2004, the Abitibi Group contends that PFS should be subject to the Abitibi Group cash deposit rate, because it is controlled by ACCC, which owns the majority of PFS' shares, and because it has production facilities similar or identical to other members of the Abitibi Group as well as intertwined sales processes.

On June 1, 2004, ACCC entered into a three-way agreement with Cooperative Forestiere Laterriere (CFL) and Les Placements H.N.M.A. Inc. (HNMA), its existing partner in Scierie Saguenay Ltee (SSL), to form PFS. ACCC is the main shareholder in PFS. PFS owns and operates four sawmills located in the Saguenay region of Quebec, of which two [1] were previously wholly-owned by ACCC and consequently shared the Abitibi Group's rate, one [2] was 50 percent owned by the ACCC and 50 percent by HNMA, and one [3] was owned by CFL.

In antidumping duty changed circumstances reviews involving a change in ownership, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) customer base; and (4) supplier relationships. *See Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Administrative Review,* 57 FR 20460, 20462 (May 13, 1992).

While we recognize that this is not a typical successor-in-interest situation, since the Abitibi Group has not ceased to exist or been substantially changed, we believe that the factors analyzed as part of a successor-in-interest finding are relevant to our determination of the proper cash deposit rate for Abitibi's new affiliate, PFS.

Based on our review of the questionnaire response, we preliminarily find that PFS functions as part of the Abitibi Group. Indeed, as a result of the agreement that formed PFS, significant components of the Abitibi Group's management, production facilities, supplier relationships, and customer base have been incorporated into PFS. PFS's Board of Directors is predominantly composed of directors appointed by the Abitibi Group (three appointed by ACCC, one appointed by CFL, and one appointed by HNMA). The Abitibi Group appointed board members also serve as President, Secretary and Treasurer of PFS. Furthermore, PFS employs former ACCC employees of St. Fulgence and Petit Saguenay sawmills who continue working from the same Abitibi Group facilities.

With regard to production facilities, as noted above, two of the mills as well as 50 percent of the SSL mill already belonged to the Abitibi Group. Production from the Abitibi mills, which accounts for the bulk of PFS's production, was included in determining the Abitibi Group's current cash deposit rate.

In terms of customer base, PFS's price setting, channel of distributions and sales functions have been assigned to ACI, the sales arm of the Abitibi Group. ACI sells the majority of the softwood lumber produced by all four of PFS's sawmills, including all sales of PFS softwood lumber to the United States. Therefore, PFS's customer base is largely that of ACI. Finally, no information on the record indicates any substantial change in supplier relationships of the mills, whose production as stated earlier, is largely from mills already owned by the Abitibi Group.

When PFS purchased two sawmills previously owned by the Abitibi Group, it began to function as a member of the Abitibi Group. PFS's ownership, management, production facilities, supplier relationships, customer base, sales practices and facilities combine important elements of the Abitibi Group. Therefore, we preliminarily find PFS to be a member of the Abitibi Group and entitled to the Abitibi Group cash deposit rate.

If the above preliminary results are affirmed in the Department's final results, the cash deposit rate from this changed circumstances review will apply to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed circumstances review. *See Granular Polytetrafluoroethylene Resin from Italy; Final Results of Antidumping Duty Changed Circumstances Review,* 68 FR 25327 (May 12, 2003). This deposit rate shall remain in effect until publication of the final results of the next administrative review in which Abitibi Group participates.

Public Comment

Any interested party may request a hearing within 20 days of publication of this notice. 19 CFR 351.310(c). Any hearing, if requested, will be held 34 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs not later than 20 days after the date of publication of this notice. 19 CFR 351.309(c)(ii). Rebuttal briefs, which must be limited to issues raised in such briefs, must be filed not later than 37 days after the date of publication of this notice. *See* 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. We will issue the final results of this changed circumstances review no later than May 23, 2005.

This notice is in accordance with sections 751(b) and 777(i)(1) of the Act, and section 351.221(c)(3)(i) of the Department's regulations.

Dated: March 24, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–1402 Filed 3–29–05; 8:45 am]

BILLING CODE 3510–DS–P

[1] On May 31, 2004, PFS purchased St. Fulgence and Petit Saguenay sawmills from ACCC, via an asset purchase agreement.

[2] Scierie Saguenay Ltee.

[3] On May 17, 2004, through an asset purchase agreement, PFS purchased the Laterriere sawmill and related assets from Cooperative Forestiere Laterriere (CFL), which had been insolvent.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–866]

Initiation of Antidumping Duty Investigation: Superalloy Degassed Chromium From Japan

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

DATES: *Effective Dates:* March 30, 2005.

FOR FURTHER INFORMATION CONTACT: Susan Lehman or Minoo Hatten, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0180 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On March 4, 2005, the Department of Commerce (the Department) received a petition on imports of superalloy degassed chromium from Japan filed in proper form by Eramet Marietta Inc. and Paper, Allied-Industrial, Chemical and Energy Workers International Union (the petitioners). On March 10, 2005, the Department issued a supplemental questionnaire requesting additional information and clarification of certain areas of the petition. The Department also requested additional information in March 16, 2005, and March 17, 2005, telephone calls with counsel to the petitioners. See Memoranda from Meredith Wood through Norbert O.

Gannon to the File dated March 16, 2005, and March 17, 2005. The petitioners filed supplements to the petition on March 7, 2005, March 14, 2005, March 18, 2005, and March 22, 2005.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of superalloy degassed chromium are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring and threaten to injure an industry in the United States.

The Department finds that the petitioners filed this petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(c) of the Act and the petitioners have demonstrated sufficient industry support with respect to the investigation that the petitioners are requesting the Department to initiate (see ''Determination of Industry Support for the Petition'' below).

Scope of Investigation

The product covered by this investigation is all forms, sizes, and grades of superalloy degassed chromium from Japan. Superalloy degassed chromium is a high-purity form of chrome metal that generally contains at least 99.5 percent, but less than 99.95 percent, chromium. Superalloy degassed chromium contains very low levels of certain gaseous elements and other impurities (typically no more than 0.005 percent nitrogen, 0.005 percent sulphur, 0.05 percent oxygen, 0.01 percent aluminum, 0.05 percent silicon, and 0.35 percent iron). Superalloy degassed chromium is generally sold in briquetted form, as ''pellets'' or ''compacts,'' which typically are 1½ inches × 1 inch × 1 inch or smaller in size and have a smooth surface. Superalloy degassed chromium is currently classifiable under subheading 8112.21.00 of the Harmonized Tariff Schedule of the United States (HTSUS). This investigation covers all chromium meeting the above specifications for superalloy degassed chromium regardless of tariff classification.

Certain higher-purity and lower-purity chromium products are excluded from the scope of this investigation. Specifically, the investigation does not cover electronics-grade chromium, which contains a higher percentage of chromium (typically not less than 99.95 percent), a much lower level of iron (less than 0.05 percent), and lower levels of other impurities than superalloy degassed chromium. The investigation also does not cover ''vacuum melt grade'' (VMG) chromium, which normally contains at least 99.4 percent chromium and contains a higher level of one or more impurities (nitrogen, sulphur, oxygen, aluminum and/or silicon) than specified above for superalloy degassed chromium.

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioners to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the regulations (*Antidumping Duties, Countervailing Duties, Final Rule*, 62 FR 27296, 27323, May 19, 1997), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments within 20 calendar days of publication of this notice. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determination.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for (1) at least 25 percent of the total production of the domestic like product and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC) is responsible for determining whether ''the domestic industry'' has been injured and must also determine what constitutes a domestic like product in order to define the industry. While the Department and the ITC must apply the same statutory definition regarding the domestic like product, they do so for different purposes and pursuant to separate and distinct authority. See section 771(10) of the Act. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to law.[1]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

With regard to the definition of domestic like product, the petitioners do not offer a definition of domestic like product distinct from the scope of the investigation. Based on our analysis of the information presented by the petitioners, we have determined that there is a single domestic like product, superalloy degassed chromium, which is defined in the ''Scope of Investigation'' section above, and we have analyzed industry support in terms of the domestic like product.

We received no opposition to this petition. The petitioners account for 100 percent of the total production of the domestic like product, and the requirements of section 732(c)(4)(A)(i) are met. Accordingly, the Department determines that the petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. See Attachment I of the March 24, 2005, Initiation Checklist (Initiation Checklist) on file in the Central Records Unit, Room B–099 of the Department of Commerce.

Period of Investigation

The anticipated period of investigation is January 1, 2004, through December 31, 2004.

U.S. Price and Normal Value

The following is a description of the allegation of sales at less than fair value upon which the Department based its decision to initiate this investigation. The sources of data for the deductions and adjustments relating to U.S. price and normal value are discussed in greater detail in the Initiation Checklist.

[1] See *USEC, Inc.* v. *United States*, 132 F. Supp. 2d 1, 8 (CIT 2001), citing *Algoma Steel Corp.* v. *United States*, 688 F. Supp. 639, 642–44 (CIT 1988).

Should the need arise to use any of this information as facts available under section 776 of the Act, we may reexamine the information and revise the margin calculation, if appropriate.

The petition identified one producer of superalloy degassed chromium in Japan. See March 4, 2005, petition at page 24. Although the petitioners provide estimates of U.S. price based on U.S. import data (from the U.S. Bureau of the Census) and Japanese export data (see petition at pages 25–28 and Exhibit 7B), we have relied on a price quote provided by the petitioners (see petition at pages 28–29 and Exhibits 7B and 7D(i) and supplement to the petition dated March 14, 2005, at page 5 and Attachment 4). This price quote is for superalloy degassed chromium from Japan sold to a large customer in the United States during 2004. It is for the subject merchandise which is comparable to the merchandise in the home-market price quote provided by the petitioners and in the constructed value (CV) the petitioners calculated (see supplement to the petition dated March 18, 2005, at pages 1–3).

The petitioners deducted an amount for U.S. customs duty and freight and five percent for selling expenses in the United States from the price quote on which we relied. We examined the information provided regarding U.S. price and have determined that it represents information reasonably available to the petitioners and have reviewed it for adequacy and accuracy. See Initiation Checklist.

To calculate normal value, the petitioners obtained information regarding the price at which the Japanese producer identified in the petition is believed to have sold superalloy degassed chromium to an end-user in Japan in 2004. The price obtained was inclusive of delivery charges and exclusive of taxes. We reviewed the normal-value information the petitioners provided and have determined that it represents information reasonably available to the petitioners. We have also reviewed it for adequacy and accuracy. See Initiation Checklist.

The petitioners also compared the home-market price to Eramet's cost of production (COP), adjusted for known cost differences between Japan and the United States, to support a sales-below-cost allegation. The Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act states that an allegation of sales below COP need not be specific to individual exporters or producers. See SAA, H.R. Doc. No. 103–316 at 833 (1994). The SAA states that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation.'' *Id.*

Further, the SAA provides that the ''new section 773(b)(2)(A) retains the current requirement that Commerce have 'reasonable grounds to believe or suspect' that below cost sales have occurred before initiating such an investigation. 'Reasonable grounds' * * * exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices.'' *Id.*

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacture (COM) and selling, general, and administrative (SG&A) expenses (including financial expenses). The petitioners calculated COP based on Eramet's own experience as a U.S. producer during 2004 and its knowledge of the particular production processes used by the Japanese producer, adjusted for known differences between costs incurred to manufacture superalloy degassed chromium in the United States and in Japan. The publicly available data the petitioners used were contemporaneous with the prospective POI. See Initiation Checklist.

Based upon a comparison of the home-market price of the foreign like product to the calculated COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product were made below the COP within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Pursuant to sections 773(a)(4) and 773(e) of the Act, the petitioners calculated normal value based on CV. Consistent with section 773(e)(2)(B)(iii) of the Act, the petitioners included in CV an amount for profit. For profit, the petitioners relied upon amounts reported in the 2004 consolidated financial statements of JFE Material Co., Ltd., the potential respondent's parent company.

We reviewed the CV information the petitioners provided and have determined that it represents information reasonably available to the petitioners.

Fair-Value Comparison

Based on a comparison of a U.S. price quote to adjusted CV, the dumping margin is 129.32 percent for superalloy degassed chromium from Japan. Therefore, based on the data provided by the petitioners, there is reason to believe that imports of superalloy degassed chromium are being, or are likely to be, sold in the United States at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured and is threatened with material injury by reason of the imports of the subject merchandise sold at less than normal value. The petitioners contend that the industry's injured condition is evidenced by reduced market share, lost sales, reduced production, capacity, and capacity utilization rates, decreased U.S. shipments and inventories, decline in prices, lost revenue, reduced employment, decrease in capital expenditures, decreased investment in research and development, and decline in financial performance.

These allegations are supported by relevant evidence including import data, lost sales, and pricing information. We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation and we have determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation. See Initiation Checklist.

Initiation of Antidumping Investigation

Based upon the examination of the petition on superalloy degassed chromium from Japan and other information reasonably available to the Department, the Department finds that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of superalloy degassed chromium from Japan are being, or are likely to be, sold in the United States at less than fair value. Unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of Japan. We will attempt to provide a copy of the public version of the petition to the producer named in the petition.

International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the International Trade Commission

The ITC will preliminarily determine, no later than April 18, 2005, whether there is a reasonable indication that imports of superalloy degassed chromium are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: March 24, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–1399 Filed 3–29–05; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

A–570–894

Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Order: Certain Tissue Paper Products from the People's Republic of China

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

EFFECTIVE DATE: March 30, 2005.

FOR FURTHER INFORMATION CONTACT: Kit L. Rudd, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1385.

SUPPLEMENTARY INFORMATION:

AMENDMENT TO FINAL DETERMINATION

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended, (''the Act''), on February 14, 2005, the Department of Commerce (''the Department'') published its final determination of sales at less than fair value (''LTFV'') in the investigation of certain tissue paper products from the People's Republic of China (''PRC''). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Tissue Paper Products from the People's Republic of China*, 70 FR 7475 (February 14, 2005) (''*Final Determination*'') and corresponding ''Issues and Decision Memorandum'' dated February 3, 2005.

On February 14, 2005, Cleo Inc., Crystal Creative Products, Inc., and Marvel Products, Inc. (collectively, ''Importers'') timely filed allegations that the Department made ministerial errors in its *Final Determination* with respect to calculation of the surrogate profit financial ratio, application of the overhead financial ratio and use of surrogate values.

On February 22, 2005, the Petitioners[1] filed rebuttal comments to ministerial error allegations submitted by the Importers. On February 24, 2005, the Importers filed comments responding to the Petitioners' February 22, 2005, rebuttals. On March 4, 2005, pursuant to 19 CFR 351.224, the Department rejected the Importers' February 24, 2005 submission of further rebuttal comments. *See Letter from Alex Villanueva, Program Manager, China/NME Unit, Office 9 to Importers Regarding Ministerial Error Allegation Rebuttal Comments*, dated March 4, 2005.

A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Department considers ministerial. *See* 19 CFR 351.224(f).

After analyzing the Importers' comments and Petitioners' rebuttal comments, we have determined, in accordance with 19 CFR 351.224(e), that we made no ministerial errors in the calculations we performed for the *Final Determination*. For a detailed discussion of these ministerial errors, as well as the Department's analysis, *see Antidumping Duty Investigation of Certain Tissue Paper Products from the People's Republic of China (''China''): Analysis of Allegations of Ministerial Errors*, dated March 16, 2005.

In addition, on February 22, 2005, at the direction of the National Import Specialist, the Department has added the following Harmonized Tariff Schedule of the United States (''HTSUS'') classifications to the listing of HTS subheadings contained in the *Final Determination*: 4804.31.1000; 4804.31.2000; 4804.31.4020; 4804.31.4040; 4804.31.6000; 4805.91.1090; 4805.91.5000; and 4805.91.7000.

Finally, in the *Final Determination*, we inadvertently identified Section A Respondent Anhui Light Industrial Import & Export Co., Ltd. (''Anhui Light'') as receiving a separate rate, although the Department had determined that Anhui Light did not meet the Separate Rates criteria. *See Preliminary Determination: Certain Tissue Paper Products From The People's Republic of China Separate Rates for Exporters*, dated September 14, 2004 at 20. We also neglected to include Section A Respondent BA Marketing & Industrial Co., Ltd. (''BA Marketing'') which qualified for and received a separate rate.

Therefore, we are correcting the *Final Determination* of sales at LTFV in the antidumping duty investigation of certain tissue paper products from the PRC. The revised scope and corrected list of Section A Respondents are listed below.

Scope of the Order

The tissue paper products subject to this order are cut–to-length sheets of tissue paper having a basis weight not exceeding 29 grams per square meter. Tissue paper products subject to this order may or may not be bleached, dye–colored, surface–colored, glazed, surface decorated or printed, sequined, crinkled, embossed, and/or die cut. The tissue paper subject to this order is in the form of cut–to-length sheets of tissue paper with a width equal to or greater than one–half (0.5) inch. Subject tissue paper may be flat or folded, and may be packaged by banding or wrapping with paper or film, by placing in plastic or film bags, and/or by placing in boxes for distribution and use by the ultimate consumer. Packages of tissue paper subject to this order may consist solely of tissue paper of one color and/or style, or may contain multiple colors and/or styles.

The merchandise subject to this order does not have specific classification numbers assigned to them under the HTSUS. Subject merchandise may be under one or more of several different subheadings, including: 4802.30; 4802.54; 4802.61; 4802.62; 4802.69; 4804.31.1000; 4804.31.2000; 4804.31.4020; 4804.31.4040; 4804.31.6000; 4804.39; 4805.91.1090; 4805.91.5000; 4805.91.7000; 4806.40; 4808.30; 4808.90; 4811.90; 4823.90; 4820.50.00; 4802.90.00; 4805.91.90; 9505.90.40. The tariff classifications are provided for convenience and customs purposes; however, the written

[1] Seaman Paper Company of Massachusetts Inc.; Eagle Tissue LLC; Flower City Tissue Mills Co.; Garlock Printing & Converting, Inc.; Paper Service Ltd.; Putney Paper Co., Ltd.; and the Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL-CIO, CLC (collectively ''Petitioners'').