

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.

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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 petitioner¹ 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),

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