

### Extension of Preliminary and Final Results

On April 1, 2005, the Department initiated a sunset review of the suspended antidumping duty investigation on ammonium nitrate from Russia pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Notice of Initiation of Five-year ("Sunset") Reviews*, 70 FR 16800, (April 1, 2005). On the basis of notices 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 is conducting a full (240-day) review to determine whether termination of the suspension agreement on ammonium nitrate would lead to the continuation or recurrence of dumping. The Department's preliminary results of this review were scheduled for July 20, 2005 and its final results of this review were scheduled for November 29, 2005; however, the Department needs additional time for its analysis.

In accordance with section 751(c)(5)(B) of the Act, the Department may extend the period of time for making its preliminary determination in a sunset review by not more than 90 days, if it determines that the review is extraordinarily complicated. As set forth in section 751(c)(5)(C), the Department may, among other reasons, treat a sunset review as extraordinarily complicated if: (i) there are a large number of issues, (ii) the issues to be considered are complex or (iii) there are a large number of firms involved. In this proceeding, the Department has to consider complex issues related to the likelihood of continuation or recurrence of dumping, the appropriate margins likely to prevail if the suspension agreement is terminated, and developments during the administration of the suspension agreement. Therefore, the Department has determined, pursuant to section 751(c)(5)(C) of the Act, that the sunset review of the suspension agreement on ammonium nitrate from Russia is extraordinarily complicated and requires additional time for the Department to complete its analysis. Accordingly, the Department is extending the deadline in this proceeding, and, as a result, intends to issue the preliminary results of the sunset review of the suspension agreement on ammonium nitrate from Russia on or about October 18, 2005 and the final results of the sunset review by February 27, 2006.

This notice is issued and published in accordance with sections 751(c)(5)(B) and (C) of the Act.

Dated: July 19, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-S**

### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-570-863]

#### Honey from the People's Republic of China: Extension of Time Limit for Preliminary Results of 2003/2004 New Shipper Review

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

**EFFECTIVE DATE:** July 26, 2005.

**FOR FURTHER INFORMATION CONTACT:** Anya Naschak at (202) 482-6375; AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 10, 2001, the Department published in the **Federal Register** an antidumping duty order covering honey from the PRC. See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Honey from the People's Republic of China*, 66 FR 63670 (December 10, 2001). On December 22, 2004, the Department received a timely request from Kunshan Xin'an Trade Co., Ltd. ("Xinan") in accordance with 19 CFR 351.214 (c), for a new shipper review of the antidumping duty order on honey from the PRC, which has a December annual anniversary month. On January 31, 2005, the Department initiated a review for Xinan. See *Honey from the People's Republic of China: Initiation of New Shipper Antidumping Duty Review*, 70 FR 6412 (February 7, 2005) ("NSR Xinan Initiation")

The Department has issued its antidumping duty questionnaire, and two supplementals to Xinan. The deadline for completion of the preliminary results is currently August 1, 2005.

#### Extension of Time Limits for Preliminary Results

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(i)(1) require the Department to issue the preliminary

results of a new shipper review within 180 days after the date on which the new shipper review was initiated and final results of a review within 90 days after the date on which the preliminary results were issued. The Department may, however, extend the deadline for completion of the preliminary results of a new shipper review to 300 days if it determines that the case is extraordinarily complicated (19 CFR 351.214 (i)(2)).

Pursuant to section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214 (i)(2), we determine that this review is extraordinarily complicated and that it is not practicable to complete this new shipper review within the current time limit. Specifically, the Department requires additional time to analyze all questionnaire responses and issues of affiliation, and to conduct verification of the responses submitted to date. Accordingly, the Department is extending the time limit for the completion of the preliminary results by 45 days, to September 16, 2005, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2). The final results will, in turn, be due 90 days after the date of issuance of the preliminary results, unless extended.

Dated: July 18, 2005.

**Susan H. Kuhbach,**

*Acting Deputy Assistant Secretary for Import Administration.*

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

(A-588-867)

#### Initiation of Antidumping Duty Investigation: Metal Calendar Slides from Japan

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

**EFFECTIVE DATE:** July 26, 2005.

**FOR FURTHER INFORMATION CONTACT:** Scott Lindsay or Nicholas Czajkowski, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0780 or (202) 482-1395, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On June 29, 2005, the Department of Commerce (the Department) received a petition on imports of metal calendar

slides from Japan filed in proper form by Stuebing Automatic Machine Company (the petitioner). See *Petition for Imposition of Antidumping Duties on Metal Calendar Slides from Japan* (June 29, 2005) (petition). On July 5, 2005, the Department issued a request for additional information and clarification of certain areas of the petition. On July 6, 2005, the Department met with the petitioner's counsel to clarify issues regarding the information requested by the Department's July 5, 2005 questionnaire. See *Memorandum from Dara Iserson through Thomas Gilgunn to the File, Antidumping Duty Investigation of Calendar Metal Slides from Japan* (July 8, 2005). On July 8, 2005, the petitioner filed a petition amendment. See *Imposition of Antidumping Duties on Metal Calendar Slides from Japan* (July 11, 2005) (petition amendment). On July 13, 2005, the Department spoke with the vice president of the market research firm used by the petitioner to discuss information included in the petition. See *Memorandum from Nicholas Czajkowski through Thomas Gilgunn to the File, Telephone Call to Market Research Firm Regarding the Antidumping Petition on Metal Calendar Slides from Japan* (July 19, 2005).

In accordance with section 732(b) of the Tariff Act of 1930, as amended ("the Act"), the petitioner alleges that imports of metal calendar slides 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, or threatening material injury to, an industry in the United States.

The Department finds that the petitioner filed this petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act, and petitioner has demonstrated sufficient industry support with respect to the investigation that the petitioner is requesting the Department to initiate (see "Determination of Industry Support for the Petition" below).

#### Scope of Investigation

The merchandise covered in this investigation is "V" and/or "U" shaped metal calendar slides manufactured from cold-rolled steel sheets, whether or not left in black form, tin plated or finished as tin free steel ("TFS"), typically with a thickness from 0.19 mm to 0.23 mm, typically in lengths from 152 mm to 915 mm, typically in widths from 12 mm to 29 mm when the slide is lying flat and before the angle is pressed into the slide (although they are

not typically shipped in this "flat" form), that are typically either primed to protect the outside of the slide against oxidation or coated with a colored enamel or lacquer for decorative purposes, whether or not stacked, and excluding paper and plastic slides. Metal calendar slides are typically provided with either a plastic attached hanger or eyelet to hang and bind calendars, posters, maps or charts, or the hanger can be stamped from the metal body of the slide itself. These metal calendar slides are believed to be classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7326.90.1000 (Other articles of iron and steel: Forged or stamped; but not further worked: Other: Of tinplate). This HTSUS number is provided for convenience and U.S. Customs and Border Protection purposes. The written description of the scope of this investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioner 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 the 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 to 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.<sup>1</sup>

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 domestic like product, the petitioner does 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 petitioner, we have determined that there is a single domestic like product, metal calendar slides, 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 petitioner accounts for 100 percent of the total production of the domestic like product, and the requirements of section 732(c)(4)(A) 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 "Office of AD/CVD Operations Initiation Checklist for the Antidumping Duty Petition on Metal Calendar Slides from Japan," at Att. I (July 19, 2005) (*Initiation Checklist*) on file in the

<sup>1</sup> See *USEC, Inc. v. United States*, 25 CIT 49, 132 F. Supp. 2d 1, 8 (Jan. 24, 2001) (citing *Algoma Steel Corp. v. United States*, 12 CIT 518, 523, 688 F. Supp. 639, 642-44 (June 8, 1988)).

Central Records Unit, Room B-099 of the Department of Commerce.

### Period of Investigation

The anticipated period of investigation (POI) is April 1, 2004, through March 31, 2005.

### 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*. 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 four producers of metal calendar slides in Japan. See petition, at 8; and petition amendment, at 2. We have relied on an actual sale price provided by the petitioner for establishing U.S. price (see petition, at Exh. 13a, at pp. 5 and 13b). This price is for metal calendar slides from Japan sold to a customer in the United States during 2004.

The petitioner deducted an amount for freight costs to the United States from the price provided to the petitioner. However, we have also made some revisions to the calculation of freight. See *Initiation Checklist* at Att. 4. We examined the information provided regarding U.S. price; we have determined that it represents information reasonably available to the petitioner; and, we have reviewed it for adequacy and accuracy.

Pursuant to section 773(a)(1)(B)(i) of the Act, the petitioner calculated normal value based on a written offer for sale by the Japanese producer. The petitioner obtained the information on home market prices and volume discounts for metal calendar slides, sold in the Japanese market in 2004, from two foreign market research reports. We reviewed the prices in the written offer and we determined that it represents information reasonably available to the petitioner. We have also reviewed the normal-value information the petitioner provided for adequacy and accuracy. However, we re-calculated normal value to apply exchange rates consistent with our normal practice. See *Initiation Checklist* at Att. 4.

### Critical Circumstances

The petitioner alleges, based on trade statistics since 2002 and the seasonal nature of the industry, that there is a reasonable basis to believe or suspect

that critical circumstances will exist with regard to imports of metal calendar slides from Japan. See petition, at 10 and 39.

Section 733(e)(1) of the Act states that if a petitioner alleges critical circumstances, the Department will find that such circumstances exist, at any time after the date of initiation, when there is a reasonable basis to believe or suspect that under, subparagraph (A)(i), there is a history of dumping and there is material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period. Section 351.206(h) of the Department's regulations defines "massive imports" as imports that have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration. Section 351.206(i) of the regulations states that a relatively short period will normally be defined as the period beginning on the date the proceeding begins and ending at least three months later.

The petitioner alleges that importers knew, or should have known, that metal calendar slides were being sold at less than fair value. Specifically, the petitioner's recalculated margins are as high as 48.24 percent, a level high enough to impute importer knowledge that merchandise was being sold at less than its fair value. See e.g., *Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Prestressed Concrete Steel Wire Strand from Thailand*, 68 FR 68,348 (Dec. 8, 2003) (citing *Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China*, 62 FR 31,972, 31,978 (June 11, 1997)). In addition, the petitioner provided direct evidence that the importer knew, or should have known, that the exporter was selling subject imports at less than fair value. See petition, at 37-38, and Exh. 3A and 13B.

The petitioner requests that the Department immediately begin reviewing import data of the subject merchandise and that the Department request U.S. Customs & Border Protection (CBP) to compile information on an expedited basis regarding entries

of subject merchandise. See petition, at 35-40. Section 732(e) of the Act states that when there is a reasonable basis to believe or suspect (1) there is a history of dumping in the United States or elsewhere of the subject merchandise, or (2) the person by whom, or for whose account, the merchandise was imported knew, or should have known, that the exporter was selling the subject merchandise at less than its fair value, the Department may request the CBP to compile information on an expedited basis regarding entries of the subject merchandise.

Taking into consideration the foregoing, we will analyze this matter further. We will monitor imports of metal calendar slides from Japan and we will request that CBP compile information on an expedited basis regarding entries of subject merchandise. See Section 732(2) of the Act. If, at any time, the criteria for a finding of critical circumstances are established, we will issue a critical circumstances finding at the earliest possible date. See Policy Bulletin 98/4, 63 FR 55364 (Oct. 15, 1998).

### Fair Value Comparisons

Based on a comparison of export prices to normal values calculated in accordance with Section 773(a) of the Act, the Department recalculated estimated dumping margins ranging from 22.09 percent to 48.24 percent for metal calendar slides from Japan. Therefore, there is reason to believe that imports of metal calendar slides 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 petitioner alleges 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 fair value. The petitioner contends that the industry's injury is evidenced by reduced market share, lost sales, reduced production, lower capacity and capacity utilization rates, decreased U.S. shipments and inventories, decline in prices, lost revenue, reduced employment, decreased capital expenditures, decreased investment in research and development, and a decline in financial performance.

These allegations are supported by relevant evidence including import data, evidence of lost sales, and pricing information. We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation and have determined that

these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation. See *Initiation Checklist* at Att. 2.

### Initiation of Antidumping Investigation

Based upon the examination of the petition on metal calendar slides 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 metal calendar slides 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 producers 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 August 15, 2005, whether there is a reasonable indication that imports of metal calendar slides 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: July 19, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW, Washington, D.C.

*Docket Number:* 05-024. Applicant: Massachusetts Institute of Technology, Plasma Science and Fusion Center, 190 Albany Street, Cambridge, MA 02139. Instrument: Diagnostic Neutral Beam Injector (Hydrogen). Manufacturer: Budker Institute of Nuclear Physics, Russia. Intended Use: The instrument is intended to be used to inject a multi-ampere collimated beam of high-velocity (near 1%) neutral hydrogen atoms (or deuterium or helium) into a tokamak plasma. Interactions between the beam atoms and the plasma will generate characteristic spectral emission lines from which crucial information about the hot plasma core can be extracted and studied including motional Stark effect, plasma ion temperature and flow velocity, beam emission spectroscopy and confinement and transport of fast particles in the tokamak plasma. It will also be used for education and research of graduate students and guest scientists from other plasma research facilities. Application accepted by Commissioner of Customs: June 23, 2005.

*Docket Number:* 05-025. Applicant: The Massachusetts Institute of Technology, 150 Albany Street, Cambridge, MA 02139. Instrument: Nuclear Magnetic Resonance Magnet, Model JMTC-600/140. Manufacturer: Jastec, Japan. Intended Use: The instrument is intended to be used to construct a persistent mode 600MHz, 125 mm room temperature bore LTS high-resolution NMR spectrometer by combining the foreign NMR magnet with a 1.76 T HTS insert built by the

applicant. The resulting high homogeneity NMR spectrometer will be used to study a number of materials, such as nucleic acid molecules, helical peptides, bacteriorhodopsin and phenomena, such as frequency-selective heteronuclear dephasing and polarization and determination of structure and dynamics under physiological conditions. It will also be used for undergraduate, graduate and postdoctoral education and research. Application accepted by Commissioner of Customs: June 23, 2005.

*Docket Number:* 05-026. Applicant: Cornell University, Baker Lab, Ithaca, NY 14853-1301. Instrument: Horizontal Bounce Monochromator. Manufacturer: Oxford-Danfysik, England. Intended Use: The instrument is intended to be used to determine the molecular structures of macro-molecules of importance in the life sciences, particularly in the composition of the human genome and metabolic processes. Materials will include proteins, viruses, enzymes, and other related entities. X-ray crystallographic techniques will be used through studies of the scattering of monoenergetic x-rays from single crystals of these materials utilizing the intense beams of x-rays provided by the Advanced Photon Source located at the Department of Energy's Argonne National Laboratory. The objective is to understand more fully how various metabolic and physiological systems function. Application accepted by Commissioner of Customs: July 28, 2005.

*Docket Number:* 05-029. Applicant: University of Illinois at Chicago, Department of Physics (m/c 273), 845 West Taylor Street (Room 2236), Chicago, IL 60607-7059. Instrument: Excimer Laser and Preamplifier. Manufacturer: Laser-Laboratorium, Göttingen, Germany. Intended Use: The instrument is intended to be used to study nonlinear optical phenomena and x-ray amplification in gases, solids, atomic clusters and plasmas. Measured quantities of x-rays and their spectral properties will be examined for an understanding of new physics associated with coherent x-ray production which will serve as a preamplifier in an ultraviolet laser system. Application accepted by Commissioner of Customs: July 7, 2005.

*Docket Number:* 05-030. Applicant: National Animal Disease Center, U.S. Department of Agriculture, 2300 Dayton Avenue, Ames, IA, 50010. Instrument: Electron Microscope, Model Technai G<sup>2</sup> 12 TWIN/BioTWIN. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument is intended to be