

consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: December 14, 2005.

**Thomas F. Futtner,**

*Acting Office Director, AD/CVD Operations, Office 4 for Import Administration.*

[FR Doc. E5-8210 Filed 12-30-05; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews**

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

**ACTION:** Notice of Upcoming Sunset Reviews.

**SUPPLEMENTARY INFORMATION:**

**Background**

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended, the Department of Commerce

("the Department") and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

**Upcoming Sunset Reviews for February 2006**

The following Sunset Reviews are scheduled for initiation in February 2006 and will appear in that month's Notice of Initiation of Five-Year Sunset Reviews.

Antidumping Duty Orders	Department Contact
Fresh Garlic from the People's Republic of China (A-570-831) - (2nd Review) .....	Maureen Flannery (202) 482-3020
Grain-Oriented Electrical Steel from Italy (A-475-811) - (2nd Review) .....	Dana Mermelstein (202) 482-1391
Grain-Oriented Electrical Steel from Japan (A-588-831) - (2nd Review) .....	Dana Mermelstein (202) 482-1391
<b>Countervailing Duty Orders</b>	
Grain-Oriented Electrical Steel from Italy (C-475-812) - (2nd Review) .....	David Goldberger (202) 482-4136
<b>Suspended Investigations</b>	
No suspended investigations are scheduled for initiation in February 2006.	

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3--Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin"). The Notice of Initiation of Five-Year ("Sunset") Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation,

the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: December 14, 2005.

**Thomas F. Futtner,**

*Acting Office Director, AD/CVD Operations, Office 4 for Import Administration.*

[FR Doc. E5-8212 Filed 12-30-05; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**(A-570-827)**

**Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review and Intent to Revoke Order in Part: Certain Cased Pencils from the People's Republic of China**

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

**SUMMARY:** M.A. Notch Corporation (Notch) filed a request for a changed circumstances review of the antidumping duty (AD) order on certain cased pencils from the People's Republic of China (PRC). Specifically, Notch requests that the Department revoke the AD order with respect to a large novelty pencil, which is described below. Certain domestic interested parties have affirmatively expressed a lack of interest in the continuation of the order with respect to this product.<sup>1</sup> In response to the request, the Department initiated a changed circumstances review of the AD order on certain cased pencils from the PRC.

final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for

extension of that five-day deadline based upon a showing of good cause.

<sup>1</sup> These domestic interested parties are Sanford Corporation, Musgrave Pencil Company, Rose

Moon, Inc., and General Pencil Company, domestic manufacturers of cased pencils, (collectively, the domestic interested parties).

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** January 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** Paul Stolz or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4474 and (202) 482-0650, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 14, 2005, Notch, a U.S. importer, filed a request asking the Department to revoke the AD order on certain cased pencils from the PRC with respect to a large novelty pencil. See Notch letter to the Secretary, dated April 5, 2005 (Notch Request Letter). Specifically, Notch requests that the Department revoke the AD order with respect to imports of certain cased pencils meeting the following description: novelty jumbo pencil that is octagonal in shape, approximately ten inches long, one inch in diameter, and three-and-one eighth inches in circumference, composed of turned wood encasing one-and-one half inches of sharpened lead on one end and a rubber eraser on the other end. See Notch Request Letter at 1. On May 6, 2005, the domestic interested parties submitted a letter to the Department stating that they “ \* \* \* do not object to exclusion of items meeting the description set forth in the quoted description” (as stated above). On August 22, 2005,<sup>2</sup> the Department initiated a changed circumstances review. See *Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Cased Pencils from the People’s Republic of China*, 70 FR 51336 (August 30, 2005).

On August 25, 2005, we informed all interested parties that comments on the initiation of the changed circumstances review and/or comments with respect to whether the domestic interested parties account for substantially all of the production of the domestic like product, were due 21 days subsequent to publication of the initiation notice in the **Federal Register**. No interested party submitted comments.

**Scope of the Order**

Imports covered by this order are shipments of certain cased pencils of any shape or dimension (except as described below) which are writing and/or drawing instruments that feature

cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (e.g., with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to the order are currently classifiable under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Specifically excluded from the scope of the order are mechanical pencils, cosmetic pencils, pens, non-cased crayons (wax), pastels, charcoals, chalks, and pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. Also excluded from the scope of the order are pencils with all of the following physical characteristics: 1) length: 13.5 or more inches; 2) sheath diameter: not less than one-and-one quarter inches at any point (before sharpening); and 3) core length: not more than 15 percent of the length of the pencil.

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

**Prior Changed Circumstance Rulings**

The Department has published the final results of the following changed circumstances reviews to date:

(1) On November 4, 2003 the Department published the final results of a changed circumstances review that excluded from the scope of the order pencils with all of the following physical characteristics: 1) length: 13.5 or more inches; 2) sheath diameter: not less than one-and-one quarter inches at any point (before sharpening); and 3) core length: not more than 15 percent of the length of the pencil. See *Notice of Final Results of Antidumping Duty Changed Circumstances Review, and Determination to Revoke Order in Part: Certain Cased Pencils from the People’s Republic of China*, 68 FR 62428 (November 4, 2003).

(2) On March 27, 2003 the Department published the final results of a changed circumstances review that excluded from the scope of the order pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. See *Notice of Final Results of Antidumping Duty Changed Circumstances Review, and Determination to Revoke Order in Part:*

*Certain Cased Pencils from the People’s Republic of China*, 68 FR 14942 (March 27, 2003).

**Preliminary Results of AD Changed Circumstances Review and Intent to Revoke in Part**

Section 751(d)(1) of the Act and section 351.222(g) of the Department’s regulations provide that the Department may revoke an AD or countervailing duty order, in whole or in part, after conducting a changed circumstances review and concluding from the available information that changed circumstances sufficient to warrant revocation or termination exist. The Department may conclude that changed circumstances sufficient to warrant revocation (in whole or in part) exist when producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the order, in whole or in part. See section 782(h)(2) of the Act and section 351.222 (g)(1)(I) of the Department’s regulations. Based on an affirmative statement by the domestic interested parties, producers of the like product, and the fact that no party has commented otherwise, we find that no interest exists in continuing the AD order with respect to large novelty pencils described in the proposed scope language below. Therefore, we are hereby notifying the public of our preliminary intent to revoke, in part, the AD order on certain cased pencils from the PRC with respect to imports of novelty pencils that meet the description below.

**New Scope of the Order**

Upon publication of the final results of this changed circumstances review, if there are no changes from the preliminary results, we intend to modify the scope of the AD order to read as follows:

Imports covered by this order are shipments of certain cased pencils of any shape or dimension (except as noted below) which are writing and/or drawing instruments that feature cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (e.g., with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to the order are currently classifiable under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Specifically excluded from the scope of the order are mechanical pencils, cosmetic

<sup>2</sup>This is the signature date.

pencils, pens, non-cased crayons (wax), pastels, charcoals, chalks, and pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. Also excluded from the scope of the order are pencils with all of the following physical characteristics: 1) length: 13.5 or more inches; 2) sheath diameter: not less than one-and-one quarter inches at any point (before sharpening); and 3) core length: not more than 15 percent of the length of the pencil.

In addition, pencils with all of the following physical characteristics are excluded from the scope of the order: novelty jumbo pencils that are octagonal in shape, approximately ten inches long, one inch in diameter before sharpening, and three-and-one eighth inches in circumference, composed of turned wood encasing one-and-one half inches of sharpened lead on one end and a rubber eraser on the other end. Although the HTSUS subheading is provided for convenience and customs purposes our written description of the scope of the order is dispositive.

If the final partial revocation occurs, we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate, without regard to applicable antidumping duties, all unliquidated entries of pencils that meet the above-noted exclusion, and to refund any estimated antidumping duties collected on such merchandise entered, or withdrawn from warehouse, for consumption on or after December 1, 2001, the day after the most recent period for which the Department issued assessment instructions to CBP (12/1/2000–11/30/2001), in accordance with section 351.222 of the Department's regulations. We will also instruct CBP to pay interest on such refunds with respect to the subject merchandise entered, or withdrawn from warehouse, for consumption on or after December 1, 2001, in accordance with section 778 of the Act. *See Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke Order in Part: Certain Cut-To-Length Carbon-Quality Steel Plate Products from Japan*, 68 FR 1436 (January 10, 2003).

The current cash deposit rate will remain in effect for all entries of subject

merchandise until completion of an administrative review.

#### Public Comment

Interested parties are invited to comment on these preliminary results. Written comments may be submitted by interested parties not later than 14 days after the date of publication of this notice. Parties who submit argument in this proceeding are requested to submit with the argument: (1) a statement of the issue, and (2) a brief summary of the argument. Pursuant to section 351.309(d) of the Department's regulations, rebuttals to written comments, limited to the issues raised in the case briefs, may be filed not later than five days after the deadline for submission of case briefs. Also, interested parties may request a hearing within 30 days of publication of this notice. Any hearing, if requested, may be held no later than two days after the deadline for the submission of rebuttal briefs, or the first workday thereafter. All written comments shall be submitted in accordance with section 351.303 of the Department's regulations and shall be served on all interested parties on the Department's service list. The Department will issue the final results of this review within the time limits established in section 351.216(e) of its regulations.

This notice is published in accordance with section 751(b)(1) of the Act and sections 351.216 and 351.222 of the Department's regulations.

Dated: December 7, 2005.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5-8213 Filed 12-30-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration (A-507-502)

#### Continuation of Antidumping Duty Order on Certain In-Shell Pistachios from Iran

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

**SUMMARY:** As a result of the determinations by the Department of Commerce ("the Department") and the International Trade Commission ("ITC") that revocation of the antidumping duty order on certain in-shell pistachios ("in-shell pistachios") from Iran would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the

Department is publishing notice of continuation of this antidumping duty order.

**EFFECTIVE DATE:** January 3, 2006.

**CONTACT INFORMATION:** Dana Mermelstein, AD/CVD Operations, Office 6, or John Drury, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-1391 or (202) 482-0195, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 1, 2005, the Department initiated and the ITC instituted a sunset review of the antidumping duty order on in-shell pistachios from Iran, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act").<sup>1</sup>

As a result of its review, the Department found that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping, and notified the ITC of the magnitude of the margins likely to prevail were the order to be revoked.<sup>2</sup> On December 22, 2005, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on in-shell pistachios from Iran would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

##### Scope of the Order

The product covered by the antidumping duty order is raw, in-shell pistachio nuts from which the hulls have been removed, leaving the inner hard shells, and edible meats from Iran. This merchandise is currently provided for in subheading 0802.50.20.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the Department's written description of the merchandise under order is dispositive.

##### Determination

As a result of the determinations by the Department and the ITC that

<sup>1</sup> See *Initiation of Five-Year ("Sunset") Reviews*, 70 FR 9919 (March 1, 2005) and *Raw In-Shell Pistachios from Iran*, 70 FR 9976 (March 1, 2005).

<sup>2</sup> See *Certain In-Shell Pistachios from Iran; Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 70 FR 57855 (October 4, 2005).

<sup>3</sup> See *Raw In-Shell Pistachios from Iran*, 70 FR 76076 (December 22, 2005) and *USITC Publication 3824, Investigation No. 731-TA-287 (Review)* (December 2005).