

administrative review. On March 23, 2005, the Department initiated this administrative review. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 14643 (March 23, 2005).

#### Partial Rescission

On April 18, 2005, respondents Viraj and Hilton Forge withdrew their requests for review. *See* Letter from Respondents to the Department dated April 18, 2005, which is on file in the Central Records Unit (CRU), room B-099, of the main Commerce Department building. The applicable regulation, 19 CFR 351.213(d)(1), states that if a party who 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. Viraj and Hilton Forge withdrew their requests within the 90-day deadline, in accordance with 19 CFR 351.213(d)(1). No other party requested an administrative review of Viraj and Hilton Forge. Therefore, for Viraj and Hilton Forge, we are rescinding this review of the antidumping duty order on certain forged stainless steel flanges from India covering the period March 1, 2004, through February 28, 2005.

#### Extension of Time Limit for Preliminary Results

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act), the deadlines for preliminary and final results of this administrative review are October 31, 2005, and February 28, 2006, respectively. The Department, however, may extend the deadline for completion of the preliminary results of a review if it determines it is not practicable to complete the preliminary results within the statutory time limit. *See* section 751(a)(3)(A) of the Tariff Act and 19 CFR 351.213(h)(2). In this case, the Department has determined it is not practicable to complete this review within the statutory time limit because of significant issues that require additional time to evaluate. These include potential affiliation issues and questions concerning the questionnaire responses that may require additional supplemental questionnaires. Therefore, the Department is extending the time limit for completion of the preliminary results for Echjay and Paramount until February 28, 2006, in accordance with section 751(a)(3)(A) of the Tariff Act. The deadline for the final results of this review will be 120 days after publication of the preliminary results in the **Federal Register**. *See* section

751(a)(3)(A) of the Tariff Act; 19 CFR 351.213(h)(2).

This notice is issued and published in accordance with sections 751(a)(3)(A), 751(a)(1) and 777(i)(1) of the Tariff Act and 19 CFR 351.213(d)(4).

Dated: September 29, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5-5604 Filed 10-12-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-803]

#### Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Notice of Court Decision Not in Harmony

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

**SUMMARY:** On September 22, 2005, in *Tianjin Machinery Import & Export Corp., v. United States and Ames True Temper*, Slip Op. 05-127, the Court of International Trade (CIT) affirmed the Results of Redetermination Pursuant to Court Remand released by the Department of Commerce (the Department) on July 20, 2004. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (Timken), the Department will continue to order the suspension of liquidation of the subject merchandise, where appropriate, until there is a "conclusive" decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct U.S. Customs and Border Protection (CBP) to liquidate all relevant entries from Tianjin Machinery Import & Export Corporation (TMC), as appropriate.

**EFFECTIVE DATE:** October 13, 2005.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230, telephone 202-482-3936, fax 202-482-5105.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 22, 2003, the Department issued its final scope ruling in which we determined that the cast picks imported by TMC are included

within the scope of the antidumping duty order on picks/mattocks. *See* Memorandum to the File from Thomas Futtner, Acting Office Director, to Holly A. Kuga, Acting Deputy Assistant Secretary for Group II, "Final Scope Ruling - Request by Tianjin Machinery Import & Export Corporation for a Ruling on Cast Picks," dated September 22, 2003 (TMC Scope Ruling). TMC filed a summons and complaint with the CIT on October 8 and 17, 2003, respectively, challenging the TMC Scope Ruling. In response to TMC's motion for judgment on the administrative record, the Department moved for and obtained from the CIT an order for a voluntary remand to reconsider the determination made in the TMC Scope Ruling in view of the decision of the CAFC in *Duferco Steel, Inc. v. United States*, 296 F.3d 1087 (Fed. Cir. 2002). On April 7, 2004, the CIT granted the Department's unopposed motion for a voluntary remand. The Department filed its redetermination pursuant to the CIT's remand on July 20, 2004, in which the Department reconsidered the determination set forth in the TMC Scope Ruling and concluded that the cast picks at issue do not fall within the scope of the picks/mattocks order. *See* Results of Redetermination Pursuant to Court Remand for Tianjin Machinery Import & Export Corporation v. United States and Ames True Temper at 1 (July 20, 2004). On September 22, 2005, the CIT affirmed the Department's redetermination.

#### Suspension of Liquidation

The CAFC, in *Timken*, held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. Publication of this notice fulfills that obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation of unliquidated entries pending the expiration of the period to appeal the CIT's September 22, 2005, decision affirming the Department's remand results or pending a final decision of the CAFC if that decision is appealed. The Department will instruct CBP to liquidate relevant unliquidated entries of the subject merchandise without regard to antidumping duties in the event that the CIT's ruling is not appealed, or if appealed and upheld by the CAFC.

We are issuing and publishing this notice in accordance with section

516A(c)(1) of the Tariff Act of 1930, as amended.

Dated: October 5, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-5607 Filed 10-12-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-838]

#### Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products from Canada

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

**SUMMARY:** The Department of Commerce (the Department) has determined, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), that Produits Forestiers Arbec Inc. (Arbec) is the successor-in-interest to Uniforêt Inc. (Uniforêt) and, as a result, should be accorded the same treatment previously accorded to Uniforêt in regard to the antidumping order on certain softwood lumber products from Canada as of the date of publication of this notice in the **Federal Register**.

**EFFECTIVE DATE:** October 13, 2005.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 29, 2005, Uniforêt requested that the Department initiate and conduct an expedited changed circumstances review, in accordance with section 751(b) of the Act and sections 351.216(b) and 351.221(c)(3) of the Department's regulations, to confirm that Arbec is the successor-in-interest to Uniforêt. On August 26, 2005, the Department initiated this review and simultaneously issued its preliminary results that Arbec is the successor-in-interest to Uniforêt and should receive Uniforêt's cash deposit rate of 11.54 percent. See *Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Softwood Lumber Products from Canada*, 70 FR 50299 (August 26, 2005)

(*Preliminary Results*). 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).

In the *Preliminary Results*, we stated that interested parties could request a hearing or submit case briefs and/or written comments to the Department no later than 30 days after publication of the *Preliminary Results* notice in the **Federal Register**, and submit rebuttal briefs, limited to the issues raised in those case briefs, seven days subsequent to the due date of the case briefs. We did not receive any hearing requests, case or rebuttal briefs, or comments on the *Preliminary Results*.

#### 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 review is dispositive.

Softwood lumber products excluded from the scope:

- trusses and truss kits, properly classified under HTSUS 4418.90
- I-joint 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.