

question that this sale was, in fact, made to the importer identified in Shanghai R&R's initial request for review and in all subsequent questionnaire responses. Shanghai R&R's explanation that mistakes were made in identifying the importer in certain sales and accounting records does not persuade us to find that the importer documented in the initial request was correctly identified. As such, we find that our initiation of this new shipper review was based on documents that failed to establish the date of the first sale to an unaffiliated customer in the United States. Therefore, pursuant to section 351.214(b)(2)(iv)(c) of the Department's regulations, the requirements for initiation have not been satisfied, and thus we have determined to rescind this new shipper review for Shanghai R&R.

All issues raised in the case briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and are addressed in the *Issues and Decision Memorandum for the Final Results and Rescission of the New Shipper Review of Petroleum Wax Candles from the People's Republic of China*, dated October 25, 2004, which is adopted by this notice. Parties can find a complete discussion of the issues raised in this new shipper review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content. Since the Department is rescinding the new shipper review, we are not calculating a company-specific rate for Shanghai R&R.

#### Cash Deposit Requirements

The Department will notify Customs and Border Protection (CBP) that bonding is no longer permitted to fulfill security requirements for shipments from Shanghai R&R of petroleum wax candles from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this notice of rescission of antidumping duty new shipper review in the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upon publication of this notice for all shipments of the subject merchandise exported by Shanghai R&R, and entered, or withdrawn from warehouse, for consumption, the cash deposit rate will be the PRC-wide rate of 108.30 percent *ad valorem*.

#### Assessment of Antidumping Duties

The Department will instruct CBP to assess antidumping duties on all appropriate entries. Since we are rescinding this antidumping duty new shipper review with respect to Shanghai R&R, the PRC-wide rate of 108.30 percent in effect at the time of entry applies to all exports of petroleum wax candles from the PRC by Shanghai R&R entered, or withdrawn from warehouse for consumption during the period of review (August 1, 2002, through July 31, 2003). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice of rescission of antidumping duty new shipper review.

#### Notification to Importers

This notice also serves as a 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 the subsequent assessment of double antidumping duties.

This notice also 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.

Dated: October 25, 2004.

**James J. Jochum**,  
Assistant Secretary for Import Administration.

#### Appendix--Issues in the Decision Memorandum

##### Comments

1. Whether Shanghai R&R met the requirements for a new shipper review;
2. The bona fides of Shanghai R&R's sale and use of adverse facts available;
3. Shanghai R&R's producer's eligibility as a new shipper;

4. Whether the factors of production information supplied by the producer is based on production during the POR.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-833]

#### Certain Polyester Staple Fiber From Taiwan: Rescission of Antidumping Duty Administrative Review

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce initiated an administrative review of the antidumping duty order on certain polyester staple fiber in Taiwan. Based on withdrawal of requests for review from interested parties, we are rescinding the administrative review.

**EFFECTIVE DATE:** November 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Scott Holland, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-1279.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 25, 2000, the Department of Commerce ("the Department") published an antidumping duty order on certain polyester staple fiber from Taiwan. *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000).

On May 3, 2004, the Department published a notice in the **Federal Register** of the opportunity for interested parties to request an administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 69 FR 24117 (May 3, 2004).

On May 28, 2004, Far Eastern Textile, Ltd. ("FETL"), a producer/exporter of certain polyester staple fiber in Taiwan, and Fibertex Corporation ("Fibertex"), a

U.S. importer of the merchandise subject to review, jointly requested an administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan covering the period May 1, 2003, through April 30, 2004. In accordance with 19 CFR 351.221(c)(1)(i), we published the initiation of the review on June 30, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 39409 (June 30, 2004). On September 28, 2004, FETL and Fibertex withdrew their requests for review.

#### Rescission of Antidumping Administrative Review

In accordance with 19 CFR 351.213(d)(1), 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 the notice of initiation of the requested review. The Department may extend this time limit if it decides it is reasonable to do so. Because FETL and Fibertex filed timely requests for withdrawal of this administrative review by the mandatory deadline *i.e.*, September 28, 2004, we are hereby rescinding this administrative review.

#### Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i).

The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice.

#### Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 the subsequent assessment of doubled antidumping duties.

#### Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials 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 sanction.

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

Dated: October 26, 2004.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration.

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-570-851]

#### Certain Preserved Mushrooms From the People's Republic of China: Final Results of the Seventh Antidumping Duty New Shipper Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.  
**SUMMARY:** On July 28, 2004, the Department of Commerce ("the Department") published the preliminary results of the seventh new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC"). See *Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of the Seventh New Shipper Review*, 69 FR 45012 (July 28, 2004) ("Preliminary Results"). This review examined one exporter Guangxi Hengxian Pro-Light Foods, Inc. ("Guangxi Hengxian"), which the Department found qualified for a separate rate. The period of review ("POR") is February 1, 2003, through July 31, 2003. We gave interested parties the opportunity to comment on our preliminary results.

Based on the comments received from the interested parties, we have made changes in the margin calculation for the respondent in this review (see section entitled "Changes Since the Preliminary Results" below for details).

However, these changes did not impact the overall weighted-average margin calculated in the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** November 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Brian C. Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1766.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 29, 2004, the Department published in the **Federal Register** the *Preliminary Results* (see 69 FR 45012). On September 1, 2004, the petitioner<sup>1</sup> filed its case brief. On September 8, 2004, Guangxi Hengxian submitted its rebuttal brief.

##### Scope of Order

The products covered by this order are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms"; (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified" or "pickled" mushrooms, which are prepared or preserved by means of

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