

parties addressed, in their case and rebuttal briefs, two surrogate valuation issues: (1) what to use as the surrogate for the financial ratios, and (2) what to use as the surrogate for the drums into which TTPC packed its shipment of glycine. With regard to the financial ratios issue, respondent argued that we should use ratios based upon information from Indian aspirin and sweetener producers it submitted during the course of the review. Petitioners argued that we should not change the ratios we used in the *Preliminary Results*, or that if we were to decide to use a different surrogate, that we should use information from Indian pharmaceutical companies they had submitted during the course of the review. With regard to the packing material issue, respondent argued that we used the incorrect Indian HTS number to value the drums into which the glycine was packed. Petitioners argued that we used the correct Indian HTS number to value the drums. Since, as discussed below, we are rescinding this review, we need not address the parties' comments on these issues.

#### Rescission of Review

Concurrent with this notice, we are issuing our memorandum detailing our analysis of the *bona fides* of TTPC's U.S. sales and our decision to rescind based on the totality of the circumstances. See *Memorandum from Joseph A. Spetrini to James J. Jochum; Glycine from The People's Republic of China: the Bona Fide Issue in the New Shipper Review of Tianjin Tiancheng Pharmaceutical Co., Ltd. (Rescission Memo)*. The Department has determined that the new shipper sales made by TTPC were not *bona fide* because (1) the prices for TTPC's sales of glycine were not commercially reasonable, (2) the sales were made outside TTPC's normal U.S. sales channels, (3) the extent to which late payment was made by TTPC's importer, and (4) there were inconsistencies in the import documentation for the sales. *Id.* at 7.

Although sales involving small quantities are not inherently commercially unreasonable, the quantity, taken together with other aspects of a transaction, may support a conclusion that a transaction is not *bona fide*. For example, in *Certain Cut-to-Length Carbon Steel Plate From Romania: Notice of Rescission of Antidumping Duty Administrative Review*, 63 FR 47232, 47234 (September 4, 1998) (*Romanian Plate*), the Department excluded the respondent's U.S. sale from its analysis based on the cumulative weight of numerous factors indicating that the sale involved

atypical selling procedures, including the extremely small quantity, the extraordinarily high transportation costs incurred by the importer combined with other expenses borne by the importer, and the fact that the merchandise was subsequently resold at a significant loss. See generally *Romanian Plate*, 63 FR at 47233; see also *Windmill Int'l Pte., Ltd. v. United States*, 193 F. Supp.2d 1303, 1313 (February 21, 2002). The Department takes its responsibility to review the *bona fides* of new shipper sales very seriously. Therefore, we examine a number of factors, all of which may speak to the commercial realities surrounding the sale of subject merchandise.

As discussed in detail in the Department's *Rescission Memo*, TTPC's new shipper sales to the United States fell outside of its normal business practice. See *Rescission Memo* at 4. In addition, the value of the sales as well as the practices surrounding the sales were atypical of normal, commercial transactions in the industry. *Id.* at pages 3-6. Taken as a whole, these facts lead the Department to conclude that the sales were not commercially reasonable or *bona fide*. As a result, this new shipper review should be rescinded.

#### Notification

The Department will notify the U.S. Bureau of Customs and Border Protection that bonding is no longer permitted to fulfill security requirements for shipments by TTPC of glycine from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**, and that a cash deposit of 155.89 percent *ad valorem* should be collected for any entries exported by TTPC.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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) of the Act.

Dated: August 8, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-21057 Filed 8-15-03; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-813]

#### Certain Preserved Mushrooms From India: Notice of Partial Rescission of Antidumping Duty Administrative Review

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

**ACTION:** Notice of partial rescission of antidumping duty administrative review.

**EFFECTIVE DATE:** August 18, 2003.

**FOR FURTHER INFORMATION CONTACT:** David J. Goldberger or Kate Johnson, 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 February 3, 2003, the Department published in the **Federal Register** (68 FR 5272) a notice of "Opportunity To Request Administrative Review" of the antidumping duty order on certain preserved mushrooms from India for the period February 1, 2002, through January 31, 2003. On February 21, 2003, Agro Dutch Foods, Ltd. (Agro Dutch), requested an administrative review of its sales. On February 27, 2003, Weikfield Agro Products, Ltd. (Weikfield), requested an administrative review of its sales. On February 28, 2003, Saptarishi Agro Industries, Ltd. (Saptarishi Agro), requested an administrative review of its sales. Also, on February 28, 2003, the petitioner<sup>1</sup> requested an administrative review of the antidumping duty order for the following companies: Agro Dutch, Alpine Biotech, Ltd. (Alpine Biotech), Dinesh Agro Products, Ltd. (Dinesh Agro), Flex Foods, Ltd. (Flex Foods),

<sup>1</sup> The petitioner is the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Modern Mushroom Farms, Inc., Monterey Mushrooms, Inc., Mount Laurel Canning Corp., Mushroom Canning Company, Southwood Farms, Sunny Dell Foods, Inc., and United Canning Corp.

Himalya International, Ltd. (Himalya), Mandeep Mushrooms, Ltd. (Mandeep Mushrooms), Premier Mushroom Farms (Premier), Saptarishi Agro, and Weikfield. On March 25, 2003, the Department published a notice of initiation of an administrative review of the antidumping duty order on certain preserved mushrooms from India with respect to these companies. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part*, 68 FR 14399.

On May 5, 2003, Flex Foods reported that it had no sales of the subject merchandise during the period of review. We confirmed Flex Foods' claim by reviewing data from the U.S. Bureau of Customs and Border Protection. See Memorandum to the File dated June 6, 2003, on file in Room B-099 of the Commerce Department. We received no comments on this memorandum from any party.

On April 7, 2003, the petitioner timely withdrew its request for review with respect to Alpine Biotech and Mandeep Mushrooms. On June 9, 2003, the petitioner requested that the Department extend the deadline established under 19 CFR 351.213(d)(1) until July 14, 2003, to withdraw its request for review of Himalya. On June 18, 2003, we granted this request. On July 14, 2003, the petitioner withdrew its request for review of Himalya.

#### Partial Rescission of Review

Section 351.213(d)(1) of the Department's regulations stipulates that the Secretary will permit a party that requests a review to withdraw the request within 90 days of the date of publication of notice of initiation of the requested review. In this case, the petitioner withdrew its request for review of Alpine Biotech and Mandeep Mushrooms within the 90-day period and withdrew its request for review of Himalya pursuant to an authorized extension of the 90-day period. Therefore, because we have received timely requests for rescission, we are rescinding, in part, this review of the antidumping duty order on certain preserved mushrooms from India as to Alpine Biotech, Himalya, and Mandeep Mushrooms. We are also rescinding this review as to Flex Foods, in accordance with 19 CFR 351.213(d)(3), because it had no sales of the subject merchandise during the period of review. This review will continue with respect to Agro Dutch, Dinesh Agro, Premier, Saptarishi Agro, and Weikfield.

This notice is published in accordance with section 751 of the

Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 12, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-21062 Filed 8-15-03; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-837, A-533-828, A-580-852]

#### Notice of Postponement of Final Antidumping Duty Determinations and Extension of Provisional Measures: Prestressed Concrete Steel Wire Strand From Brazil, India, and the Republic of Korea

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

**EFFECTIVE DATE:** August 18, 2003.

**FOR FURTHER INFORMATION CONTACT:** Tisha Loeper-Viti at (202) 482-7425, AD/CVD Enforcement, Office 5, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

#### Postponement of Final Determinations:

The Department of Commerce (the Department) is postponing the final determinations in the antidumping duty investigations of prestressed concrete steel wire strand from Brazil, India, and the Republic of Korea.

On July 17, 2003, the Department published its affirmative preliminary determinations in these antidumping duty investigations. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from Brazil*, 68 FR 42386 (July 17, 2003), *Notice of Preliminary Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from India*, 68 FR 42389 (July 17, 2003), and *Notice of Preliminary Determination of Sales at Less Than Fair Value: Prestressed Concrete Steel Wire Strand from Republic of Korea*, 68 FR 42393 (July 17, 2003). These notices stated that the Department would issue its final determinations no later than 75 days after the date on which the Department issued its preliminary determinations.

Section 735(a)(2)(A) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 351.210(b)(2)(ii) provide that a final determination may be postponed until not later than 135 days after the date of

the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise. Additionally, the Department's regulations, at 19 CFR 351.210(e)(2)(ii), require that requests by respondents for postponement of a final determination be accompanied by a request for an extension of the provisional measures from a four-month period to not more than six months.

On July 31, 2003, in accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), Tata Iron and Steel Co. Ltd., the sole respondent in the investigation involving India, requested that the Department postpone its final determination in that case. On August 4, 2003, Korean Iron and Steel Wire, Ltd. (Kiswire Ltd.) and Dong-Il Steel Manufacturing Co., Ltd., two Korean producers/exporters selected as mandatory respondents, requested that the Department postpone its final determination involving the Republic of Korea. On August 6, 2003, Belgo Bekaert Arames S.A., the sole Brazilian producer and mandatory respondent, requested that the Department postpone its final determination in the case involving Brazil. These parties requested that the Department fully extend the provisional measures by 60 days in accordance with sections 773(d) of the Act and 19 CFR 351.210(e)(2). Accordingly, pursuant to section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) These preliminary determinations are affirmative; (2) the requesting exporters or producers account for a significant proportion of exports of the subject merchandise in their respective investigations; and (3) no compelling reasons for denial exist, we are postponing the final determinations until no later than 135 days after the publication of the preliminary determinations in the **Federal Register** (i.e., until no later than December 1, 2003). Suspension of liquidation will be extended accordingly.

This notice of postponement is published pursuant to section 735(a) of the Act and 19 CFR 351.210(g).

Dated: August 12, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-21060 Filed 8-15-03; 8:45 am]

**BILLING CODE 3510-DS-P**