

Background

On September 1, 2004, the Department published the notice of initiation of the sunset reviews of the antidumping duty findings on sugar from Belgium, France, and Germany.¹ On September 13, 2004, the Department received a Notice of Intent to Participate from the American Sugar Cane League, the Sugar Cane Growers Cooperative of Florida, the Florida Sugar Cane League, the Hawaii Sugar Growers, the Rio Grande Valley Sugar Growers, the U.S. Beet Sugar Association, and the American Sugarbeet Growers Association (collectively “domestic interested parties”) within the deadline specified in section 315.218(d)(1)(i) of the Department’s regulations. The domestic interested parties claimed interested party status under section 771(9)(E) of the Act, as a trade association, a majority of whose members produce the like product in the United States. On October 1, 2004, the Department received complete substantive responses from the domestic interested parties within the deadline specified in section 351.218(d)(3)(i) of the Department’s regulations. We did not receive responses from any respondent interested parties to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department’s regulations, the Department determined to conduct expedited reviews of these findings.

Scope of the Findings

Imports covered by these findings are shipments of sugar, both raw and refined, with the exception of specialty sugars, from Belgium, France and Germany. The finding on sugar from France excludes homeopathic sugar pellets meeting the following criteria: (1) Composed of 85 percent sucrose and 15 percent lactose; (2) have a polished, matte appearance, and more uniformly porous than domestic sugar cubes; (3) produced in two sizes of 2 mm and 3.8 mm in diameter. *See Sugar from France; Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Finding*, 61 FR 40609 (August 5, 1996). The merchandise subject to these findings is currently classifiable in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheadings: 1701.11.05, 1701.11.10, 1701.11.20, 1701.11.50, 1701.12.05, 1701.12.10, 1701.12.50, 1701.91.05, 1701.91.10, 1701.91.30,

1701.99.05, 1701.99.1000, 1701.99.1090, 1701.99.5000, 1701.99.5090, 1702.90.05, 1702.90.10, 1702.90.20, 2106.90.42, 2106.90.44, and 2106.90.46. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the findings is dispositive.

Analysis of Comments Received

All issues raised in these reviews are addressed in the “Issues and Decision Memorandum” (“Decision Memorandum”) from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 30, 2005, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the findings were revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file in room B-099 of the main Commerce Building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/sunset/index.html>, under the heading “April 2005.” The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Reviews ≤We determine that revocation of the antidumping duty findings on sugar from Belgium, France, and Germany would likely lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/exporters/producers	Weighted average margin (percent)
All Belgian Manufacturers/Exporters	103
All French Manufacturers/Exporters	102
All German Manufacturers/Exporters	121

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 of the Department’s regulations. Timely notification of the return or 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 the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: March 30, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-601]

Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review: Tapered Roller Bearings, and Parts Thereof, Finished or Unfinished, From the People’s Republic of China

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

DATES: *Effective Date:* April 5, 2005.

FOR FURTHER INFORMATION CONTACT: Laurel Lacivita or Eugene Degnan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4243 or (202) 482-0414, respectively.

Background

On July 28, 2004, the Department of Commerce (“the Department”) published in the **Federal Register** a notice of initiation of the antidumping duty administrative review of tapered roller bearings and parts thereof, finished or unfinished, from the People’s Republic of China for the period June 1, 2003, through May 31, 2004. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 45010 (July 28, 2004). On February 4, 2005, the Department published in the **Federal Register** a notice extending the time limit for the preliminary results of the administrative review from March 2, 2005, to May 1, 2005. *See Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review: Tapered Roller Bearings, and Parts Thereof, Finished or Unfinished From the People’s Republic of China* 70 FR 5967 (February 4, 2005). The preliminary

¹ See *Initiation of Five-Year (“Sunset”) Reviews*, 69 FR 53408 (September 1, 2004) (“Initiation Notice”).

results of review are currently due no later than May 1, 2005.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”), states that, if it is not practicable to complete the review within the time specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days. Completion of the preliminary results of this review within the 245-day period is not practicable because the Department needs additional time to conduct verification of two companies’ questionnaire responses (one of which requested revocation), to analyze the information pertaining to these companies’ verifications, and to review supplemental questionnaire responses of the third company.

Because it is not practicable to complete this review within the time specified under the Act, we are fully extending the time period for issuing the preliminary results of review to 365 days until June 30, 2005, in accordance with section 751(a)(3)(A) of the Act. The final results continue to be due 120 days after the publication of the preliminary results of review.

Dated: March 29, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Separate Rates and Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries

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

ACTION: Announcement of Change in Practice

SUMMARY: The Department of Commerce (“the Department”) is instituting two modifications in its non-market economy (“NME”) practice in antidumping investigations: one on separate rates and one on combination rates. The separate rates practice refers to the Department’s long-standing policy in antidumping investigations of presuming that all firms within an NME country are subject to government control and thus should all be assigned a single rate unless a respondent can

demonstrate an absence of both *de jure* and *de facto* control over its export activities. For firms that qualify for separate rate status, the Department assigns the respondent its own individually calculated rate or, in the case of a non-investigated firm, a rate based upon the weighted-average of the rates of the investigated companies, excluding any rates that are zero, *de minimis*, or based entirely on facts available.

On May 3, 2004, the Department first published a notice in the **Federal Register** requesting comment on its separate rates practice and on various proposed changes to this practice (69 FR 24119). In response to this notice and request for comment, the Department received 23 submissions from interested parties. Taking into account the submissions in response to the May 2004 notice requesting comments on various changes to its separate rates practice the Department published a second notice on September 20, 2004, which outlined revised options. This provided the public with a further opportunity to comment on whether these changes would be consistent with the statute and would appropriately redress problems that have been identified concerning separate rates. In response to this second notice in the **Federal Register** published on September 20, 2004, requesting comments on the Department’s separate rates practice and implementation of combination rates (69 FR 56188), the Department received 14 submissions.

Having carefully considered the arguments presented by parties in the previous two notices, as well as the Department’s experience in recently concluded antidumping investigations, the Department further narrowed the options for changing its separate rates practice in its third notice in the **Federal Register**, published on December 28, 2004 (69 FR 77722). In this notice, the Department provisionally decided to adopt an application process for evaluating separate rate requests by non-investigated firms, and to outline in specific detail its proposal to institute combination rates (also known as “chain” or “channel” rates) for all firms receiving separate rate status in NME investigations.

In order to provide interested parties another opportunity to comment on these detailed proposals before instituting them, the Department posted the draft application on the Import Administration website and once again invited public comment on both the draft application and on the proposal to institute combination rates for all

exporters deemed eligible for a separate rate in NME investigations. In response to this third opportunity for public comment on proposed changes in the Department’s separate rates practice and implementation of combination rates, the Department received 12 submissions.

As a result of almost a year of deliberation and extensive public comment, the Department is finalizing its decision to adopt an application process for non-investigated firms in future NME antidumping investigations and to begin assigning only exporter-producer specific “combination” rates in these investigations to the mandatory respondents receiving an individually calculated separate rate, as well as to the pool of non-investigated firms receiving a separate rate. After consideration of the public comments, the Department has modified the separate rates application and its requirements, as well as the proposal to institute combination rates. Both changes in practice are being made after consideration of several rounds of public comment, and neither change alters the threshold of eligibility for a separate rate, which remains an absence of *de jure* and *de facto* government control over a firm’s export activities. A detailed explanation of both final decisions on these changes in practice can be found in Policy Bulletin 05.1, which will be posted on the Import Administration website at the following address: <http://ia.ita.doc.gov/>. The final template of the separate rates application will likewise be found on the Import Administration website; however, for each new investigation, a specific application will be posted. Both changes in practice will take effect in the next NME antidumping investigation that is initiated after publication of this notice. These changes in practice only apply to investigations, and the Department is continuing to evaluate whether to extend these changes in practice to administrative reviews.

EFFECTIVE DATE: March 5, 2005.

FOR FURTHER INFORMATION CONTACT:

Lawrence Norton, Economist, or Anthony Hill, Senior International Economist, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC, 20230, 202-482-1579 or 202-482-1843, respectively.