

raised in this administrative review, and the corresponding recommendations, in the *Issues and Decision Memorandum* which is on file in the Central Records Unit, room B-099 of the main Department of Commerce building. In addition, a complete version of the *Issues and Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

### Changes Since the Preliminary Results

Based on our analysis of comments received, we made the following changes in the comparison and margin calculation programs.

1. We increased Essar's cost of manufacturing by the amount of power costs deferred during the POR.
2. We increased Essar's export price by the amount of the countervailing duty imposed to offset the export subsidy found in the companion final results of the countervailing duty review of HRS. See *Final Results of Countervailing Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from India* 69 FR 26549 (May 13, 2004).
3. We corrected ministerial errors related to the major input rule and commission offset.

### Final Results of Review

| Exporter/manufacture       | Margin (percent) |
|----------------------------|------------------|
| Essar Steel Co., Ltd ..... | 0.00             |

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be zero; (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 review, a prior review, 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 the "all

others" rate of 38.72 percent, which is the "all others" rate established in the LTFV investigation.<sup>2</sup> See *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From India* 66 FR 60194 (December 3, 2001). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

### Assessment

The Department will determine, and CBP will assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results. The Department will issue assessment instructions directly to CBP within 15 days of publication of these final results of review. The Department will direct CBP to assess the resulting assessment rate against the entered customs values of the subject merchandise on each of the importer's entries during the review period.

### Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties or countervailing duties occurred and the subsequent increase in antidumping duties by the full amount of the antidumping and/or countervailing duties reimbursed.

### Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations

<sup>2</sup> The "all others" cash deposit rate, applied by U.S. Customs and Border Protection (CBP), is reduced to account for the export subsidy rate found in the countervailing duty investigation. The adjusted "all others" rate is 23.87 percent.

and terms of an APO is a violation which is subject to sanction.

We are issuing the review results and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 21, 2004.

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

### Appendix—Issues in Decision Memorandum

Comment 1: Whether the Department Should Base Essar's Dumping Margin on Total Adverse Facts Available.

Comment 2: Whether the Adverse Inferences Made With Respect to Essar in the Preliminary Results of Review are Sufficiently Adverse.

Comment 3: Whether Essar Under-Reported its Interest Expense.

Comment 4: Whether the Department Should Increase Essar's U.S. Price by the Amount of Duty Drawback Claimed.

Comment 5: Whether Essar Under-Reported its Electricity Expense.

Comment 6: Ministerial Errors.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-427-001]

### Sorbitol from France: Final Results of Expedited Sunset Review of Antidumping Duty Order

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

**ACTION:** Notice of Final Results of the Second Expedited Sunset Review of Antidumping Duty Order on Sorbitol from France.

**SUMMARY:** On February 2, 2004, the Department of Commerce ("the Department") published the notice of initiation of the second sunset review of the antidumping duty order on sorbitol from France (69 FR 4921) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of the notice of intent to participate and adequate substantive comments filed on behalf of domestic interested parties and inadequate response from respondent interested parties, we determined to conduct an expedited (120-day) sunset review. As a result of this review, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** June 28, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Hilary E. Sadler, Esq., Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Room 2837, Washington, DC, 20230; telephone: (202) 482-4340.

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

On February 2, 2004, the Department published the notice of initiation of the second sunset review of the antidumping duty order on sorbitol from France pursuant to section 751(c) of the Act.<sup>1</sup> The Department received the Notice of Intent to Participate on behalf of SPI Polyols, Inc. ("SPI"), Archer Daniels Midland Company ("ADM"), and Roquette America ("RA"), the domestic interested parties, within the deadline specified in section 351.218(d)(1)(I) of the *Department's Regulations* ("Sunset Regulations"). ADM and SPI claimed interested party status under section 771(9)(C) of the Act, as domestic producers of sorbitol. RA claimed interested party status as a domestic producer and as an importer of the subject merchandise. We received a complete substantive responses from all domestic interested parties within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i).

We received a substantive response from one respondent interested party, Amylum France SAS ("Amylum"), in this proceeding. Amylum's response accounted for less than 50 percent of the exports of sorbitol from France to the United States.<sup>2</sup> As a result, pursuant to section 751(c)(5)(A) of the Act and 19 CFR 351.218(e)(2)(i), the Department conducted an expedited (120-day) sunset review of this finding.

**Scope of Review**

The products covered in this order are shipments of crystalline sorbitol ("sorbitol"), a polyol produced by the hydrogenation of sugars (glucose), used in the production of sugarless gum, candy, groceries, and pharmaceuticals. The above-described sorbitol is classified under HTS subheading 2905.44.00. The HTS subheadings are provided for convenience and for customs purposes. The written description remains dispositive.

**Analysis of Comments Received**

All issues raised in this case are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, dated June 15, 2004, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the finding were to be revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in room B-099 of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading "June 2004." The paper copy and electronic version of the Decision Memo are identical in content.

**Final Results of Review**

We determine that revocation of the antidumping duty finding on sorbitol from France would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

| Manufacturers/Exporters/Producers | Weighted-Average Margin Percent |
|-----------------------------------|---------------------------------|
| Roquette Freres .....             | 2.9                             |
| All Others .....                  | 2.9                             |

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. 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 terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 22, 2004.

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

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**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Judges Panel of the Malcolm Baldrige National Quality Award**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Judges Panel of the Malcolm Baldrige National Quality Award will meet Thursday, July 29, 2004. The Judges Panel is composed of nine members prominent in the field of quality management and appointed by the Secretary of Commerce. The purpose of this meeting is to review the stage 1 process, consideration for moving applicants forward, review of stage 1 data and selection of applicants for consensus, provide guidance for the Examiners on scoring, summary of feedback to Judges from the 2003 Team Leaders' calls, new Judge mentoring process, evaluation process flowchart enhancements, site visit planning improvements, pre-site visit conference call with Team Leaders, November meeting process, and summary of Improvement Day. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Anyone wishing to attend this meeting must register 48 hours in advance in order to be admitted. Please submit your name, time of arrival, e-mail address and phone number to Virginia Davis no later than Monday, July 26, 2004, and she will provide you with instructions for admittance. Ms. Davis' e-mail address is [virginia.davis@nist.gov](mailto:virginia.davis@nist.gov) and her phone number is 301/975-2361.

**DATES:** The meeting will convene July 29, 2004 at 9 a.m. and adjourn at 4:30 p.m. on July 29, 2004. It is estimated that the closed portion of the meeting will last from 9 a.m. until 1 p.m. and the open portion of the meeting will last from 1 p.m. until 4:30 p.m.

**ADDRESSES:** The meeting will be held at the National Institute of Standards and Technology, Building 222, Red Training Room, Gaithersburg, Maryland 20899.

**FOR FURTHER INFORMATION CONTACT:** Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg,

<sup>1</sup> Initiation of Five-Year (Sunset) Reviews, 69 FR 4921 (February 2, 2004).

<sup>2</sup> Memorandum to Ronald K. Lorentzen, *Sunset Review of Sorbitol from France: Adequacy of Respondent Interested Party Response to the Notice of Initiation* (March 16, 2004).