

With respect to export-price sales for which entered values were not reported, for these preliminary results we divided the total dumping margins for each exporter's importer/customer by the total number of units the exporter sold to that importer/customer. For assessment amounts calculated on this basis, we will direct CBP to assess the resulting per-unit dollar amount against each unit of merchandise in each of that importer's/customer's entries during the review period.

#### Cash Deposit Requirements

The following cash deposit rates will be effective upon publication of the final results for all shipments of hot-rolled steel from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for Ispat Sidex, which has a separate rate, the cash deposit rate will be the company-specific rate established in the final results of review; (2) for all other Romanian exporters, the cash deposit rate will be the Romania-wide rate, 88.62 percent, from the *Amended Determination and Order*; (3) for non-Romanian exporters of subject merchandise from Romania, the cash deposit rate will be the rate applicable to the Romanian supplier of that exporter. These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 29, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-504]

#### Petroleum Wax Candles From the People's Republic of China; Extension of Final Results of Expedited Sunset Review of Antidumping Duty Order

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

**SUMMARY:** The Department of Commerce ("the Department") is extending the time limit for its final results in the sunset review of the antidumping duty order on petroleum wax candles from the People's Republic of China. Based on adequate responses from the domestic interested parties and an inadequate response from respondent interested parties, the Department is conducting an expedited sunset review to determine whether revocation of the antidumping order would lead to the continuation or recurrence of dumping. As a result of this extension, the Department intends to issue final results of this expedited sunset review on or about December 10, 2004.

**EFFECTIVE DATES:** December 7, 2004.

**FOR FURTHER INFORMATION CONTACT:** Hilary E. Sadler, Esq., Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4340.

*Extension of Final Results:* In accordance with section 751(c)(5)(B), the Department may extend the period of time for making its determination by not more than 90 days, if it determines that the review is extraordinarily complicated. As set forth in 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended ("the Act"), the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order, as is the case in this proceeding. Therefore, the Department has determined, pursuant to section 751(c)(5)(C)(v) of the Act, that the second sunset review of the antidumping duty order on petroleum wax candles from the People's Republic of China is extraordinarily complicated and requires additional time to complete its analysis. The Department's final results of review in this case were scheduled for November 30, 2004. The Department will extend the deadline in this proceeding and, as a result, intends to issue the final results on or about December 10, 2004 in accordance with section 751(c)(5)(B).

Dated: November 30, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-814]

#### Pure Magnesium From Canada; Notice of NAFTA Binational Panel's Final Decision, Amended Final Results of Full Sunset Review and Revocation of Antidumping Duty Order

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

**SUMMARY:** On November 19, 2004, the NAFTA Secretariat published in the *Federal Register* a notice of completion of panel review of the final remand redetermination made by the U.S. Department of Commerce concerning the full sunset review of the antidumping duty order on pure magnesium from Canada. *See North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Completion of Panel Review*, 69 FR 67703 (November 19, 2004). As there is now a final and conclusive decision in this case, we are amending the final results of the full sunset review and revoking the antidumping duty order on pure magnesium from Canada.

**EFFECTIVE DATE:** August 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-5050.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The product covered by this order is pure magnesium. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope of this order. Pure magnesium is currently classified under subheading 8104.11.0000 of the Harmonized Tariff Schedule ("HTS"). The HTS item number is provided for convenience and for customs purposes. The written description remains dispositive.

##### Background

On August 2, 1999, the Department of Commerce ("the Department") initiated

a sunset review of the antidumping duty order on pure magnesium from Canada pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Five-Year ("Sunset") Reviews*, 64 FR 41915 (August 2, 1999). On the basis of a notice of intent to participate filed on behalf of domestic interested parties and adequate substantive comments filed on behalf of domestic and respondent interested parties, the Department conducted a full sunset review. As a result of this review, on July 5, 2000, the Department, pursuant to sections 751(c) and 752 of the Act, determined that revocation of the antidumping duty order on pure magnesium from Canada is likely to lead to continuation or recurrence of dumping. See *Pure Magnesium From Canada; Final Results of Full Sunset Review*, 65 FR 41436 (July 5, 2000). Subsequent to the Department's *Final Results*, respondents filed a complaint before the NAFTA Panel challenging these results. On October 23, 2002, Norsk Hydro Canada, Inc. ("NHCI") requested that the Department continue the suspension of liquidation for subject entries made on or after the effective date of the sunset review, pursuant to 516A(g)(5)(C) of the Act. The Department granted this request on January 28, 2003, and suspended liquidation effective August 1, 2000. See Letter from John Brinkmann to Gregory S. McCue (January 28, 2003).

On March 27, 2002, the NAFTA Panel issued an Order and Opinion. See *Pure Magnesium from Canada*, Secretariat File No. USA-CDA-00-1904-06, ("First Remand Order"). In the *First Remand Order*, the Panel instructed the Department to reconsider (1) the claim that "good cause" existed to consider "other price, cost market, or economic factors" in determining the likelihood that dumping would continue or recur; and (2) its decision to report the investigation rate as the margin of dumping likely to prevail if the order were revoked. *Id.* at 34. The Department responded to the *First Remand Order* on May 28, 2002, when the Department released final results of determination pursuant to NAFTA Panel remand of the sunset review of the antidumping duty order on pure magnesium from Canada ("First Remand").

On October 15, 2002, the NAFTA Panel issued its second remand redetermination in the Canadian magnesium antidumping order sunset case, remanding to the Department its redetermination in the *First Remand*. See *Decision of the Panel Concerning the Remand Determination by the Department of Commerce, Pure Magnesium From Canada*, File USA-

CDA-00-1904-07 (Oct. 15, 2002), at 3, ("Second Remand Order"). In the *Second Remand Order*, the Panel ordered the Department: (1) To consider other factors, such as the exchange rate, market share, below cost sales, and zero margins, in its determination of likelihood of dumping; (2) to reconsider the normal preference for reporting the investigation rate; and (3) to determine whether it was an appropriate case in which to supplement the record. *Second Remand Order* at 11-12. The Panel concluded that the parties had waived the right to raise the issue, for which they wanted to supplement the record, because the issue had not been raised before; nevertheless, the Panel instructed the Department to obtain the views of the parties and make a determination on reopening the record for this additional information.

*Id.* at 10-12. On January 28, 2003, the Department filed its second redetermination on remand with the NAFTA Secretariat ("Second Remand"). The Department decided that the other factors set forth by the parties were insufficient to warrant a negative likelihood determination, and it also determined it properly reported the investigation rate. *Second Remand* at 7-14, 15-16. The Department obtained the views of the parties and decided, based on 19 CFR 351.218(d)(4), not to reopen the record. *Id.* at 6.

On April 28, 2003, the NAFTA Panel remanded an affirmative determination by the Department with instructions to revoke the antidumping order on pure magnesium from Canada. *Pure Magnesium from Canada*, Decision of the Panel Concerning the Results of the Second Redetermination by the Department of Commerce, USA-CDA-00-1904-06 (April 28, 2003) ("Third Panel Order"). In its third decision, the Panel, disregarding its previous conclusion that the issue had been waived, rejected the Department's application of the deadline in 19 CFR 351.218(d)(4), even though the Panel did not find that the Department acted inconsistently with the rule. *Third Panel Order*, at 5. The Panel reviewed the Department's likelihood determination at length, evaluating the Department's factual conclusions in light of six findings of fact extrapolated by the Panel. *Third Panel Order* at 12-20. Based on its own factual findings and the non-record evidence that one company, NHCI, had switched its production focus from pure to alloy magnesium, the Panel concluded dumping would not recur if the order were revoked.

*Id.* at 20-21.

The Panel subsequently amended its order to require the Department to take action not inconsistent with its decision within 15 days. Order of the Panel (June 24, 2003). The Department issued notice that the panel decisions were not in harmony with the Department's original determination and continued suspension of liquidation of the subject merchandise, pending any ECC proceedings. *Pure Magnesium from Canada: NAFTA Panel Decision*, 68 FR 42004 (July 16, 2003). The Panel entered a Notice of Final Panel Action on August 25, 2003.

On September 24, 2003, pursuant to Article 1904.13 and Annex 1904.13 of the NAFTA, and Rules 37 through 39 of the Rules of Procedure for Article 1904 Extraordinary Challenge Committees ("ECC"), the Government of the United States timely requested formation of an ECC to review issues raised by the Panel's decisions. On October 5, 2004, the ECC found that the Panel manifestly exceeded its powers by failing to apply the correct standard of review and that such action materially affected the Panel's decision; however, it also found that the Panel's action did not threaten the integrity of the binational panel review process, and affirmed the Panel's decision. *Pure Magnesium from Canada*, Decision and Order of the Extraordinary Challenge Committee, No. ECC-2003-1904-01USA (October 5, 2004) at 11.

On November 19, 2004, the NAFTA Secretariat published in the **Federal Register** its Notice of Completion of Panel Review of the final remand determination made by the U.S. International Trade Administration. See *North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Completion of Panel Review*, 69 FR 67703 (November 19, 2004). Therefore, because there is a final Panel decision in this case, the Department is amending the final sunset review and revoking the antidumping duty order on pure magnesium from Canada.

#### Effective Date of Revocation

The Department is revoking the antidumping duty order on pure magnesium from Canada effective August 1, 2000, the effective date of the original full sunset review, pursuant to 516A(g)(5)(C).

Pursuant to sections 751(d)(3) and 751(d)(2) of the Act, and 19 CFR 351.222(i)(2)(ii), the Department will instruct Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after August 1, 2000

and liquidate without regard to antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: December 1, 2004.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E4-3528 Filed 12-6-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-830]

#### Stainless Steel Bar From Germany: Preliminary Results of Antidumping Duty Administrative Review

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

**SUMMARY:** The Department of Commerce is conducting an administrative review of the antidumping duty order on stainless steel bar from Germany. The period of review is March 1, 2003, through February 29, 2004. This review covers imports of stainless steel bar from one producer/exporter.

We have preliminarily found that sales of subject merchandise have not been made at less than normal value. If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection to liquidate entries of stainless steel bar from BGH Edelstahl Freital GmbH, BGH Edelstahl Lippendorf GmbH, BGH Edelstahl Lugau GmbH, and BGH Edelstahl Siegen GmbH in accordance with the final results of review.

We invite interested parties to comment on these preliminary results. We will issue the final results not later than 120 days from the date of publication of this notice.

**EFFECTIVE DATE:** December 7, 2004.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smith, Import Administration, International Trade Administration,

U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1276.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 7, 2002, the Department of Commerce ("the Department") published an antidumping duty order on stainless steel bar from Germany. See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Stainless Steel Bar from Germany*, 67 FR 10382 (March 7, 2002). On October 10, 2003, the Department published an amended antidumping duty order on stainless steel bar from Germany. See *Notice of Amended Antidumping Duty Orders: Stainless Steel Bar from France, Germany, Italy, Korea, and the United Kingdom*, 68 FR 58660 (October 10, 2003). On June 14, 2004, the Department published the final results of the first administrative review of the antidumping duty order on stainless steel bar from Germany. See *Notice of Final Results of Administrative Review: Stainless Steel Bar from Germany*, 69 FR 32982 (June 14, 2004) ("*SSBar First Review*").

On March 1, 2004, the Department published its *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 69 FR 9584 (March 1, 2004). On March 30, in accordance with 19 CFR 351.213(b), the Department received a timely request for review from BGH Edelstahl Freital GmbH, BGH Edelstahl Lippendorf GmbH, BGH Edelstahl Lugau GmbH, and BGH Edelstahl Siegen GmbH (collectively "BGH"), four affiliated German producers of the subject merchandise. On March 31, Carpenter Technology Corp., Crucible Specialty Metals Division of Crucible Materials Corp., and Electralloy Corp. requested the Department conduct an administrative review of BGH.

In accordance with 19 CFR 351.221(b)(1), we published a notice of initiation of this antidumping duty administrative review on April 28, 2004. See *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 69 FR 23170 (April 28, 2004). The period of review ("POR") is March 1, 2003, through February 29, 2004.

An antidumping duty questionnaire was sent to BGH on May 18, 2004. We received timely responses from BGH on June 24 and July 2, 2004. We issued a supplemental questionnaire to BGH on September 14, 2004. We received a response from BGH on October 12, 2004.

On June 7, 2004, BGH requested that it be relieved from the requirement to report affiliated party resales because sales of the foreign like product to affiliated parties during the POR constituted less than five percent of total sales of the foreign like product. On June 16, 2004, we granted BGH's request in accordance with 19 CFR 351.403(d). See Memorandum to Susan Kuhbach, "Reporting of BGH's Home Market Sales by an Affiliated Party," dated June 16, 2004, which is in the Department's Central Records Unit, located in Room B-099 of the main Department building ("CRU").

##### Scope of the Order

For the purposes of this order, the term "stainless steel bar" includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The stainless steel bar subject to this review is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.