

review covers one manufacturer/exporter of the subject merchandise to the United States and the period August 1, 2002 through July 31, 2003.

**EFFECTIVE DATE:** March 11, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Killiam at (202) 482-5222, Michael Heaney at (202) 482-4475, or Robert James at (202) 482-0649, Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

*Statutory Time Limits:* Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to complete the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and the final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days after the last day of the anniversary month of an order/finding for which a review is requested, and for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

*Background:* On September 30, 2003, in response to a request from the petitioners, International Steel Group, we published a notice of initiation of this administrative review in the *Federal Register*. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part and Deferral of Administrative Review*, 68 FR 56262 (September 30, 2003). Pursuant to the time limits for administrative reviews set forth in section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act), the current deadlines are May 2, 2004 for the preliminary results and August 30, 2004, for the final results.

*Extension of Time Limit for Preliminary Results of Review:* It is not practicable to complete this review within the normal statutory time limit due to a number of significant case issues, such as, the collection of surrogate market values, the reporting and analysis of both non-market economy and market economy data for

different parts of the twelve-month review period, and complex cost data. Therefore, the Department is extending the time limits for completion of the preliminary results by 120 days, until August 30, 2004, in accordance with section 751(a)(3)(A) of the Tariff Act. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act.

Dated: March 3, 2004.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Import Administration, Group III.*

[FR Doc. 04-5543 Filed 3-10-04; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews; Completion of Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of completion of panel review of the final remand determination made by the U.S. International Trade Administration, in the matter of Gray Portland Cement and Clinker from Mexico, Secretariat File No. USA-MEX-99-1904-03.

**SUMMARY:** Pursuant to the Order of the Binational Panel dated January 22, 2004, affirming the final remand determination described above was completed on March 4, 2004.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** On January 22, 2004, the Binational Panel issued an order which affirmed the final remand determination of the United States International Trade Administration (ITA) concerning Gray Portland Cement and Clinker from Mexico. The Secretariat was instructed to issue a notice of completion of panel review on the 31st day following the issuance of the notice of final panel action, if no request for an extraordinary challenge was filed. No such request was filed. Therefore, on the basis of the panel order and rule 80 of the *Article 1904 Panel Rules*, the panel review was completed and the panelists discharged

from their duties effective March 4, 2004.

Dated: March 5, 2004.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 04-5491 Filed 3-10-04; 8:45 am]

**BILLING CODE 3510-GT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-802]

#### Gray Portland Cement and Clinker From Mexico; Notice of NAFTA Binational Panel's Final Decision and Amended Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of NAFTA Binational Panel's final decision and amended final results of antidumping duty administrative review.

**SUMMARY:** On January 22, 2004, the Binational Panel issued its final decision with respect to the final results of administrative review of the antidumping duty order on gray portland cement and clinker from Mexico covering the period August 1, 1996, through July 31, 1997. As there is now a final and conclusive decision in this case, we are amending the final results of review and we will instruct U.S. Customs and Border Protection to liquidate entries subject to this review.

**EFFECTIVE DATE:** March 11, 2004.

**FOR FURTHER INFORMATION CONTACT:** Brian Ellman or Mark Ross, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4852 or (202) 482-4794, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 17, 1999, the Department of Commerce (the Department) published in the *Federal Register* the final results of the administrative review of the antidumping duty order on gray portland cement and clinker from Mexico (64 FR 13148) (*Seventh Review Final Results*). The Department collapsed CEMEX, S.A. de C.V.

(CEMEX), and GCC Cemento, S.A. de C.V. (GCCC),<sup>1</sup> in the determination.

CEMEX, GCCC, and the Southern Tier Cement Committee (the petitioner) contested various aspects of the Department's *Seventh Review Final Results*. On May 30, 2002, the Article 1904 Binational Panel (the Panel) issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA-MEX-99-1904-03 (May 30, 2002) (*First Remand Order*), remanding to the Department the *Seventh Review Final Results*.

In the *First Remand Order*, the Panel instructed the Department to do the following: (1) Explain why its findings regarding the difference in freight costs, the relative profit levels, the number and type of customers, and the disparity in handling charges support the Department's determination that sales of Type V cement sold as Type I cement were outside the ordinary course of trade, (2) explain the basis of its decision to assess duties on merchandise destined for consumption outside the region, with particular reference to the requirements of the U.S. Constitution, (3) reconsider its decision that sales by CEMEX of bag and bulk cement should be classified as the same like product and that sales of CEMEX's bag and bulk cement were made at the same level of trade, (4) reconsider its decision to treat U.S. warehousing expenses of CEMEX and CDC as indirect selling expenses, (5) make the appropriate adjustment to normal value for CEMEX's home-market pre-sale warehousing expenses, (6) reconsider its decision to treat CDC's sales to unaffiliated U.S. customers as indirect export-price (EP) sales instead of constructed-export-price (CEP) sales in light of the decision of the Court of Appeals for the Federal Circuit (CAFC) in *AK Steel Corp. v. United States*, 226 F.3d 1361 (2000), (7) correct errors it made in its calculation of the difference-in-merchandise (DIFMER) adjustment and explain its DIFMER decision further, and (8) explain its decision further to allow CEMEX an adjustment for home-market freight expenses. The Department responded to the *First Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review; Final Results of Redetermination Pursuant to NAFTA*

*Panel*, September 27, 2002 (*First Remand*).

On April 11, 2003, the Panel issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA-MEX-99-1904-03 (April 11, 2003) (*Second Remand Order*), remanding to the Department its remand redetermination in the *First Remand*. In the *Second Remand Order*, the Panel instructed the Department to determine whether the U.S. sales by CDC should be compared to the home-market sales of Type V cement sold as Type I cement by CEMEX. The Department responded to the *Second Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review; Final Results of Redetermination Pursuant to NAFTA Panel*, May 27, 2003 (*Second Remand*).

On September 4, 2003, the Panel issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA-MEX-99-1904-03 (September 4, 2003) (*Third Remand Order*), remanding to the Department its remand redetermination in the *Second Remand*. In the *Third Remand Order*, the Panel instructed the Department not to use the adverse facts available it had applied in determining the margins on U.S. sales by CEMEX when calculating the importer-specific assessment rate for CDC. The Department responded to the *Third Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA-MEX-99-1904-03 (September 15, 2003) (*Third Remand*).

On November 25, 2003, the Panel issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA-MEX-99-1904-03 (November 25, 2003) (*Fourth Remand Order*), remanding to the Department its remand redetermination in the *Third Remand*. In the *Fourth Remand Order*, the Panel instructed the Department to calculate separate importer-specific assessment rates for CDC and CEMEX and not to apply adverse facts available with respect to the calculation of normal value for CDC. The Department responded to the *Fourth Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*,

Secretariat File No. USA-MEX-99-1904-03 (December 16, 2003) (*Fourth Remand*).

On January 22, 2004, the Panel issued an order affirming the Department's *Fourth Remand*, and on February 2, 2004, the NAFTA Secretariat issued a notice of final panel action. See *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA-MEX-99-1904-03 (January 22, 2004, and February 2, 2004, respectively).

#### Amendment to Final Results

Pursuant to section 516A(g) of the Tariff Act of 1930, as amended (the Act), we are now amending the final results of the administrative review of the antidumping duty order on gray portland cement and clinker from Mexico for the period August 1, 1996, through July 31, 1997. Based on the final results of redetermination on remand, the weighted-average antidumping margin for CEMEX and GCCC changes from 49.58 percent, calculated in the *Seventh Review Final Results*, to 37.34 percent.

The Department will determine and U.S. Customs and Border Protection will assess appropriate antidumping duties on entries of the subject merchandise exported by firms covered by this review. We will issue appropriate assessment instructions directly to CBP within 15 days of publication of these amended final results of review.

We are issuing and publishing this determination and notice in accordance with section 516A(g) of the Act.

Dated: March 5, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 04-5544 Filed 3-10-04; 8:45 am]

BILLING CODE 3510-DS-P

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#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Request for Public Comments on Commercial Availability Petition under the Andean Trade Promotion and Drug Eradication Act (ATPDEA), the African Growth and Opportunity Act (AGOA) and the United States - Caribbean Basin Trade Partnership Act (CBTPA)

March 8, 2004.

**AGENCY:** The Committee for the Implementation of Textile Agreements

**ACTION:** Request for public comments concerning a petition for a determination that round cut 10-wale

<sup>1</sup> Cementos de Chihuahua, S.A. de C.V. (CDC), was GCCC's formal name during this segment of the proceeding.