

petitioners' request and from one additional exporter.

On January 31, 2005 the Department initiated a review on all 25 companies for which an administrative review was requested. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 70 FR 4818 (January 31, 2005) and the *Corrections Notice*, 70 FR 7143 (February 10, 2005).

On February 22, 2005, petitioners submitted timely withdrawal of requests for review of the following companies: Centauro S.A., Comexter Robinson S.A., Compa Inversora Platense S.A., ConAgra Argentina S.A., Coope-Riel Ltda., Cooperativa DeAgua Potable y Otros, Establecimiento Don Angel S.r.L, Food Way, S.A., Francisco Facundo Rodriguez, Jay Bees, Jose Luis Garcia, Navicon S.A., Parodi Agropecuaria S.A., Times S.A., and Mielar S.A. *See* Letter from petitioners to the Department, Honey From Argentina, (February 22, 2005), on file in the Central Records Unit (CRU), room B-099 of the main Department building. On February 24, 2005, both petitioners and Nexco (an exporter) submitted letters withdrawing their individual requests for review of Nexco. *See* letters from petitioners and from Nexco to the Department, Honey From Argentina, (February 24, 2005), on file in the CRU. On February 24, 2005, petitioner rescinded its withdrawal with respect to Mielar. On March 9, 2005, El Mana S.A. (an exporter) submitted a letter withdrawing its request for the administrative review of El Mana S.A. *See* letter El Mana S.A. to the Department, Honey From Argentina, (March 9, 2005), on file in the CRU. On March 31, 2005, petitioners submitted timely withdrawal of requests for review of the following companies: Compania Apicola Argentina (CAA), Mielar and TransHoney S.A. (TransHoney). *See* Letter from petitioners to the Department, Honey From Argentina, (March 31, 2005), on file in the Central Records Unit (CRU), room B-099 of the main Department building

#### **Rescission in Part, of Administrative Review:**

The applicable regulation, 19 CFR 351.213(d)(1), states that if a party that requested an administrative review withdraws the request within 90 days of the publication of the notice of initiation of the requested review, the Secretary will rescind the review in whole or in part. The petitioners made a timely withdrawal of their requests for an administrative review within the 90-day deadline, in accordance with 19 CFR 351.213(d)(1) for the following companies: Centauro S.A., Comexter

Robinson S.A., Compa Inversora Platense S.A., Compania Apicola Argentina S.A., ConAgra Argentina S.A., Coope-Riel Ltda., Cooperativa DeAgua Potable y Otros, Establecimiento Don Angel S.r.L, Food Way, S.A., Francisco Facundo Rodriguez, Jay Bees, Jose Luis Garcia, Mielar S.A., Navicon S.A., Parodi Agropecuaria S.A., Times S.A., and TransHoney S.A. Because petitioners were the only party to request the administrative review of these companies, we have accepted the withdrawal requests and we are rescinding this administrative review of the antidumping duty order on honey from Argentina covering the period December 1, 2003, through November 30, 2004 for the aforementioned companies.

With respect to Nexco, because both petitioners and the respondent requested the administrative review of Nexco, and because both parties submitted withdrawal requests, we are rescinding this administrative review with respect to Nexco. With respect to El Mana S.A., because the respondent requested the administrative review of El Mana S.A., and because El Mana S.A. submitted a timely withdrawal request, we are also rescinding this administrative review with respect to El Mana S.A.

The Department will issue appropriate assessment instructions directly to the CBP within 15 days of the publication of this notice. The Department will direct CBP to assess antidumping duties for these companies at the cash deposit rate in effect on the date of entry for entries during the period December 1, 2003 to November 30, 2004.

#### **Notification to Parties**

This notice serves as a reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of time. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written 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 sanctionable violation.

This notice is issued and published in accordance with section 351.213(d)(4) of the Department's regulations and sections 751(a)(2)(C) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: April 8, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5-1789 Filed 4-14-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[A-570-896]**

#### **Notice of Antidumping Duty Order: Magnesium Metal From the People's Republic of China**

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

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce ("the Department") and the International Trade Commission ("ITC"), the Department is issuing an antidumping duty order on magnesium metal from the People's Republic of China ("PRC"). On April 11, 2005, the ITC notified the Department of its affirmative determination of material injury to a U.S. industry (Magnesium from China and Russia, Investigations Nos. 731-TA-1071 and 1072 (Final), Publication 3763, April 2005).

**EFFECTIVE DATE:** April 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-6412.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In accordance with section 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended ("the Act"), on February 24, 2005, the Department published the *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Magnesium Metal From The People's Republic of China*, 70 FR 9037 (February 24, 2005) ("Final Determination"). An amended final determination was published on March 29, 2005 to correct ministerial errors that occurred in the calculation of the rates as published in the *Final*

*Determination. See Notice of Amended Final Determination of Sales at Less Than Fair Value: Magnesium Metal from the People's Republic of China*, 70 FR 15838 (March 29, 2005).

### Scope of Order

The merchandise covered by the order is magnesium metal, which includes primary and secondary alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-based scrap into magnesium metal. The magnesium covered by this investigation includes blends of primary and secondary magnesium.

The subject merchandise includes the following alloy magnesium metal products made from primary and/or secondary magnesium including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes, magnesium ground, chipped, crushed, or machined into raspings, granules, turnings, chips, powder, briquettes, and other shapes: Products that contain 50 percent or greater, but less than 99.8 percent, magnesium, by weight, and that have been entered into the United States as conforming to an "ASTM Specification for Magnesium Alloy"<sup>1</sup> and thus are outside the scope of the existing antidumping orders on magnesium from the PRC (generally referred to as "alloy" magnesium).

The scope of the order excludes the following merchandise: (1) All forms of pure magnesium, including chemical combinations of magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an "ASTM Specification for Magnesium Alloy;"<sup>2</sup> (2) magnesium that is in liquid or molten form; and (3) mixtures containing 90 percent or less magnesium in granular or powder form, by weight, and one or more of certain

non-magnesium granular materials to make magnesium-based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, alumina (Al<sub>2</sub>O<sub>3</sub>), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.<sup>3</sup>

The merchandise subject to the order is currently classifiable under items 8104.19.00 and 8104.30.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS items are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

### Antidumping Duty Order

On April 11, 2005, in accordance with section 735(d) of the Act, the ITC notified the Department of its final determination pursuant to section 735(b)(1)(A)(i) of the Act that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from the PRC. In addition, the ITC notified the Department of its final determination that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department's affirmative critical circumstances finding. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection ("CBP") to assess, upon further instruction by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of magnesium metal from the PRC. These antidumping duties will be assessed on all unliquidated entries of magnesium metal from the PRC entered, or withdrawn from the warehouse, for

consumption on or after October 4, 2004, the date on which the Department published its *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of the Final Determination: Magnesium Metal From The People's Republic of China*, 69 FR 59187 (October 4, 2004) ("*Preliminary Determination*").

With regard to the ITC negative critical circumstances determination, we will instruct Customs to lift suspension and to release any bond or other security, and refund any cash deposit made, to secure the payment of antidumping duties with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption on or after July 6, 2004, but before October 4, 2004. July 4, 2004 is 90 days prior to October 4, 2004, the date of publication of the Department's preliminary determination in the **Federal Register**.

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request the Department to extend that four-month period to no more than six months. At the request of exporters that account for a significant proportion of the PRC exports of the subject merchandise, we extended the four-month period to no more than six months. *See Preliminary Determination*. In this investigation, the six-month period beginning on the date of the publication of the preliminary determination ends on April 1, 2005. Furthermore, section 737 of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination. Therefore, in accordance with section 733(d) of the Act and our practice, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of magnesium metal from the PRC entered, or withdrawn from warehouse, for consumption on or after April 2, 2005, and before the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final injury determination in the **Federal Register**.

Effective on the date of publication of the ITC's final affirmative injury determination, CBP officers will require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average

<sup>1</sup> The meaning of this term is the same as that used by the American Society for Testing and Materials in its *Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys*.

<sup>2</sup> This material is already covered by existing antidumping orders. *See Antidumping Duty Orders: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation*, 60 FR 25691 (May 12, 1995), and *Antidumping Duty Order: Pure Magnesium in Granular Form from the People's Republic of China*, 66 FR 57936 (November 19, 2001).

<sup>3</sup> This third exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000-2001 investigations of magnesium from the PRC, Israel, and Russia. *See Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People's Republic of China*, 66 FR 49345 (September 27, 2001); *Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel*, 66 FR 49349 (September 27, 2001); *Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation*, 66 FR 49347 (September 27, 2001). These mixtures are not magnesium alloys because they are not chemically combined in liquid form and cast into the same ingot.

antidumping duty margins as listed below. The "PRC-wide" rate applies to all exporters of subject merchandise not specifically listed. The weighted-average dumping margins are as follows:

#### MAGNESIUM METAL FROM THE PRC

| Manufacturer/exporter | Weighted-average margin percent |
|-----------------------|---------------------------------|
| Tianjin .....         | 49.66                           |
| Guangling .....       | 49.66                           |
| PRC-Wide Rate* .....  | 141.49                          |

\*This is not a separate rate; the RSM<sup>4</sup> companies and Jiangsu Metals are subject to the PRC-wide rate.

This notice constitutes the antidumping duty order with respect to magnesium metal from the PRC pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room B-099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: April 12, 2005.

**Joseph A. Spetrini,**

Acting Assistant Secretary for Import Administration.

[FR Doc. E5-1790 Filed 4-14-05; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-821-819]

#### Notice of Antidumping Duty Order: Magnesium Metal From the Russian Federation

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

**SUMMARY:** Based on affirmative final determinations by the Department of

<sup>4</sup>In the preliminary determination, we determined that the following companies were collapsed members of the RSM group of companies for the purposes of this investigation: Nanjing Yunhai Special Metals Co., Ltd. ("Yunhai Special"), Nanjing Welbow Metals Co., Ltd. ("Welbow"), Nanjing Yunhai Magnesium Co., Ltd. ("Yunhai Magnesium"), Shanxi Wenxi Yunhai Metals Co., Ltd. ("Wenxi Yunhai"). See Memorandum to Laurie Parkhill, Director, Office 8, NME/China Group, from Laurel LaCivita, Senior Case Analyst, through Robert Bolling, Program Manager: *Antidumping Duty Investigation of Magnesium Metal from the People's Republic of China: Affiliation and Collapsing of Members of the RSM Group and its Affiliated U.S. Reseller, Toyota Tsusho America, Inc.*, dated September 24, 2004.

Commerce (the Department) and the U.S. International Trade Commission (ITC), the Department is issuing an antidumping duty order on magnesium metal from the Russian Federation (Russia). On April 11, 2005, the ITC notified the Department of its affirmative determination of injury to a U.S. industry (*Magnesium from China and Russia*, Investigations Nos. 731-TA-1071 and 1072 (Final), Publication 3763, April 2005).

**EFFECTIVE DATE:** April 15, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Mark Hoadley, Kimberley Hunt, or Joshua Reitze at (202) 482-3148, (202) 482-1272, and (202) 482-0666, respectively; AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION

##### Background

The final determination in this investigation was published on February 24, 2005. See *Magnesium Metal From the Russian Federation: Notice of Final Determination of Sales at Less Than Fair Value*, 70 FR 9041 (February 24, 2005) (*Final Determination*). An amended final determination was published on March 29, 2005, to correct ministerial errors which occurred in the calculation of the rates as published in the *Final Determination*. See *Magnesium Metal From the Russian Federation: Notice of Amended Final Determination of Sales at Less Than Fair Value*, 70 FR 15837 (March 29, 2005) (*Amended Final Determination*). In the *Amended Final Determination*, the Department amended the rate of one respondent as well as the all others' rate.

##### Scope of the Order

The merchandise covered by this order is magnesium metal (also referred to as magnesium), which includes primary and secondary pure and alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary magnesium is produced by recycling magnesium-based scrap into magnesium metal. The magnesium covered by this order includes blends of primary and secondary magnesium.

The subject merchandise includes the following pure and alloy magnesium

metal products made from primary and/or secondary magnesium, including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes, and magnesium ground, chipped, crushed, or machined into raspings, granules, turnings, chips, powder, briquettes, and other shapes: (1) Products that contain at least 99.95 percent magnesium, by weight (generally referred to as "ultra-pure" magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent magnesium, by weight (generally referred to as "pure" magnesium); and (3) chemical combinations of magnesium and other material(s) in which the magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, whether or not conforming to an "ASTM Specification for Magnesium Alloy."

The scope of this order excludes: (1) Magnesium that is in liquid or molten form; and (2) mixtures containing 90 percent or less magnesium in granular or powder form by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, alumina (Al<sub>2</sub>O<sub>3</sub>), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.<sup>1</sup>

The merchandise subject to this order is currently classifiable under items 8104.11.00, 8104.19.00, 8104.30.00, and 8104.90.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS items are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

##### Antidumping Duty Order

On April 11, 2005, in accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act), the ITC notified

<sup>1</sup>This second exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000-2001 investigations of magnesium from China, Israel, and Russia. See *Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People's Republic of China*, 66 FR 49345 (September 27, 2001); *Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel*, 66 FR 49349 (September 27, 2001); *Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation*, 66 FR 49347 (September 27, 2001). These mixtures are not magnesium alloys, because they are not chemically combined in liquid form and cast into the same ingot.