

Canada. This includes, but is not limited to, varieties commonly referred to as Canada Western Red Spring, Canada Western Extra Strong, and Canada Prairie Spring Red. The merchandise subject to this investigation is currently classifiable under the following *Harmonized Tariff Schedule of the United States* ("HTSUS") subheadings: 1001.90.10.00, 1001.90.20.05, 1001.90.20.11, 1001.90.20.12, 1001.90.20.13, 1001.90.20.14, 1001.90.20.16, 1001.90.20.19, 1001.90.20.21, 1001.90.20.22, 1001.90.20.23, 1001.90.20.24, 1001.90.20.26, 1001.90.20.29, 1001.90.20.35, and 1001.90.20.96. This investigation does not cover imports of wheat that enter under the subheadings 1001.90.10.00 and 1001.90.20.96 that are not classifiable as hard red spring wheat. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

#### Verification

In accordance with 19 CFR 351.214(k)(3)(iv), we verified information submitted by respondent Richelain. See *Verification of Richelain Farms in the Countervailing Duty Expedited Review of Hard Red Spring Wheat from Canada* dated October 8, 2004 ("Verification Report"). This verification was concluded on August 26, 2004, in Quebec, Canada.

#### Preliminary Results of Expedited Review

The Canadian Wheat Board ("CWB") represents Western Canadian wheat producers who want to sell their wheat in the global wheat market. The CWB enjoys certain powers and rights similar to those of government agencies; under the Canadian Wheat Board Act, the CWB is a single-desk seller of all "Western Division" grain. According to the Canada Transportation Act, "Western Division" means the part of Canada lying west of the meridian passing through the eastern boundary of the City of Thunder Bay, including the whole of the Province of Manitoba.

In the investigation, we determined that the CWB benefitted from two countervailable subsidies programs: "Provision of Government-Owned and Leased Railcars" and "Comprehensive Financial Risk Coverage: The Borrowing, Lending, and Initial Payment Guarantees." In its questionnaire response, Richelain, which is located in Quebec, reported that it never benefitted from the subsidies programs found countervailable in the investigation.

Furthermore, Richelain reported that it has never purchased or exported CWB wheat, and that it has no business relationship with the CWB.

At verification, the Department did not find any evidence that Richelain received subsidies from the programs found countervailable in the investigation. The Department also found no indication of any relationship between Richelain and the CWB, or that Richelain exported CWB-sourced wheat to the United States. See *Verification Report*. Accordingly, the Department preliminarily determines that Richelain has not benefitted from any of the investigated subsidies.

In accordance with 19 CFR 351.221(b)(4)(i), the calculated individual subsidy rate for Richelain, the only respondent subject to this expedited review, is zero. Accordingly, pursuant to 19 CFR 351.214(k)(3)(iv), we preliminarily determine that Richelain should be excluded from the countervailing duty order.

#### Public Comment

Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Case briefs must be received by the Department within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be received no later than five days after the time limit for filing case briefs. 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. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. See 19 CFR 351.310(c). Requests should contain (1) the party's name, address, and telephone number, (2) the number of participants, and (3) a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief and may make rebuttal presentations only on arguments included in that party's rebuttal brief. See 19 CFR 351.310(c).

Interested parties that seek access to business proprietary information must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. The Department will include the results of its analysis of issues raised in any case or rebuttal briefs in the final results of this expedited review.

This expedited review and notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677(f)(i)).

Dated: October 15, 2004.

**Jeffrey A. May,**

*Acting Assistant Secretary for Import Administration.*

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BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-475-823]

#### Stainless Steel Plate in Coils From Italy; Preliminary Results of the Full Sunset Review of the Countervailing Duty Order

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

**ACTION:** Notice of preliminary results of full sunset review: stainless steel plate in coils from Italy.

**SUMMARY:** On April 1, 2004, the Department initiated a sunset review of the countervailing duty ("CVD") order on stainless steel plate in coils ("SSPC") from Italy pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-Year (Sunset) Reviews*, 69 FR 17129 (April 1, 2004). On the basis of substantive responses filed by domestic and respondent interested parties, the Department is conducting a full sunset review. As a result of this review, the Department preliminarily finds that revocation of the countervailing duty order would likely lead to continuation or recurrence of subsidies at the levels indicated in the *Preliminary Results of Review* section of this notice.

**EFFECTIVE DATE:** October 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** Hilary Sadler, Esq., Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4340.

**SUPPLEMENTARY INFORMATION:**

## Department's Regulations

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) ("*Policy Bulletin*").

## Background

On April 1, 2004, the Department initiated a sunset review of the countervailing duty ("CVD") order on SSPC from Italy pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-Year (Sunset) Reviews*, 69 FR 17129 (April 1, 2004). The Department received a notice of intent to participate from Allegheny Ludlum Corp. ("Allegheny Ludlum"), North America Stainless ("NAS"), and the United Steelworkers of America, AFL-CIO/CLC ("USWA"), the domestic interested parties (collectively "domestic interested parties"), within the applicable deadline (April 16, 2004) specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. See Response of the Domestic Interested Parties at 2, May 3, 2004 ("Domestic Response"). All domestic interested parties claimed interested-party status under section 771(9)(C) and (D) of the Act, as a U.S. producer of the domestic like product or a certified union whose workers are engaged in the production of the subject merchandise in the United States. Domestic Response. The USWA was a petitioner in the investigation and has been involved in this proceeding since its inception. *Id.* at 6. Armo, Inc., J&L Specialty Steels, Inc., Lukens Inc., were also petitioners in the original investigation but are either no longer producers of subject merchandise or are scheduled to cease production of SSPC within in this month. *Id.* According to the domestic parties of this review, two unions, Butler Armco Independent Union and Zanesville Armco Independent Organization, that were original petitioners are not participating in this sunset review because very few workers at these unions are engaged in the production of SSPC in the United States. *Id.* at 7. The domestic interested parties have participated as a group at various segments of this order. *Id.*

The Department received a complete substantive response to the notice of initiation on behalf of three respondent interested parties: the Government of

Italy ("GOI"), the Delegation of the European Commission ("EC"), and TKAST. On May 3, 2004, we received substantive responses from all three respondent interested parties expressing their willingness to participate in this review as the authority responsible for defending the interest of the Member States of the European Union. See Responses of the GOI (unpaginated), May 3, 2004, ("GOI Response"); EC (unpaginated), April 30, 2004, ("EC Response"); and TKAST, May 3, 2004 ("TKAST Response") at 2. All respondent interested parties note that they have in the past participated in this proceeding. On May 3, 2004, we received a substantive response from TKAST, a foreign producer and exporter of the subject merchandise as well as the respondent interested party under section 771(9)(A) of the Act, expressing its willingness to participate in this review as well as the Section 129 review. See TKAST Response at 2.

On May 3, 2004, we received a complete substantive response from the domestic interested parties within the 30-day deadline specified in the Department's Regulations under section 351.218(d)(3)(i). See Domestic Response.

We received rebuttal comments from the domestic interested parties on May 10, 2004. On June 10, 2004, pursuant to section 351.309(e)(ii), TKAST filed comments on the Department's adequacy determination stating that the Department's determination of respondents' inadequacy was incorrect and should be reconsidered. See Letter of TKAST, Stainless Steel Plate from Italy (Sunset): Adequacy of Responses (June 10, 2004). On June 10, 2004, Allegheny Ludlum Corporation, North American Stainless and the United Steelworkers of America, petitioners in this case, filed comments arguing that the Department's adequacy determination was correct and that the expedited review is warranted. See Letter of Domestic Interested Parties, Stainless Steel Plate in Coils from Belgium, Canada, Italy, South Africa, South Korea and Taiwan: Five Year ("Sunset") Reviews of Antidumping Duty and Countervailing Duty Orders (June 10, 2004).

In a sunset review, the Department normally will conclude that there is adequate response to conduct a full sunset review where respondent interested parties account for more than 50 percent, by volume, of total exports of subject merchandise to the United States. See 19 CFR 351.218(e)(1)(ii)(A). TKAST accounted for more than the 50 percent threshold that the Department normally considers to be an adequate

response under 19 CFR section 351.218(e)(1)(ii)(A). On July 13, 2004, the Department determined that the responses by TKAST, the only respondent company in this review, the GOI, and the EC provided an adequate basis for a full review. See Memorandum for James J. Jochum, Assistant Secretary, Import Administration, from Ronald K. Lorentzen, Acting Director, Office of Policy, Re: Sunset Review of Stainless Steel Plate in Coils from Italy; Adequacy of Respondent Interested Party Response to the Notice of Initiation, July 13, 2004. Therefore, the Department is conducting a full sunset review in accordance with 19 CFR 351.218(e)(2)(I).

## Scope of Review

The product covered by this order is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of these orders are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. In addition, certain cold-rolled stainless steel plate in coils is also excluded from the scope of this order. The excluded cold-rolled stainless steel plate in coils is defined as that merchandise which meets the physical characteristics described above that has undergone a cold-reduction process that reduced the thickness of the steel by 25 percent or more, and has been annealed and pickled after this cold reduction process. The merchandise subject to these orders is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10,

7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the orders is dispositive.

### Analysis of Comments Received

All issues raised in the substantive responses and rebuttals by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to Jeffrey A. May, Acting Assistant Secretary for Import Administration, dated October 15, 2004, which is hereby adopted by this notice. The issues discussed in the accompanying Decision Memo include the likelihood of continuation or recurrence of countervailable subsidies and the net subsidy likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://www.ia.ita.doc.gov/frn>, under the heading "Italy." The paper copy and electronic version of the Decision Memo are identical in content.

### Preliminary Results of Review

The Department notes that on November 7, 2003, the U.S. Trade Representative requested the Department, pursuant to section 129(b)(4) of the Uruguay Round Agreements Act, to implement the determination in the Section 129 Memo. *See Notice of Implementation Under Section 129 of the Uruguay Round Agreements Act: Countervailing Measures Concerning Certain Steel Products From the European Communities*, 68 FR 64858, (November 17, 2003). Accordingly, the Department revised the cash deposit rates for TKASt and "all others" to reflect the impact that privatization had on non-recurring, allocable subsidies for the countervailing duty order on SSPC from Italy. *Id.* We, therefore, revised the net subsidy rates for TKASt to 1.62 percent and all others to 1.61 percent.

We preliminarily determine that revocation of the countervailing duty order on SSPC from Italy would be likely to lead to continuation or recurrence of countervailable subsidies at the rate listed below:

Producers/Exporters	Net countervailable subsidy (percent)
TKASt .....	0.80
All Others .....	1.61

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(d)(i). Any hearing, if requested, will be held on December 22, 2004. Interested parties may submit case briefs no later than December 13, 2004, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than December 20, 2004, in accordance with 19 CFR 351.309(d)(I). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such briefs, not later than February 25, 2005.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: October 15, 2004.

**Jeffrey A. May,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of issuance of an amended Export Trade Certificate of Review, Application No. 84-15A12.

**SUMMARY:** On October 14, 2004, the U.S. Department of Commerce issued an amended Export Trade Certificate of Review to Northwest Fruit Exporters ("NFE").

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey C. Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or e-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2003).

Export Trading Company Affairs ("ETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the U.S. Department of Commerce to

publish a summary of the certification in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

### Description of Amended Certificate

Export Trade Certificate of Review No. 84-00012, was issued to NFE on June 11, 1984 (49 FR 24581, June 14, 1984) and previously amended on May 2, 1988 (53 FR 16306, May 6, 1988); September 21, 1988 (53 FR 37628, September 27, 1988); September 20, 1989 (54 FR 39454, September 26, 1989); November 19, 1992 (57 FR 55510, November 25, 1992); August 16, 1994 (59 FR 43093, August 22, 1994); November 4, 1996 (61 FR 57850, November 8, 1996); October 22, 1997 (62 FR 55783, October 28, 1997); November 2, 1998 (63 FR 60304, November 9, 1998); October 20, 1999 (64 FR 57438, October 25, 1999); October 16, 2000 (65 FR 63567, October 24, 2000); October 5, 2001 (66 FR 52111, October 12, 2001); October 3, 2002 (67 FR 62957, October 9, 2002); and September 16, 2003 (68 FR 54893, September 19, 2003).

NFE's Export Trade Certificate of Review has been amended to:

1. Add each of the following companies as a new "Member" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): John's Farm LLC, Brewster, Washington; Pride Packing Company, Wapato, Washington; and Sage Processing LLC, Wapato & Zillah, Washington;

2. Delete the following companies as "Members" of the Certificate: Apple Country, Inc., Wapato, Washington; Carlson Orchards, Inc., Yakima, Washington; Jenks Bros. Cold Storage & Packing, Royal City, Washington; J.C. Watson Co., Parma, Idaho; and Roy Farms, Moxee, Washington; and

3. Change the listing of the following Members: "Brewster Heights Packing, Brewster, Washington" to the new listing "Brewster Heights Packing & Orchards, LP, Brewster, Washington"; and "Chelan Fruit Company, Chelan, Washington" to the new listing "Chelan Fruit Cooperative, Chelan, Washington".

The effective date of the amended certificate is July 14, 2004. A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4100, U.S.