

NSN: 8410-01-414-6979—4 Regular
 NSN: 8410-01-414-6980—6 Regular
 NSN: 8410-01-414-6981—8 Regular
 NSN: 8410-01-414-7023—10 Regular
 NSN: 8410-01-414-7105—12 Regular
 NSN: 8410-01-414-7113—14 Regular
 NSN: 8410-01-414-7116—16 Regular
 NSN: 8410-01-414-7118—18 Regular
 NSN: 8410-01-414-7120—20 Regular
 NSN: 8410-01-414-7186—22 Regular
 NSN: 8410-01-414-7232—24 Regular
 NSN: 8410-01-414-7233—26 Regular
 NPA: Middle Georgia Diversified Industries, Inc., Dublin, Georgia.
 Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, Pennsylvania.

Deletion

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action may result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. If approved, the action may result in authorizing small entities to furnish the product to the government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the product proposed for deletion from the Procurement List.

End of Certification

The following product is proposed for deletion from the Procurement List:

Product

Pencil, Mechanical

NSN: 7520-00-724-5606—Pencil, Mechanical

NPA: San Antonio Lighthouse, San Antonio, Texas.

Contracting Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. E5-4675 Filed 8-25-05; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-838]

Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products from Canada

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

SUMMARY: In response to a request from Produits Forestiers Arbec Inc. (Arbec), the Department of Commerce is initiating a changed circumstances review of the antidumping duty order on certain softwood lumber products from Canada and preliminarily finds that Arbec is the successor-in-interest to Uniforêt Inc. (Uniforêt).

EFFECTIVE DATE: August 26, 2005.

FOR FURTHER INFORMATION CONTACT: Constance Handley or Saliha Loucif, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0631 or (202) 482-1779, respectively.

SUPPLEMENTARY INFORMATION:

Background:

On May 22, 2002, the Department of Commerce (Department) issued the antidumping duty order on Certain Softwood Lumber Products from Canada. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Softwood Lumber Products From Canada*, 67 FR 36067 (May 22, 2002). On June 29, 2005, Arbec requested that the Department initiate a changed circumstances review, in accordance with section 351.216 of the Department's regulations, to confirm that Arbec is the successor-in-interest to Uniforêt. In its request, Arbec stated that it changed its name to Arbec from Uniforêt on May 9, 2005, and provided supporting documentation.

Scope of the Order

The products covered by this order are softwood lumber, flooring and siding (softwood lumber products). Softwood lumber products include all products classified under headings 4407.1000, 4409.1010, 4409.1090, and 4409.1020, respectively, of the Harmonized Tariff Schedule of the United States (HTSUS), and any softwood lumber, flooring and siding described below. These softwood lumber products include:

- (1) coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding six millimeters;
- (2) coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed,

- sanded or finger-jointed;
- (3) other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded or finger-jointed; and
 - (4) coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive. Preliminary scope exclusions and clarifications were published in three separate **Federal Register** notices.

Softwood lumber products excluded from the scope:

- trusses and truss kits, properly classified under HTSUS 4418.90
 - I-joist beams
 - assembled box spring frames
 - pallets and pallet kits, properly classified under HTSUS 4415.20
 - garage doors
 - edge-glued wood, properly classified under HTSUS 4421.90.97.40 (formerly HTSUS 4421.90.98.40)
 - properly classified complete door frames
 - properly classified complete window frames
 - properly classified furniture
- Softwood lumber products excluded from the scope only if they meet certain requirements:
- *Stringers* (pallet components used for runners): if they have at least two notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades, properly classified under HTSUS 4421.90.97.40 (formerly HTSUS 4421.90.98.40).
 - *Box-spring frame kits*: if they contain the following wooden pieces - two side rails, two end (or top) rails and varying numbers of slats. The side rails and the end rails should be radius-cut at both ends. The kits should be individually packaged, they should contain the exact number of wooden components needed to make a particular box spring frame,

with no further processing required. None of the components exceeds 1" in actual thickness or 83" in length.

- *Radius-cut box-spring-frame components*, not exceeding 1" in actual thickness or 83" in length, ready for assembly without further processing. The radius cuts must be present on both ends of the boards and must be substantial cuts so as to completely round one corner.
- *Fence pickets* requiring no further processing and properly classified under HTSUS 4421.90.70, 1" or less in actual thickness, up to 8" wide, 6' or less in length, and have finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards should be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring 3/4 inch or more.
- *U.S. origin lumber* shipped to Canada for minor processing and imported into the United States, is excluded from the scope of this order if the following conditions are met: 1) the processing occurring in Canada is limited to kiln-drying, planing to create smooth-to-size board, and sanding, and 2) the importer establishes to U.S. Customs and Border Protection's (CBP) satisfaction that the lumber is of U.S. origin.¹
- *Softwood lumber products contained in single family home packages or kits*,² regardless of tariff classification, are excluded from the scope of the orders if the following criteria are met:
 1. The imported home package or kit constitutes a full package of the number of wooden pieces specified in the plan, design or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design or blueprint;
 2. The package or kit must contain all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, connectors and, if included in purchase contract, decking, trim, drywall and roof shingles specified in the plan, design or blueprint;
 3. Prior to importation, the package or kit must be sold to a retailer of

complete home packages or kits pursuant to a valid purchase contract referencing the particular home design plan or blueprint, and signed by a customer not affiliated with the importer;

4. The whole package must be imported under a single consolidated entry when permitted by CBP, whether or not on a single or multiple trucks, rail cars or other vehicles, which shall be on the same day except when the home is over 2,000 square feet;
5. The following documentation must be included with the entry documents:
 - a copy of the appropriate home design, plan, or blueprint matching the entry;
 - a purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer;
 - a listing of inventory of all parts of the package or kit being entered that conforms to the home design package being entered;
 - in the case of multiple shipments on the same contract, all items listed immediately above which are included in the present shipment shall be identified as well.

We have determined that the excluded products listed above are outside the scope of this order provided the specified conditions are met. Lumber products that CBP may classify as stringers, radius cut box-spring-frame components, and fence pickets, not conforming to the above requirements, as well as truss components, pallet components, and door and window frame parts, are covered under the scope of this order and may be classified under HTSUS subheadings 4418.90.40.90, 4421.90.70.40, and 4421.90.98.40. Due to changes in the 2002 HTSUS whereby subheading 4418.90.40.90 and 4421.90.98.40 were changed to 4418.90.45.90 and 4421.90.97.40, respectively, we are adding these subheadings as well.

In addition, this scope language has been further clarified to now specify that all softwood lumber products entered from Canada claiming non-subject status based on U.S. country of origin will be treated as non-subject U.S.-origin merchandise under the antidumping and countervailing duty orders, provided that these softwood lumber products meet the following condition: upon entry, the importer, exporter, Canadian processor and/or original U.S. producer establish to CBP's satisfaction that the softwood lumber entered and documented as U.S.-origin softwood lumber was first produced in

the United States as a lumber product satisfying the physical parameters of the softwood lumber scope.³ The presumption of non-subject status can, however, be rebutted by evidence demonstrating that the merchandise was substantially transformed in Canada.

Initiation and Preliminary Results

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. As indicated in the *Background* section, we have received information indicating that Uniforêt has changed its name to Arbec. This constitutes changed circumstances warranting a review of the order. Therefore, in accordance with section 751(b)(1) of the Act, we are initiating a changed circumstances review based upon the information contained in Arbec's submissions.

Section 351.221(c)(3)(ii) of the regulations permits the Department to combine the notice of initiation of a changed circumstances review and the notice of preliminary results if the Department concludes that expedited action is warranted. In this instance, because we have on the record the information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.

In making successor-in-interest determinations, the Department examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See, e.g., Polychloroprene Rubber from Japan: Final Results of Changed Circumstances Review*, 67 FR 58 (January 2, 2002) citing, *Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992). While no single factor, or combination of factors, will necessarily prove dispositive, the Department will generally consider the new company to be the successor to its predecessor company if the resulting operations are essentially the same as the predecessor company. *Id.* citing, *Industrial Phosphoric Acid from Israel; Final*

¹ For further clarification pertaining to this exclusion, see the additional language concluding the scope description below.

² To ensure administrability, we clarified the language of this exclusion to require an importer certification and to permit single or multiple entries on multiple days, as well as instructing importers to retain and make available for inspection specific documentation in support of each entry.

³ See the scope clarification message (3034202), dated February 3, 2003, to CBP, regarding treatment of U.S.-origin lumber on file in the Central Records Unit, Room B-099 of the main Commerce building.

Results of Changed Circumstances Review, 59 FR 6944, 6945 (February 14, 1994). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as its predecessor, the Department will assign the new company the cash-deposit rate of its predecessor.

In its June 29, 2005, submission, Arbec argues that it merely changed its name to Arbec from Uniforêt, and that Arbec is the identical company to Uniforêt. As such, Arbec states that the company's management, production facilities, and supplier/customer relationships have not changed. To support its claims, Arbec submitted numerous documents, including: (1) copies of Certificate of Amendment documents amending the name of Uniforêt to Arbec; (2) a copy of a resolution of the Annual and Special Meeting of Shareholders of Uniforêt adopting the modification of Uniforêt's corporate name; (3) a letter from Arbec to the Department, dated May 25, 2005, requesting the recognition of a name change; and (4) a pre-name change advertising flyer announcing the new Arbec logo. Further, Arbec provided information such as a chart of its shareholders, a list of its production facilities, and details on its supplier management agreements, confirming that its ownership, management, production facilities, supply sources and customer base are unchanged from those of its predecessor, Uniforêt.

Based on the information submitted by Arbec, we preliminarily find that Arbec is the successor-in-interest to Uniforêt. Based on the evidence reviewed, we find that Arbec operates as the same business entity as Uniforêt and that the company's senior management, production facilities, supplier relationships, and customers have not changed. Thus, we preliminarily find that Arbec should receive the same antidumping duty cash-deposit rate (*i.e.*, 11.54 percent) with respect to the subject merchandise as Uniforêt, its predecessor company. This rate reflects the "all others" rate from the investigation as modified in the *Notice of Determination Under Section 129 of the Uruguay Round Agreements Act: Antidumping Measures on Certain Softwood Lumber Products From Canada*, 70 FR 22636 (May 2, 2005).

As a result, if these preliminary results are adopted in our final results of this changed circumstances review, we will instruct U.S. Customs and Border Protection to continue to suspend shipments of subject merchandise made by Arbec at

Uniforêt's cash deposit rate (*i.e.*, 11.54 percent "all others" rate). This deposit rate shall remain in effect until publication of the final results of the second administrative review of the order, which covers the period May 1, 2003, through April 30, 2004, in which Uniforêt is a respondent. See *Notice of Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission: Certain Softwood Lumber Products From Canada*, 70 FR 33063, June 7, 2005.

Public Comment

Any interested party may request a hearing within 30 days of publication of this notice. See 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 37 days after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Consistent with section 351.216(e) of the Department's regulations, we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and section 351.216 of the Department's regulations.

Dated: August 22, 2005.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5-4702 Filed 8-25-05; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-816]

Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Notice of Amended Final Results Pursuant to Final Court Decision

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

SUMMARY: On June 14, 2005, in *Alloy Piping Products, Inc., Flowline Division, et al. v. United States*, Slip Op. 05-69, ("Alloy Piping I"), the Court of International Trade ("CIT") affirmed the Department of Commerce's (the "Department") Final Results of Determination Pursuant to Remand ("Remand Results"), dated February 14, 2005, and entered a judgment order. This litigation related to the Department's review of the antidumping order on certain stainless steel butt-weld pipe fittings from Taiwan, covering the period June 1, 1999, through May 31, 2000. See *Certain Stainless Steel Butt-Weld Pipe Fittings Final Results of Antidumping Duty Administrative Review*, 66 FR 65899, 65900, (December 21, 2001) ("Final Results"). As no further appeals have been filed and there is now a final and conclusive court decision in this action, we are amending the final results of review in this proceeding and we will instruct U.S. Customs and Border Protection ("CBP") to liquidate entries subject to this review.

EFFECTIVE DATE: August 26, 2005.

FOR FURTHER INFORMATION CONTACT: Alex Villanueva, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230, telephone 202-482-3208, fax 202-482-9089.

SUPPLEMENTARY INFORMATION:

Background

Following publication of the *Final Results*, Alloy Piping Products, Inc., Flowline Division, Markovitz Enterprises, Inc., Gerlin Inc., and Taylor Forge Stainless Inc., (the "Petitioners") and Ta Chen, filed a lawsuit with the CIT challenging the Department's findings. In *Alloy Piping v. United States*, Slip Op. 04-134, (CIT 2004) ("Alloy Piping I"), the CIT instructed the Department to (1) reopen the record, seek additional relevant information regarding employee bonuses, and recalculate the general and administrative ("G&A") expenses of Ta Chen; and (2) reconsider Ta Chen's U.S. indirect selling expenses and to account for all of Ta Chen's U.S. selling expenses incurred during fiscal year 1999.

The Department complied with the CIT's remand instructions and issued its final results of redetermination pursuant to remand on February 14, 2005. See *Final Results of Redetermination Pursuant to Remand* ("Remand Results"). In the *Remand Results*, the Department reopened the record, sought