receive any submissions opposing Jining Jinshan's withdrawal of its request for review. For these reasons, we have accepted Jining Jinshan's withdrawal and are rescinding the new shipper review of the antidumping duty order on fresh garlic from the PRC with respect to Jining Jinshan in accordance with 19 CFR 351.214(f)(1). We are also terminating our middleman-dumping inquiry on exporter H & T Trading Company.

#### Cash Deposits

The Department will notify CBP that bonding is no longer permitted to fulfill security requirements for shipments from Jining Jinshan of fresh garlic from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this notice of rescission of antidumping duty new shipper review in the **Federal Register**. Further, effective upon publication of this notice, for all shipments of the subject merchandise exported by Jining Jinshan and entered, or withdrawn from warehouse, for consumption, the cash deposit rate will be the PRC-wide rate, which is 376.67 percent.

#### Notification to Parties Subject to Administrative Protective Orders

This notice serves as a reminder to parties subject to administrative protective orders (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 material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Tariff Act of 1930, as amended.

Date: September 15, 2004.

**Jeffrey A. May,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-824]

#### Notice of Initiation of Antidumping Duty Changed Circumstances Review: Polyethylene Terephthalate Film, Sheet and Strip (PET Film) from India

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

**SUMMARY:** In accordance with section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b), Jindal Poly Films Limited (Jindal Poly Films) requested that the Department of Commerce (the Department) conduct a changed circumstances review of the antidumping duty order on PET film from India. In response to this request, the Department is initiating a changed circumstances review of the antidumping duty order on PET film from India.

**EFFECTIVE DATE:** September 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** Howard Smith or Michele Mire, Office of AD/CVD Enforcement, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-5193 or (202) 482-4711, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On July 29, 2004, Jindal Poly Films requested that the Department conduct an expedited changed circumstances review of the antidumping duty order on PET film from India pursuant to section 751(b)(1) of the Act and 19 CFR 351.221(c)(3)(ii). Jindal Poly Films claims to be the successor-in-interest to Jindal Polyester Limited (Jindal). Jindal Poly Films furnished a certificate of change of name filed with the office of the registrar of companies in India showing that, effective April 19, 2004, Jindal's corporate name was changed to Jindal Poly Films. See the July 29, 2004, request of Jindal Poly Films at Exhibit 1.

On August 25, 2004, DuPont Teijin Films, Mitsubishi Polyester Film of America and Toray Plastics (America), Inc., the petitioners to this proceeding, notified the Department that they oppose Jindal Poly Films' request that the Department conduct an expedited antidumping duty changed circumstances review. Petitioners' objections are discussed below in the initiation of review section of this notice.

#### Scope of Review

Imports covered by this review are shipments of PET film from India. The products covered are all gauges of raw, pretreated, or primed PET film, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this order is dispositive.

#### Initiation of Antidumping Duty Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping or countervailing duty order which shows changed circumstances sufficient to warrant a review of the order. See 19 CFR 351.216(c). The information submitted by Jindal Poly Films regarding a change in the name of Jindal shows changed circumstances sufficient to warrant a review.

In changed circumstances reviews involving a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. See *Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Administrative Review*, 57 FR 20460, 20462 (May 13, 1992) (*Canadian Brass*). While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor company if the resulting operations are essentially the same as those of the predecessor company. See, e.g., *Industrial Phosphoric Acid from Israel: Final Results of Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994), and *Canadian Brass*, 57 FR 20460. Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor. See, e.g., *Fresh and Chilled*