

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-201-802]

**Final Results of Antidumping Duty Changed-Circumstances Review: Gray Portland Cement and Clinker From Mexico**

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

**SUMMARY:** On July 11, 2007, the Department of Commerce (the Department) published the preliminary results of the changed-circumstances review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers one manufacturer/exporter, Holcim Apasco, S.A. de C.V. (Apasco). The changed-circumstances review covers exports of subject merchandise to the United States during the period October 1, 2006, through December 31, 2006.

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 provided in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** November 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3477 and (202) 482-1690, respectively.

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

On July 11, 2007, the Department published in the *Federal Register* the preliminary results of the changed-circumstances review of the antidumping duty order on gray portland cement and clinker from Mexico. See *Preliminary Results of Antidumping Duty Changed-Circumstances Review: Gray Portland Cement and Clinker From Mexico*, 72 FR 37711 (July 11, 2007) (*Preliminary Results*).

We invited parties to comment on the *Preliminary Results* and on our findings at verification. We received case briefs from Apasco and the Southern Tier Cement Committee (the petitioner) on September 7, 2007. We received rebuttal briefs from Apasco and the petitioner on September 14, 2007.

**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 changed-circumstances review, and to which we have responded, are listed in the Appendix to this notice and addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Stephen J. Claeys, Deputy Assistant Secretary, to David M. Spooner, Assistant Secretary for Import Administration, dated October xx, 2007, which is hereby adopted by this notice. The Decision Memorandum 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 Memorandum is available on the Internet at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Changes Since the Preliminary Results**

Based on our analysis of comments received, we have made certain changes in our to our calculations. In addition, we made corrections as a result of the verification of Apasco's information, which we conducted from July 23, through July 27, 2007. These changes are discussed in the Final Results Analysis Memorandum from the case analyst to the File dated October 25, 2007.

**Final Results of Review**

We determine that the weighted-average margin for merchandise produced and exported by Apasco for the changed-circumstances review covering the period October 1, 2006, through December 31, 2006 is 29.19 percent.

**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 41 days after the date of publication of these final results of this changed-circumstances review. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate for merchandise subject to this review. Because Apasco reported the entered value for its export-price sales, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for the importer of record.

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 provided by section 751(a)(1) of the Act, the cash-deposit rate for all shipments from Apasco of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of changed-circumstances review will be the rate established in these final results of changed-circumstances review. The deposit requirements shall remain in effect until further notice.

**Notification**

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.

We are issuing and publishing these final results of changed-circumstances review and notice in accordance with section 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: October 25, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

#### **Appendix—Issues in the Decision Memo**

1. Difference-in-Merchandise Adjustment
2. Level of Trade
3. Bag vs. Bulk
4. Profit-Sharing/Cost Test

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#### **DEPARTMENT OF COMMERCE**

##### **International Trade Administration**

[A-580-839]

##### **Partial Rescission of Antidumping Duty Administrative Review: Certain Polyester Staple Fiber from Korea**

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

**EFFECTIVE DATE:** November 1, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Andrew McAllister or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1174 and (202) 482-0182, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On May 1, 2007, the Department issued a notice of opportunity to request an administrative review of this order for the period of review ("POR") May 1, 2006, through April 30, 2007. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 72 FR 23796 (May 1, 2007). On May 31, 2007, Huvis Corporation ("Huvis") requested an administrative review of its entries that were subject to the antidumping duty order for this period. On that same date, the Department also received a request

from Wellman, Inc., DAK Americas LLC, and Invista, S.a.r.L. (collectively, "the petitioners") for a review of Huvis, Saehan Industries, Inc. ("Saehan"), Mijung Industry Co., Ltd. ("Mijung"), Estal Industry Co., Ltd. ("Estal"), Keon Baek Co., Ltd. ("Keon Baek"), Sam Young Synthetics Co., Ltd. ("Sam Young"), Sungrim Co., Ltd.

("Sungrim"), and Daeyang Industrial Co., Ltd. ("Daeyang").<sup>1</sup> On June 13, 2007, the petitioners withdrew their review request for Keon Baek because that company is no longer subject to the order. On June 20, 2007, the petitioners withdrew their review requests for Mijung, Sam Young, and Sungrim. On June 29, 2007, the Department published the notice of initiation of this antidumping duty administrative review, covering Huvis, Saehan, Estal, Daeyang, and Samyang Corporation ("SAMYANG"). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review*, 72 FR 35690 (June 29, 2007). On July 26, 2007, the petitioners withdrew their request for review of Saehan. On September 21, 2007, the petitioners withdrew their request for reviews of Estal and Daeyang.

#### **Partial Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Because the petitioners withdrew their request for review of Saehan, Estal, and Daeyang within the 90-day period and no other party requested a review of Saehan's, Estal's, or Daeyang's entries, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review with respect to Saehan, Estal, and Daeyang.

With respect to Samyang, pursuant to 19 CFR 351.213(b)(1), the Department conducts an administrative review based on a request from a domestic interested party that specifies individual exporters or producers covered by the order. The Department has determined that the petitioners' May 31, 2007, request for U.S. Customs and Border Protection data with respect to Samyang did not constitute a written request for an administrative review of Samyang's entries. Therefore, the Department erred

<sup>1</sup> The petitioners also asked for the Department to request U.S. Customs and Border Protection import data, for either direct shipments or shipments through Canada or Mexico, under the name "SAMYANG," but did not request an administrative review of this company.

in self-initiating the review of Samyang's entries. In accordance with 19 CFR 351.213(d)(2), we are rescinding this review with respect to Samyang.

The Department will issue appropriate assessment instructions directly to the U.S. Customs and Border Protection (CBP) 15 days after the publication of this notice. The Department will direct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for entries of subject merchandise produced and/or exported by Samyang, Saehan, Estal, and Daeyang during the period May 1, 2006, through April 30, 2007.

This notice is published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: October 26, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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#### **DEPARTMENT OF COMMERCE**

##### **International Trade Administration**

[A-533-809]

##### **Notice of Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Flanges from India**

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

**EFFECTIVE DATE:** November 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Fred Baker or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2924 or (202) 482-0649, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On February 9, 1994, the Department published the antidumping duty order on stainless steel flanges from India. See *Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges from India*, 59 FR 5994 (February 9, 1994). On February 2, 2007, the Department published the *Notice of Opportunity to Request Administrative Review* for this order covering the POR. See *Antidumping or Countervailing Duty Order, Finding, or Suspended*