

require, at the same time as importers would normally deposit estimated duties on this merchandise, cash deposits for the subject merchandise equal to the estimated weighted-average antidumping margins listed below, adjusted for export subsidies found in

the final determination of the companion countervailing duty investigation of this merchandise. Specifically, for cash deposit purposes, we are subtracting from the applicable cash deposit rate that portion of the rate attributable to the export subsidies

found in the affirmative countervailing duty determination for each respondent (*i.e.*, 17.57 percent for Alpanil, 17.02 percent for Pidilite).

The weighted-average margins and cash deposit rates are as follows:

Producer or exporter	Weighted-average margin (percent)	Cash deposit rate (percent)
Alpanil Industries .....	27.23 .....	9.66.
Pidilite Industries Ltd. ....	66.59 (Amended) .....	49.57 (Amended).
All Others .....	44.80 (Amended) .....	27.48 (Amended).

The “All Others” rate applies to all entries of the subject merchandise except for entries from the companies that are identified individually above.

This notice constitutes the antidumping duty order with respect to CVP-23 from India, pursuant to section 736(a) of the Act. Interested parties may contact the Department’s Central Records Unit, Room B-099 of the main Department building, for copies of an updated list of antidumping duty orders currently in effect.

The amended final determination is published pursuant to sections 735(d) and 777(i)(1) of the Act. The order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: December 22, 2004.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 04-28521 Filed 12-28-04; 8:45 am]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### International Trade Administration (A-201-802)

#### Gray Portland Cement and Clinker From Mexico; Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On June 22, 2004, 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, 2002, through July 31, 2003.

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:** December 29, 2004.

**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 June 22, 2004, 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*, 69 FR 34647 (Preliminary Results).

We invited parties to comment on the *Preliminary Results*. On July 22, 2004, we received case briefs from the petitioner, the Southern Tier Cement Committee, and from the respondents, CEMEX, S.A. de C.V. (CEMEX), and GCC Cemento, S.A. de C.V. (GCCC). On July 30, 2004, we received rebuttal briefs from the petitioner, CEMEX and GCCC.<sup>1</sup> On October 22, 2004, the Department published a notice extending the date for issuing the final results of this review. *See Gray Portland Cement and Clinker From Mexico: Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review*, 69 FR 62026 (October 22, 2004).

The Department has conducted this administrative review in accordance

<sup>1</sup> Although we consider CEMEX and GCCC to be one entity for purposes of this antidumping duty order, because they are represented by separate counsel and have submitted separate case and rebuttal briefs, we have referred to them by their respective names when summarizing comments.

with section 751(a) of the Tariff Act of 1930, as amended (the Act).

#### **Scope of 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 (HTS) item number 2523.29 and cement clinker is currently classifiable under HTS item number 2523.10. Gray portland cement has also been entered under HTS item number 2523.90 as “other hydraulic cements.” The HTS 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 Jeffrey May, Deputy Assistant Secretary, to James J. Jochum, Assistant Secretary for Import Administration, dated December 20, 2004, 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 of Commerce 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 clerical errors in our preliminary results, where applicable.

These changes are discussed in the Final Results Analysis Memorandum dated October 20, 2004.

### 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, 2002, through July 31, 2003:

Exporter/manufacturer	Weighted-average percentage margin
CEMEX/GCCC .....	54.97

### 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 within 15 days of 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(a)).

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 at 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 for by section 751(a)(1) of the Act: (1) The cash-deposit amount for CEMEX/GCCC will be \$32.85 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; and (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). The 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: December 20, 2004.

**James J. Jochum,**  
Assistant Secretary for Import Administration.

### Appendix Issues in the Decision Memorandum

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. Ministerial Errors

[FR Doc. E4-3874 Filed 12-29-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-504]

### Petroleum Wax Candles From the People's Republic of China: Notice of Final Results of Antidumping Duty New Shipper Review

**AGENCY:** Import Administration, International Trade Administration, U.S. Department of Commerce.  
**SUMMARY:** On August 3, 2004, the Department of Commerce (the Department) published the preliminary results of its new shipper review of the antidumping duty order on petroleum wax candles from the People's Republic of China (PRC) for Shandong Huihe Trade Co., Ltd. (Shandong Huihe). See *Petroleum Wax Candles From the People's Republic of China: Notice of Preliminary Results of the Antidumping Duty New Shipper Review of Shandong Huihe, Ltd.*, 69 FR 46512 (*Preliminary Results*). The new shipper review covers the period August 1, 2002, through July 31, 2003.

Based on the Department's verification of Shandong Huihe's questionnaire responses and our consideration of the comments received, we have made changes to our analysis. Therefore, the final results differ from the *Preliminary Results*.

**EFFECTIVE DATE:** December 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Scott Lindsay, or Tom Gilgunn, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482-0780, or (202) 482-4236, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On August 3, 2004, the Department published the preliminary results of its new shipper review of the antidumping duty order on petroleum wax candles from the PRC for Shandong Huihe. See *Preliminary Results*. This new shipper review covers the period August 1, 2002, through July 31, 2003.

Since the publication of the *Preliminary Results*, the following