

without any further operations. Semi-finished rotors are those on which the surface is not entirely smooth, and have undergone some drilling. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer (OEM) which produces vehicles sold in the United States (e.g., General Motors, Ford, Chrysler, Honda, Toyota, Volvo). Brake rotors covered in this order are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria. Excluded from the scope of this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are currently classifiable under subheading 8708.39.5010 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Changes Since the Preliminary Results

For the final results, we made adjustments to our calculation of the surrogate ratios for factory overhead, selling, general and administrative expenses (SG&A), and profit for Kalyani Brakes Limited (Kalyani). Specifically, we offset Kalyani's cost of manufacturing (COM) by its sales of scrap, which impacted the surrogate factory overhead, SG&A and profit calculations (see August 18, 2004, Final Results Valuation Memorandum). Furthermore, we note that in the Preliminary Results Valuation Memorandum (PRVM), we misstated our reasons for removing certain line items from Kalyani's SG&A surrogate calculation. Specifically, in the PRVM we incorrectly stated that we did not make a deduction for scrap sales revenue and cash discounts in the SG&A calculation because the respondent in this review did not have sales of scrap nor did it have cash discounts. However, as noted in *Brake Rotors from the People's Republic of China: Final Results and Partial Rescission of the Sixth Antidumping Duty Administrative Review and Final Results of the Ninth New Shipper*

Review, 69 FR 42039 (July 13, 2004) and its accompanying Issues and Decision Memorandum at Comment 1, it is not the Department's practice to tailor surrogate financial ratios to match the circumstances of the PRC producers; however, it is the Department's practice to offset sales of scrap from the COM and to treat cash discounts as a reduction to sales revenue rather than to treat these items as selling expenses.

Final Results of Review

We determine that the following weighted-average margin percentage exists for the following company during the period April 1, 2003, through September 30, 2003:

Manufacturer/producer/exporter	Margin Percent
Shenyang Yinghao Machinery Co., Ltd	0.00

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we calculated importer- or customer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. In accordance with 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties all entries of subject merchandise during the POR for which the importer-specific assessment rate is zero or *de minimis* (i.e., less than 0.50 percent). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of this review.

Cash Deposit Requirements

Bonding will no longer be permitted to fulfill security requirements for shipments of brake rotors from the PRC that are manufactured and exported by Shenyang Yinghao Machinery Co., Ltd. (Shenyang Yinghao) and entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper review.

The following cash deposit requirements will be effective upon publication of the final results of this review for all shipments of subject merchandise from Shenyang Yinghao entered, or withdrawn from warehouse, for consumption on or after the publication date of this final results, as provided by section 751(a)(2)(B) and (C)

of the Act: (1) the cash deposit rate for subject merchandise manufactured and exported by Shenyang Yinghao will be zero; (2) the cash deposit rate for subject merchandise exported by Shenyang Yinghao but not manufactured by it will continue to be the PRC-wide rate (i.e., 43.32 percent).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final 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.

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

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214.

Dated: August 18, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. E4-1924 Filed 8-24-04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-831]

Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Fresh Garlic From the People's Republic of China

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

SUMMARY: In response to a letter from Shandong Heze International Trade and Developing Company (Shandong Heze) notifying the Department of Commerce

(the Department) that its corporate name has changed to Heze Ever-Best International Trade Co., Ltd. (Heze Ever-Best), the Department is initiating a changed circumstances administrative review of the antidumping duty order on fresh garlic from the People's Republic of China (*see* Antidumping Duty Order: Fresh Garlic From the People's Republic of China, 59 FR 59209 (November 16, 1994)).

Based on information submitted by Shandong Heze, we preliminarily determine that Heze Ever-Best is the successor-in-interest to Shandong Heze and, as such, is entitled to Shandong Heze's cash deposit rate with respect to entries of subject merchandise.

EFFECTIVE DATE: August 25, 2004.

FOR FURTHER INFORMATION CONTACT:

Sochieta Moth or Charles Riggle at (202) 482-0168 or (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 July 8, 2004, Shandong Heze requested that the Department initiate a changed circumstances review to confirm that Heze Ever-Best is the successor-in-interest to Shandong Heze for purposes of determining antidumping duty liabilities. On July 28, 2004, the Department requested additional information from Heze Ever-Best concerning the circumstances of the name change. On August 4, 2004, Heze Ever-Best responded to our request for information.

Scope of the Review

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, our 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.

Initiation and Preliminary Results of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, 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 duty finding which shows changed circumstances sufficient to warrant a review of the order. Therefore, in accordance with section 751(b)(1) of the Act, we are initiating a changed circumstances review based upon the information contained in Shandong Heze's submissions.

Section 351.221(c)(3)(ii) of the regulations permits the Department to combine the notice of initiation of a changed circumstances review and the notice of preliminary results in a single notice, if the Department concludes that expedited action is warranted. In this instance, because we have the information necessary to make a preliminary finding already on the record and no other interested party has commented on, or objected to, Shandong Heze's request for a changed circumstances review, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.

In determining whether one company is the successor to another for purposes of applying the antidumping duty law, the Department examines a number of factors including, but not limited to, changes in (1) management, (2) production facilities, (3) suppliers, and (4) customer base. *See, e.g.,* Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Changed Circumstances Review, 59 FR 6944 (February 14, 1994). While no single factor, or combination of factors, will

necessarily provide a dispositive indication of succession, the Department will generally consider one company to be a successor to another company if its resulting operation is essentially the same as that of its predecessor. Thus, if the 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 prior company, the Department will assign the new company the cash deposit rate of its predecessor.

In its July 8, 2004, submission, Shandong Heze stated that the name change was effected solely for the purpose of enhancing its international and domestic sales, explaining that "Ever-Best" describes the quality of their products, and that the deletion of "Shandong" and "Developing" from its name specifies its operations as a trading company. Shandong Heze also stated that the name change was not due to any changes in ownership, corporate structure, management, supplier relationships, or customer base, all of which remain the same. Shandong Heze provided documentation in support of these claims including copies of the business licenses of the company before and after the name change, the resolution of the Board of Directors authorizing the name change, the application for the name change filed with the Heze Industry and Commerce Administration Bureau and the Bureau's approval of the application, and corporate organization charts before and after the name change. Shandong Heze also stated that since the name change, subject merchandise was produced at the same facilities that had been utilized by the company prior to the name change, and provided a copy of its lease as supporting documentation. Shandong Heze has provided evidence that there were no changes in the company's corporate structure and management as a result of, or contemporaneously with, the change of name.

With respect to supplier relationships, Shandong Heze stated that Heze Ever-Best works with the same subject merchandise supplier as Shandong Heze did prior to the name change. Finally, Shandong Heze asserts that there have been no changes in its customer relationships or customer base due to the name change and there have been no changes in product names or product brands. Shandong Heze submitted copies of e-mails and facsimiles that were sent to the company's suppliers and customers informing them of the name change to support their assertion that Heze Ever-Best has the same

supplier and customer base as Shandong Heze.

Based on information submitted by Shandong Heze, we preliminarily find that Heze Ever-Best is the successor-in-interest to Shandong Heze. We find that the company's organizational structure, senior management, production facilities, supplier relationships, and customers have remained essentially unchanged. Furthermore, Shandong Heze has provided sufficient documentation of its name change. Based on all the evidence reviewed, we find that Heze Ever-Best operates as the same business entity as Shandong Heze. Thus, we preliminarily find that Heze Ever-Best should receive the same antidumping duty cash-deposit rate with respect to the subject merchandise as Shandong Heze, its predecessor company.

Should our final results remain the same as these preliminary results, we will instruct CBP to assign Heze Ever-Best the antidumping duty cash deposit rate applicable to Shandong Heze.

Public Comment

Any interested party may request a hearing within 14 days of publication of this notice. See 19 CFR 351.310(c). Any hearing, if requested, will be held 28 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 21 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included. Consistent with section 351.216(e) of the Department's regulations, we will issue the final results of this changed circumstances review not later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and sections 351.216 and 351.221(c)(3) of the Department's regulations.

Dated: August 18, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

A-351-804, A-427-009, A-428-803, A-580-805, A-588-812, A-570-802, and A-412-803

Industrial Nitrocellulose from Brazil, France, Germany, the Republic of Korea, Japan, the People's Republic of China, and the United Kingdom: Notice of Final Results of Changed Circumstances Review and Revocation of the Antidumping Duty Orders

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

SUMMARY: On June 17, 2004, the Department of Commerce published its preliminary results of changed circumstances review and intent to revoke the antidumping orders on industrial nitrocellulose from Brazil, France, Germany, the Republic of Korea (South Korea or Korea), Japan, the People's Republic of China (the PRC), and the United Kingdom (the UK). The basis of the revocation is that Green Tree Chemical Technologies (Green Tree), the sole producer of industrial nitrocellulose in the United States, has ceased production.

EFFECTIVE DATE: August 25, 2004.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, AD/CVD Enforcement, Office VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4475 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 10, 1983, the Department published an antidumping duty order on industrial nitrocellulose from France. See *Antidumping Duty Order: Industrial Nitrocellulose from France*, 48 FR 36303 (August 10, 1983). On July 10, 1990, the Department published antidumping orders on industrial nitrocellulose from Brazil, Germany, Korea, Japan, the PRC, and the United Kingdom. See *Antidumping Duty Order: Industrial Nitrocellulose from Brazil*, 55 FR 28266, *Antidumping Duty Order: Industrial Nitrocellulose from the Federal Republic of Germany*, 55 FR 28271, *Antidumping*

Duty Order: Industrial Nitrocellulose from the Republic of Korea, 55 FR 28266, *Antidumping Duty Order: Industrial Nitrocellulose from Japan*, 55 FR 28268, *Antidumping Duty Order: Industrial Nitrocellulose from the People's Republic of China*, 55 FR 28267, and *Antidumping Duty Order: Industrial Nitrocellulose from the United Kingdom*, 55 FR 28270.

On December 31, 2003, Nitro Quimica Brasileira (Nitro Quimica) requested that the Department revoke the antidumping duty order on industrial nitrocellulose from Brazil through a changed circumstances review. According to Nitro Quimica, revocation is warranted because of "lack of interest" on behalf of the U.S. industry. Specifically, Nitro Quimica asserts that no domestic producer of industrial nitrocellulose currently exists. Nitro Quimica contends that Hercules Incorporated, the only petitioner in the original investigation and the only U.S. producer at the time in which this order was issued, sold its nitrocellulose business to Green Tree on June 16, 2001. Nitro Quimica further contends that Green Tree closed its U.S. production facility on or about November 26, 2003. See Nitro Quimica December 31, 2003 letter at Attachment 3.

On February 12, 2004, Wolff Cellulosics GmbH (Wolff) asserted that the Department should revoke the order on industrial nitrocellulose from Germany because there is no U.S. producer of industrial nitrocellulose. Wolff argued that the Department should make revocation of the order on industrial nitrocellulose from Germany effective July 1, 2003, which is earliest date for which there are entries that have not yet been the subject of a completed administrative review. Wolff contended that Green Tree, the sole producer of the domestic like product, has ceased production and no longer maintains the capacity to produce industrial nitrocellulose. See Wolff's February 12, 2004 letter at Exhibits A and B. On February 25, 2004, the Department initiated a changed circumstances review with respect to the order on industrial nitrocellulose from Brazil (69 FR 8626, February 25, 2004).

On March 9, 2004, the Valspar Corporation (Valspar) requested that the Department revoke the antidumping duty orders on industrial nitrocellulose from France, Germany, Korea, Japan, the PRC, and the UK. Valspar asserts that cessation of production of the domestic like product constitutes "lack of interest" by the domestic industry in the continuation of the antidumping duty