

## Assessment Rates

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer (or customer)-specific assessment rates for merchandise subject to this review. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(1), we calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate was greater than *de minimis*, we calculated a per-unit assessment rate by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).

All other entries of the subject merchandise during the POR will be liquidated at the antidumping duty rate in place at the time of entry.

The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice of final results of review.

## Cash Deposit Rates

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of bulk aspirin from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) Because Shandong is excluded from the antidumping duty order, no cash deposit shall be required; (2) for a company previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rate will be the rate established in the most recent review of that company; (3) for all other PRC exporters of subject merchandise, the rate will be the PRC country-wide rate, which is 144.02 percent, the PRC-wide rate established in the less-than-fair-value ("LTFV") investigation. See *Notice of Antidumping Duty Order: Bulk Aspirin from the People's Republic of China*, 65 FR 42673 (July 11, 2000); and (4) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable

to the PRC exporter that supplied that exporter.

## Notification to Importers

This notice also serves as a final 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

## Notification Regarding APOs

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(a)(3), 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 and the terms of an APO is a sanctionable violation.

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

Dated: June 14, 2004.

**James J. Jochum**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A-580-816]**

## Corrosion-Resistant Carbon Steel Flat Products From Korea: Partial Rescission of Antidumping Duty Administrative Review

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

**ACTION:** Notice of partial rescission of the antidumping duty administrative review; correction.

**SUMMARY:** On May 5, 2004, the Department of Commerce ("Department") published a notice in the **Federal Register** regarding a partial rescission of antidumping duty

administrative review of corrosion-resistant carbon steel flat products from Korea. See *Corrosion-Resistant Carbon Steel Flat Products From Korea: Partial Rescission of Antidumping Duty Administrative Review* 69 FR 25059, 25060 (May 5, 2004) ("Rescission Notice"). This document inadvertently did not address a comment raised by an interested party.

**EFFECTIVE DATE:** June 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** John D. A. LaRose, Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202-482-3794.

## SUPPLEMENTARY INFORMATION:

### Background

On August 29, 2003, International Steel Group requested that the Department conduct an administrative review of the antidumping duty order on Korean CORE for the period August 1, 2002 through July 31, 2003. On July 1, 2003, the Department published a notice of initiation of the antidumping administrative review of Korean CORE, in accordance with 19 CFR 351.221(c)(1)(i). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Requests for Revocations in Part*, 68 FR 56262 (September 30, 2003). This review covers several exporters of the subject merchandise, including SeAH. On October 9, 2003, SeAH submitted a timely letter stating that the company and its affiliates did not have exports or sales of the subject merchandise to the United States during the POR. The letter also requested that the Department terminate the administrative review with respect to SeAH.

After receiving SeAH's letter, the Department examined the online U.S. Customs and Border Protection ("CBP") listing of entries suspended under the order and confirmed that SeAH had no entries during the POR. On October 23, 2003, the Department also sent an electronic message to CBP requesting that CBP officials report any known entries of subject merchandise from SeAH during the POR. In its message to CBP, the Department stated that no reply was required if CBP officials were not aware of any entries. By the deadline stated in our request, the Department received no reply. On March 15, 2004, the Department provided interested parties with a draft rescission, soliciting comments by March 22, 2004. See *Memorandum to Edward Yang from Lisa Shishido Regarding Intent to Partially Rescind the*

*Antidumping Duty Administrative Review of Korean Core*, dated March 15, 2004.

### Comments From Interested Parties

On March 23, 2004, United States Steel Corporation (“Petitioner”) submitted comments. The Petitioner argues that it is incorrect to assume that because the Department received no reply from CBP, there were no entries by SeAH of subject merchandise. Petitioner argues that CBP simply may not have completed its investigation. Moreover, Petitioner argues that CBP may not have even begun to examine this issue and that unless the Department receives an affirmative response from CBP stating that SeAH had no entries of subject merchandise during the POI, the Department should not rescind this review.

### Department's Position

Pursuant to the Department’s regulations, the Department will rescind an administrative review “with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be.” See 19 CFR 351.213(d)(3).

There is sufficient information on the record to establish that SeAH had no entries, exports or sales of subject merchandise during the period of review. Specifically, SeAH submitted a letter asserting that neither the company nor its affiliates had any entries, exports or sales of subject merchandise during the POR. Moreover, after receiving SeAH’s letter, the Department conducted an independent review of CBP data and confirmed that SeAH had no entries of subject merchandise during the POR. As noted in the preliminary rescission notice, “the Department also examined the online CBP listing of entries suspended under the order and found no SeAH entries during the POR.” See *Rescission Notice at 25059*. Finally, after being notified of our findings, CBP has not provided the Department with any information indicating that SeAH had any entries of subject merchandise during the POR.

The Department has determined that SeAH’s certification and the Department’s inquiry, as structured, are sufficient evidence on the record to establish the lack of entries, exports or sales for SeAH during the period of review. In reaching this conclusion, we note that the CIT has stated that it will defer to the Department’s “sensibility as to the depth of the inquiry needed” in such matters. See *Allegheny Ludlum*

*Corp. v. United States*, 276 F.Supp.2d 1344, 1356, (2003).

Therefore, because we received no information from CBP that SeAH has entries of subject merchandise during the POR, found no evidence of such entries in a review of import data and there is no evidence on the record to suggest otherwise, we affirm our determination to rescind the administrative review for the period August 1, 2002 through July 31, 2003, with respect to SeAH and will issue appropriate assessment instructions to CBP.

### Administrative Protective Orders

This notice 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(a)(3). Timely written 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 sanctionable violation. This determination is issued in accordance with 19 CFR 351.213(d)(4) and section 777(i)(1) of the Tariff Act of 1930, as amended.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A-201-802]**

### Preliminary Results of Antidumping Duty Administrative Review: Gray Portland Cement and Clinker From Mexico

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers exports of subject merchandise to the United States during the period August 1, 2002, through July 31, 2003, and one firm, CEMEX, S.A. de C.V., and its affiliate,

GCC Cemento, S.A. de C.V. We have preliminarily determined that sales were made below normal value during the period of review.

We invite interested parties to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issues, and (2) a brief summary of the argument.

**EFFECTIVE DATE:** June 22, 2004.

### FOR FURTHER INFORMATION CONTACT:

Hermes Pinilla or Brian Ellman, 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) 482-3477, (202) 482-4852, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On August 1, 2003, the Department published in the **Federal Register** the *Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation* concerning the antidumping duty order on gray portland cement and clinker from Mexico (68 FR 45218). In accordance with 19 CFR 351.213, the petitioner, the Southern Tier Cement Committee (STCC), requested a review of CEMEX, S.A. de C.V. (CEMEX), and CEMEX’s affiliate, GCC Cemento, S.A. de C.V. (GCC). In addition, CEMEX and GCCC requested reviews of their own sales during the period of review. On September 30, 2003, we published in the **Federal Register** the *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review* (68 FR 56262). The period of review is August 1, 2002, through July 31, 2003. We are conducting a review of CEMEX and GCCC pursuant to section 751 of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order

The products subject to the antidumping duty 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 of 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