

requested the administrative review, has now withdrawn its request for an administrative review. Accordingly, the Department is rescinding this review in accordance with section 351.213(d)(1) of the Department's regulations.

EFFECTIVE DATE: November 7, 2003.

FOR FURTHER INFORMATION CONTACT:

Sean Carey, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-3964.

SUPPLEMENTARY INFORMATION:

Background

The Department published in the **Federal Register** an antidumping duty order on castings from the PRC on May 9, 1986. See *Antidumping Duty Order: Iron Construction Castings from the People's Republic of China*, 51 FR 17222 (May 9, 1986). On May 29, 2003, the Department received a timely request from Powin, a U.S. importer, for an administrative review of the PRC exporter of subject merchandise, Shandong Himight Machinery Co., Ltd. (Shandong Himight). The Department published its initiation of administrative review on July 1, 2003. See *Initiation Notice*.

On July 24, 2003, counsel for Powin entered an appearance on behalf of Weifang Fangzi Tongbao Foundry and Weifang Fangzi Mucun Foundry, producers of subject merchandise, and Shandong Machinery I/E Corp., a company which facilitated Shandong Himight's exports to the United States. On July 25, 2003, the Department issued its antidumping duty questionnaire. The Department extended the deadline for the questionnaire response on September 3 and again on September 16, 2003 pursuant to Powin's request for an extension of the deadline. In a letter to the Department filed September 30, 2003, Powin withdrew its request for an administrative review.

Rescission of Antidumping Duty Administrative Review of Castings

The Department is rescinding the antidumping duty administrative review of Powin, covering the period May 1, 2002 through April 30, 2003, in accordance with section 351.213(d)(1) of the Department's regulations. Although Powin's withdrawal request for this review was not within the normal time limit as prescribed in section 351.213(d)(1) of the Department's regulations, we find that, under the circumstances of this review, it is appropriate to accept the withdrawal

request and rescind the review with respect to Shandong Himight.

According to section 351.213(d)(1) of the Department's regulations, the Department will rescind an administrative review "if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." The regulations further provide that the Secretary "may extend this time limit if the Secretary decides that it is reasonable to do so." In the instant case, Powin's withdrawal request was not filed within the 90-day time limit. However, the Department has determined that rescinding the review is appropriate since continuing the review would only require Powin, the domestic industry and the Department to expend time and resources on a review in which the only party that requested the review is no longer interested. Powin has not filed a questionnaire response with respect to Shandong Himight, and the Department has neither released supplemental questionnaires nor conducted verification at this point in the proceeding. Accordingly, the Department does not believe the administrative review has proceeded to a point at which it would be "unreasonable" to rescind the review.

The Department, therefore, determines that it is reasonable to extend the 90-day time limit and to rescind the administrative review for the period May 1, 2002 through April 30, 2003. The Department will issue appropriate assessment instructions directly to the U.S. Customs and Border Protection (Customs) within 15 days of publication of this notice. The Department will direct Customs to assess antidumping duties for this company at the cash deposit rate in effect on the date of entry for entries during the period May 1, 2002 through April 30, 2003.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties. The Department will issue appropriate assessment instructions to the U.S. Bureau of Customs and Border Protection.

This determination and notice are issued and published in accordance with 19 CFR 351.213(d)(4) and sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 28, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 03-28122 Filed 11-6-03; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Certain Preserved Mushrooms from the People's Republic of China: Notice of Partial Rescission of Fourth Antidumping Duty Administrative Review

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

ACTION: Notice of Partial Rescission of Fourth Antidumping Duty Administrative Review.

EFFECTIVE DATE: November 7, 2003.

FOR FURTHER INFORMATION CONTACT:

Brian Smith or Jim Mathews, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1766 or (202) 482-2778, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2003, the Department published in the **Federal Register** (68 FR 5272) a notice of "Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review" of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC") for the period February 1, 2002, through January 31, 2003. On February 25, 2003, Green Fresh Foods (Zhangzhou) Co., Ltd. ("Green Fresh") requested an administrative review of its sales. On February 28, 2003, Guangxi Yulin Oriental Co., Ltd. ("Guangxi Yulin") requested an administrative review of its sales. Also, on February 28, 2003, the petitioner¹ requested an administrative

¹ 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

review of the antidumping duty order for the following companies: China Processed Food Import & Export Company ("China Processed"), Gerber Food (Yunnan) Co., Ltd. ("Gerber"), Green Fresh, Guangxi Yulin, Raoping Xingyu Foods Co., Ltd. ("Raoping"), Shantou Hongda Industrial General Corporation ("Shantou Hongda"), Shenxian Dongxing Foods Co., Ltd. ("Shenxian Dongxing"), Shenzhen Qunxingyuan Trading Co., Ltd. ("Shenzhen Qunxingyuan"), Xiamen Zhongjia Imp. & Exp. Co., Ltd. ("Zhongjia"), Zhangzhou Jingxiang Foods Co., Ltd. ("Jingxiang"), and Zhangzhou Longhai Minhui Industry and Trade Co., Ltd. ("Minhui"). On March 6, 2003, Shantou Hongda and Shenxian Dongxing requested an administrative review of their sales.² 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 the PRC with respect to these companies. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part*, 68 FR 14394.

On May 7, 2003, Raoping and Shenzhen Qunxingyuan requested that the Department rescind their respective reviews because they did not export to the United States during the period of review ("POR"). We confirmed the claims of Raoping and Shenzhen Qunxingyuan by reviewing data from U.S. Customs and Border Protection. See Memorandum to the File dated September 29, 2003, on file in Room B-099 of the Commerce Department. We received no comments on this memorandum from any party.

On June 12, 2003, the petitioner requested an extension of the deadline to withdraw its requests for review. On June 16, 2003, the Department granted the petitioner's request and extended the deadline until July 10, 2003. On August 7, 2003, the petitioner withdrew its request for an administrative review of Zhongjia and Minhui, following the Department's preliminary decision to rescind the new shipper review with respect to these companies due to the filing of improper certifications. See *Certain Preserved Mushrooms from the People's Republic of China: Intent to Rescind Antidumping Duty New Shipper Review*, 68 FR 45792 (August 4,

2003). On August 20, 2003, Zhongjia and Minhui requested that the data submitted on the record of the above-mentioned new shipper review be transferred to the record of the fourth administrative review.³ The petitioner objected to this request on September 2, 2003. On September 15, 2003, respondents Zhongjia and Minhui submitted a letter in opposition to the petitioner's August 7 review request withdrawal. On September 23, 2003, the petitioner submitted a letter in opposition to Zhongjia's and Minhui's September 15 letter.

Partial Rescission of Review

Pursuant to section 351.213 (d)(1) of the Department's regulations, the Secretary will rescind an administrative review in whole or in part if a party that requested the review withdraws its request within ninety days of publication of the **Federal Register** notice that initiated the review. Section 351.213(d)(1) further provides that the Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. The administrative review is still at the early stages of the proceeding, and the Department has not conducted verification or issued a preliminary determination. The Department has determined that it is reasonable to extend the time in which the petitioner can request a withdrawal of its request for the administrative review of Zhongjia and Minhui.

Zhongjia and Minhui contest the petitioners request and argue that the Department should continue with the administrative review covering their sales of subject merchandise. For purposes of our analysis, it is important to distinguish that Zhongjia and Minhui each requested a new shipper review but did not request an administrative review. This is in contrast to the situation in which a respondent requests both a new shipper review and an administrative review. Section 351.214(j) of the Department's regulations provides that if a party requests multiple reviews, the Department may choose to initiate one and not the other after consulting with the party. For example, in *Certain In-Shell Roasted Pistachios From Iran: Notice of Initiation of New Shipper Countervailing Duty Review*, 66 FR 59235, 59235-6 (November 27, 2001) (*Pistachios from Iran*), the respondent requested both a new shipper and an administrative review in a timely

manner. Pursuant to 19 CFR 351.214(j), the Department only initiated the new shipper review. Had the new shipper review been rescinded in *Pistachios from Iran* under facts similar to those in this case, the Department would have considered continuing the administrative review. However, in this case, because neither Zhongjia nor Minhui submitted a request for an administrative review of their sales in a timely fashion, as required by 751(a)(1) of the Act, we are rescinding the administrative review of the antidumping duty order on certain preserved mushrooms from the PRC with respect to these two companies, as requested by the petitioner.

Furthermore, as neither Raoping nor Shenzhen Qunxingyuan exported the subject merchandise to the United States during the POR, we are rescinding this review of the antidumping duty order on certain preserved mushrooms from the PRC as to both Raoping and Shenzhen Qunxingyuan. This review will continue with respect to Gerber, Green Fresh, China Processed, Guangxi Yulin, Shantou Hongda, Shenxian Dongxing and Jingxiang.

This notice is published in accordance with section 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: November 3, 2003.

Jeffrey May,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Notice of Decision of the Court of International Trade: Certain Preserved Mushrooms from the People's Republic of China

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

ACTION: Notice of Decision of the Court of International Trade.

SUMMARY: On October 17, 2003, in *Tak Fat Trading Company, et al., v. United States*, Consol. Court No. 00-07-00360, Slip Op. 03-134, a lawsuit challenging the Department of Commerce's final scope ruling that the marinated mushrooms manufactured or exported by the plaintiffs are within the scope of the antidumping duty order of certain preserved mushrooms from the People's

Company, Southwood Farms, Sunny Dell Foods, Inc., and United Canning Corp.

² This request was originally filed on February 27, 2003, but was subsequently refiled on March 6, 2003, because the package containing the original request could not be located subsequent to the original filing.

³ In response to the Department's questionnaire issued in the fourth administrative review, both companies claimed they had no shipments of the subject merchandise during the POR other than the transactions covered in the new shipper review.