

respect to the upcoming preliminary determinations.

Scope of Investigations

For purposes of these investigations, the products covered are (1) durum wheat and (2) hard red spring wheat.

A. Durum Wheat

Imports covered by this investigation are all varieties of durum wheat from Canada. This includes, but is not limited to, a variety commonly referred to as Canada Western Amber Durum. The merchandise subject to this investigation is currently classifiable under the following Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 1001.10.00.10, 1001.10.00.91, 1001.10.00.92, 1001.10.00.95, 1001.10.00.96, and 1001.10.00.99. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

B. Hard Red Spring Wheat

Imports covered by this investigation are all varieties of hard red spring wheat from 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 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. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive.

Scope Comments

In accordance with our regulations, we set aside a period of time for parties to raise issues regarding product coverage and encouraged all parties to submit comments within 20 calendar days of publication of the *Initiation Notice* (see 67 FR 65948).

On November 18, 2002, we received a request from the GOC to amend the scope of these investigations and the companion countervailing duty ("CVD") investigations of hard red spring wheat and durum wheat. Specifically, the GOC requested that the scope be amended to exclude those areas of Canada where the CWB does not have jurisdiction, and to

remove Harmonized Tariff Schedule number 1001.90.20.96 from the scope of the antidumping and CVD investigations of certain hard red spring wheat.

On December 12, 2002, the petitioners submitted rebuttal comments. On February 4, 2003, the GOC responded to those comments, and on February 11, 2003, the petitioners commented on the GOC's February 4, 2003 comments.

In the concurrent CVD investigations of durum wheat and HRS wheat from Canada, the Department preliminarily determined that these scope exclusions were not warranted. For further discussion, see the March 3, 2003 memorandum to Acting Deputy Assistant Secretary Susan H. Kuhbach, "Scope Exclusion Requests: Non-Canadian Wheat Board Areas and HTSUS 1001.90.20.96," on file in the CRU for the instant proceedings; and *Preliminary Affirmative Countervailing Duty Determinations and Alignment of Final Countervailing Duty Determinations With Final Antidumping Duty Determinations: Certain Durum Wheat and Hard Red Spring Wheat from Canada*, 68 FR 11374, 11375 (March 10, 2003).

Period of Investigation

The period of investigation ("POI") is July 1, 2001, through June 30, 2002. This period corresponds to the four most recent fiscal quarters prior to the filing of the petition (*i.e.*, September 13, 2002).

Fair Value Comparisons

To determine whether sales of durum wheat and hard red spring wheat from Canada to the United States were made at less than fair value ("LTFV"), we compared the export price ("EP") to the normal value ("NV"), as described in the "Export Price" and "Normal Value" sections of this notice, below. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI weighted-average EPs to NVs. Any specific changes to the EP and NV calculations are discussed in the May 1, 2003, calculation memoranda, which are on file in the CRU ("Calculation Memoranda").

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced and sold by the CWB in the home market during the POI that fit the description in the "Scope of Investigations" section of this notice to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We compared U.S. sales to sales of identical

merchandise made in the home market, where possible. Where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade.

To identify identical and similar merchandise for purposes of comparing U.S. and home market sales, we developed several product characteristics. Specifically, for durum wheat, we asked the CWB to report information on the type, grade, protein content, vitreous kernel content, test weight, and moisture content, for each sale during the POI. For HRS wheat, we asked the CWB to report information on the type, grade, protein content, class, vitreous kernel content, test weight, and moisture content, for each sale during the POI.

In its submissions concerning model matching, as well as in its initial questionnaire responses, the CWB consistently asserted that it would be unable to provide complete data on vitreous kernel content, test weight, and moisture content, because such data are not normally maintained in the CWB's books and records—in either electronic or hard copy form—in the ordinary course of business. Because the Department found that these product characteristics are appropriate for model matching purposes in these proceedings, we reiterated our request that the CWB supply all available data to the Department. In its April 23, 2003, supplemental questionnaire response, the CWB stated that it had reported all of the product characteristic data available to it. For durum wheat, the CWB reported complete product characteristics for virtually all U.S. sales and reported complete data for approximately half of the home market sales. For HRS wheat, however, the CWB reported complete product characteristic data for only a small number of U.S. and home market sales. The CWB reiterated that, because data on these product characteristics are not maintained in the CWB's normal course of business for a majority of transactions, the sales databases were "necessarily incomplete." See CWB's April 23, 2003, submission, at 2.

For purposes of these preliminary determinations, we have accepted the CWB's statement that it has reported all the product characteristic information available to it. However, given the magnitude of the missing data, we intend to verify very carefully the CWB's claim that all data were reported and that it does not consistently collect or maintain data on vitreous kernel