

final determinations within 75 days of these preliminary determinations.

EFFECTIVE DATE: May 8, 2003.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

Since the initiation of these investigations (*Notice of Initiation of Antidumping Duty Investigations: Certain Durum Wheat and Hard Red Spring Wheat from Canada*, 67 FR 65947 (October 29, 2002) ("Initiation Notice"), the following events have occurred:

On November 1, 2002, we solicited comments from interested parties regarding the criteria to be used for model-matching purposes. We received numerous comments on our proposed matching criteria in November and December 2002. Furthermore, we held discussions on the issue of model matching with officials from the North American Millers Association and the U.S. Department of Agriculture on November 15 and 20, 2002, respectively. On December 6, 2002, the Department adopted the model match criteria and hierarchy for these proceedings. See Memorandum to John Brinkmann, "Selection of Model Matching Criteria for Purposes of the Antidumping Duty Questionnaire," dated December 6, 2002, which is on file in the Central Records Unit ("CRU") in room B-099 of the main Department building.

On November 25, 2002, the United States International Trade Commission ("ITC") preliminarily determined that there is a reasonable indication that imports of durum wheat and hard red spring ("HRS") wheat from Canada are materially injuring the United States durum wheat and HRS wheat industries (see ITC Investigation Nos. 731-TA-1019A and 1019B (Publication No. 3563)).

On December 4, 2002, we selected the Canadian Wheat Board ("CWB") as the mandatory respondent in these proceedings. For further discussion, see Memorandum to John Brinkmann, "Respondent Selection" dated December 4, 2002 ("Respondent Selection Memorandum"), which is on file in the CRU. We subsequently issued the antidumping questionnaires to the CWB on December 9, 2002.

On November 18, 2002, the Government of Canada ("GOC") submitted two scope exclusion requests. See "Scope Comments" section, below. On December 12, 2002, the petitioners¹ submitted their rebuttal comments. The GOC and the petitioners submitted additional comments on February 4 and 11, 2003, respectively.

On December 23, 2002, the petitioners submitted comments in support of their allegation that a particular market situation, within the meaning of section 773(a)(1)(C)(iii) of the Tariff Act of 1930, as amended ("the Act"), exists with regard to sales of durum wheat and HRS wheat in Canada. Further information and comments were received from the CWB, the petitioners, and the GOC throughout January 2003. On February 4, 2003, the Department informed interested parties that, based on evidence on the records of these investigations as of that date, we determined that it is appropriate for the Department to collect Canadian home market sales data for use as the basis for normal value. See "Selection of Comparison Market," below.

In January and February 2003, the Department received responses to sections A, B, and C of the Department's original questionnaire from the CWB. The Department issued supplemental questionnaires for sections A, B, and C in February and March 2003, and received responses from the CWB from February through April 2003.

On January 24, 2003, pursuant to section 733(c)(1)(B) of the Act, we determined that these proceedings are extraordinarily complicated and that additional time was necessary to make our preliminary determinations. Therefore, we postponed the preliminary determinations until no later than May 1, 2003. See *Notice of Postponement of Preliminary Antidumping Duty Determinations: Certain Durum Wheat and Hard Red Spring Wheat from Canada*, 67 FR 24114 (January 31, 2003).

On January 29, 2003, the petitioners made an allegation of sales below the cost of production ("COP") against sales of HRS wheat from Canada. On February 19, 2003, the petitioners revised their sales-below-COP allegation on HRS wheat and also alleged that sales of durum wheat in Canada were made at prices below COP. The petitioners supplemented their cost allegation on February 24, 2003. The CWB submitted comments on these cost

allegations on February 7, 24, and 27, 2003. On February 25, 2003, the Department initiated a cost investigation on Canadian sales of HRS wheat. See Memorandum to Neal Halper, "Certain Hard Red Spring Wheat from Canada: Petitioner's Allegation of Sales Below the Cost of Production by the Canadian Wheat Board," dated February 25, 2003, which is on file in the CRU.

Also, on February 25, 2003, we solicited comments from interested parties regarding the selection of cost respondents in the sales-below-cost investigation of HRS wheat. We received comments from the petitioners and the CWB on February 28, March 3, and March 7, 2003. On March 10, 2003, we solicited additional comments from interested parties on our proposed cost respondent selection methodology. On March 12, 2003, we received comments on the proposed cost respondent selection methodology from the petitioners and the CWB. Thereafter, on March 14, 2003, the Department issued a section D questionnaire to selected cost respondents. The Department received responses to section D of the Department's questionnaire on April 21, 2003. Supplemental questionnaires for section D will be issued subsequent to the preliminary determination on HRS wheat.

On February 28, 2003, the Department determined not to initiate a cost investigation on Canadian sales of durum wheat. See Memorandum to Neal Halper, "Certain Durum Wheat from Canada: Petitioner's Allegation of Sales Below the Cost of Production by the Canadian Wheat Board," dated February 28, 2003, which is on file in the CRU. On March 10, 2003, the petitioners requested that the Department reconsider its decision to not initiate an investigation of sales below COP by the CWB. The petitioners submitted further information and comments on March 14, 21, 27, and 31, 2003. On March 12, 25, and 28, 2003, the CWB filed comments opposing the petitioners' request for reconsideration. On April 8, 2003, the Department reaffirmed its decision not to initiate a cost investigation on Canadian sales of durum wheat. See Memorandum to Susan Kuhbach, Acting Deputy Assistant Secretary, "Antidumping Duty Investigation of Certain Durum Wheat from Canada; Request for the Department to Reconsider its Decision to Not Initiate an Investigation of Sales Below the Cost of Production by the Canadian Wheat Board," dated April 8, 2003, which is on file in the CRU.

On April 23 and 25, 2003, the petitioners submitted comments with

¹ The petitioners are the North Dakota Wheat Commission ("NDWC") (hard red spring wheat), the Durum Growers Trade Action Committee (durum wheat), and the U.S. Durum Growers Association (durum wheat).