

## DEPARTMENT OF COMMERCE

## International Trade Administration

(A-201-802)

**Extension of Time Limit for Preliminary Results and Final Results of the Full Sunset Review of the Antidumping Duty Order on Gray Portland Cement and Clinker from Mexico**

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

**EFFECTIVE DATES:** January 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Zev Primor at 202-482-4114 or Edythe Artman at 202-482-3931, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****Extension of Time Limits**

In accordance with section 751(c)(5)(B) of the Tariff Act of 1930, as amended (the Act), the U.S. Department of Commerce (the Department) may extend the period of time for making its determination by not more than 90 days, if it determines that the sunset review is extraordinarily complicated. As set forth in 751(c)(4)(C)(v) of the Act, the Department may treat a sunset review as extraordinarily complicated if it is a review of a transition order. The sunset review subject to this notice is a review of a transition order. Therefore, Department has determined, pursuant to section 751(c)(5)(C)(v) of the Act, that this sunset review is extraordinarily complicated and will require additional time for the Department to complete its analysis.

The Department's preliminary results of this full sunset review was scheduled for January 23, 2006, and the final results was scheduled for May 31, 2006. They are now being extended until April 24, 2006, and August 29, 2006, respectively. These dates are 90 days from the originally scheduled dates of the preliminary and final results of this sunset review.

This notice is issued in accordance with sections 751(c)(5)(B) and (C)(v) of the Act.

Dated: January 11, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

## International Trade Administration

(A-201-802)

**Gray Portland Cement and Clinker from Mexico: Notice of Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** On September 13, 2005, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers one manufacturer/exporter, CEMEX, S.A. de C.V., and its affiliate, GCC Cemento, S.A. de C.V. The period of review is August 1, 2003, through July 31, 2004.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin is listed below in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** January 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla or Jeffrey Frank, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3477 or (202) 482-0090, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On September 13, 2005, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. See *Preliminary Results of Antidumping Duty Administrative Review: Gray Portland Cement and Clinker From Mexico*, 70 FR 54013 (*Preliminary Results*).

We invited parties to comment on the *Preliminary Results*. On October 13, 2005, we received case briefs from the petitioner, the Southern Tier Cement Committee, Holcim Inc., a domestic interested party, and from the respondents, CEMEX, S.A. de C.V. (CEMEX), and GCC Cemento, S.A. de C.V. (GCCC).

**Scope of the Order**

The products covered by this order include gray portland cement and

clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material product produced when manufacturing cement, has no use other than being ground into finished cement. Gray portland cement is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) item number 2523.29 and cement clinker is currently classifiable under HTSUS item number 2523.10. Gray portland cement has also been entered under HTSUS item number 2523.90 as "other hydraulic cements." The HTSUS subheadings are provided for convenience and customs purposes only. The Department's written description remains dispositive as to the scope of the product coverage.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this administrative review, and to which we have responded, are listed in the Appendix to this notice and addressed in the "Issues and Decision Memo" (Decision Memo) from Stephen J. Claeys, Deputy Assistant Secretary, to David M. Spooner, Assistant Secretary for Import Administration, dated January 11, 2006, which is hereby adopted by this notice. The Decision Memo is on file in Import Administration's Central Records Unit, Room B-099 of the main Department building. In addition, a complete version of the Decision Memo is available on the Internet at <http://ia.ita.doc.gov>. The paper copy and electronic version of the Decision Memo are identical in content.

**Changes Since the Preliminary Results**

Based on our analysis of comments received, we have corrected certain programming and ministerial errors in our preliminary results, where applicable. These changes are discussed in the Final Results Analysis Memorandum from the case analyst to the File dated January 11, 2005.

**Final Results of Review**

We determine that the following weighted-average margin exists for the collapsed parties, CEMEX and GCCC, for the period August 1, 2003, through July 31, 2004:

| Exporter/manufacturer | Weighted-average percentage margin |
|-----------------------|------------------------------------|
| CEMEX/GCCC .....      | 42.26                              |

**Assessment Rates**

The Department shall determine, and U.S. Customs and Border Protection

(CBP) shall assess, antidumping duties on all appropriate entries. We will issue appropriate assessment instructions directly to CBP on or after the 41st day after publication of these final results of review. In accordance with 19 CFR 351.212(b), we have calculated an exporter/importer-specific assessment rate. For the sales in the United States through the respondent's affiliated U.S. parties, we divided the total dumping margin for the reviewed sales by the total entered value of those reviewed sales. We will direct CBP to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of the entries during the review period (see 19 CFR 351.212(b)(1)).

The Department clarified its "automatic assessment" regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the period of review produced by the company included in the final results of review for which the reviewed company did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see Notice of Policy Concerning Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

#### Cash-Deposit Requirements

As discussed in the Decision Memo in response to Comment 6, we continue to determine that it is appropriate to require a per-unit cash-deposit amount for entries of subject merchandise produced or exported by CEMEX/GCCC. The following deposit requirements shall be effective upon publication of this notice of final results of administrative review for all shipments of gray portland cement and clinker from Mexico, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) the cash-deposit amount for CEMEX/GCCC will be \$26.28 per metric ton; (2) for previously investigated or reviewed companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or any previous reviews or the original less-than-fair-value (LTFV) investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash-deposit rate for all other manufacturers or

exporters will continue to be 61.85 percent, which was the "all others" rate in the LTFV investigation. See *Final Determination of Sales at Less Than Fair Value: Gray Portland Cement and Clinker from Mexico*, 55 FR 29244 (July 18, 1990). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO are sanctionable violations.

These final results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 11, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

#### Appendix Issues in the Decision Memo

1. Revocation
2. Regional Assessment
3. Sales-Below-Cost Test
4. Bag vs. Bulk
5. Swap Sales
6. Cash-Deposit Methodology
7. Ordinary Course of Trade
8. Indirect Selling Expenses
9. Interest Revenue

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

##### Export Trade Certificate of Review

**ACTION:** Notice of application to amend an Export Trade Certificate of Review.

**SUMMARY:** Export Trading Company Affairs ("ETCA"), International Trade

Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021-B H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 85-12A18."