

Manufacturer/exporter	Weighted-Average Margin
GoldLink Industries Co., Ltd.	5.51%
Nantong Haidi Chemical Co., Ltd.	44.50%
Trust Chem Co., Ltd.	27.19%
Tianjin Hanchem International Trading Co.	217.94%
PRC-Wide Rate.	217.94%

The PRC-wide rate applies to all entries of the merchandise under investigation except for entries from the four exporters listed above.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP officials to assess antidumping duties on all imports of subject merchandise entered for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of 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.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: November 8, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Appendix Decision Memorandum

I. ISSUES RELATED TO MULTIPLE RESPONDENTS

Comment 1: Financial Ratios

Comment 2: Critical Circumstances

Comment 3: Surrogate Value Sources

Comment 4: HTS Classification
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Comment 6: Ethyl Alcohol

Comment 7: Hydrochloric Acid and Nitric Acid

Comment 8: Calcium Chloride

Comment 9: Ethyl Bromide

Comment 10: Ethanolamine Solvent

Comment 11: Steam

Comment 12: Electricity

Comment 13: Import Brokerage and Terminal Charges

II. ISSUES SPECIFIC TO INDIVIDUAL RESPONDENTS

Comment 14: Multicolor Tolling

Comment 15: Application of Adverse Facts Available to Multicolor

Comment 16: Application of Adverse Facts Available to Haidi

Comment 17: Haidi Factors of production

Comment 18: Application of Adverse Facts Available to Trust Chem

Comment 19: Application of Adverse Facts Available to Hanchem

Comment 20: Application of Adverse Facts Available to Longteng

Comment 21: General Issues Raised by Colors LLC

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BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-838]

Notice of Final Determination of Sales at Less Than Fair Value: Carbazole Violet Pigment 23 From India

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

DATES: Effective November 17, 2004.

FOR FURTHER INFORMATION CONTACT: Lyn Johnson or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5287 or (202) 482-4477, respectively.

SUPPLEMENTARY INFORMATION:

Final Determination

The Department of Commerce (the Department) has conducted this antidumping investigation in accordance with section 735 of the Tariff Act of 1930, as amended (the Act). We have determined that carbazole violet pigment 23 (CVP-23) from India is being sold, or is likely to be sold, in the United States at less than fair value

(LTFV), as provided in section 735 of the Act. The estimated margins for sales at LTFV are shown in the "Final Determination Margins" section of this notice.

Background

The preliminary determination of sales at LTFV in this investigation was issued on June 24, 2004. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Carbazole Violet Pigment 23 From India*, 69 FR 35293 (June 24, 2004) (*Preliminary Determination*).

Since the *Preliminary Determination* the following events have occurred. From August 23 through August 27, 2004, we conducted verification of Pidilite Industries Ltd. (Pidilite), and from August 30 through September 2, 2004, we conducted verification of Alpanil Industries (Alpanil). On October 1, 2004, we received a joint case brief from Alpanil and Pidilite and a case brief from the Clariant Corporation (Clariant), a domestic interested party. On October 6, 2004, we received a joint rebuttal brief from Alpanil and Pidilite, a rebuttal brief from Clariant, and a rebuttal brief from the petitioners (Sun Chemical Corporation and Nation Ford Chemical Company).

Period of Investigation

The period of investigation (POI) is October 1, 2002, through September 30, 2003, which corresponds to the four most recent fiscal quarters prior to the month of filing of the petition.

Scope of Investigation

The merchandise covered by this investigation is CVP-23 identified as Color Index No. 51319 and Chemical Abstract No. 6358-30-1, with the chemical name of *diindolo [3,2-b:3',2'-m]triphenodioxazine, 8,18-dichloro-5, 15-diethyl-5, 15-dihydro-*, and molecular formula of C₃₄H₂₂Cl₂N₄O₂.¹ The subject merchandise includes the crude pigment in any form (e.g., dry powder, paste, wet cake) and finished pigment in the form of presscake and dry color. Pigment dispersions in any form (e.g. pigments dispersed in oleoresins, flammable solvents, water) are not included within the scope of the investigation.

The merchandise subject to this investigation is classifiable under subheading 3204.17.9040 of the Harmonized Tariff Schedule of the

¹ The bracketed section of the product description, *[3,2-b:3',2'-m]*, is not business proprietary information. In this case, the brackets are simply part of the chemical nomenclature. See December 4, 2003, amendment to petition at 8.

United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the November 8, 2004, "Issues and Decision Memorandum" from Jeffrey May, Deputy Assistant Secretary, Import Administration, to James J. Jochum, Assistant Secretary for Import Administration (*Decision Memorandum*). Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in Import Administration's Central Records Unit at Room B099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Verification

In accordance with section 782(i) of the Act, we verified the information submitted by the respondents for use in our final determination. We used standard verification procedures which included the examination of original source documents provided by respondents. See the September 20, 2004, memorandum from Susan Lehman entitled "Sales Verification Report: Antidumping Duty Investigation of Carbazole Violet Pigment 23 From India, Pidilite Industries Ltd." (Pidilite Verification Report) and the September 23, 2004, memorandum from Yang Jin Chun entitled "Antidumping Duty Investigation of Carbazole Violet Pigment 23 From India: Sales Verification Report for Alpanil Industries." (Alpanil Verification Report).

Changes Since the Preliminary Determination

We have made the following changes to our margin calculations since the preliminary determination:

Alpanil

(1) Based on findings during verification, the Department requested that Alpanil submit updated home-market and U.S. sales listings. See the September 10, 2004, memorandum from Yang Jin Chun to the File. It did so on

September 21, 2004. Except for the requested changes involving level of trade, we implemented all other corrections and findings which resulted from verification by using Alpanil's updated home-market and U.S. sales listings. See the Alpanil Verification Report for a list and description of these changes. See also the November 8, 2004, memorandum from Yang Jin Chun entitled "Antidumping Duty Investigation of Carbazole Violet Pigment 23 From India: Final Determination Analysis Memorandum for Alpanil Industries."

(2) Regarding levels of trade, we no longer find that there are two levels of trade in the home-market. Instead we determine that all home-market sales were made at a single level of trade which is equivalent to the U.S. level of trade. See Comment 2 of the *Decision Memorandum* for a discussion of this issue.

Pidilite

Based on findings during verification, the Department requested that Pidilite submit updated home-market and U.S. sales listings. See the September 10, 2004, memorandum from Susan Lehman to the File. It did so on September 29, 2004. We incorporated all of the corrections and findings which resulted from verification by using Pidilite's updated home-market and U.S. sales listings. See the Pidilite Verification Report for a list and description of these changes. See also the November 8, 2004, memorandum from Susan Lehman entitled "Antidumping Duty Investigation of Carbazole Violet Pigment 23 From India: Final Determination Analysis Memorandum for Pidilite Industries Ltd."

Continuation of Suspension of Liquidation

Pursuant to 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise from India, entered, or withdrawn from warehouse, for consumption on or after June 24, 2004, the date of publication of our preliminary determination. CBP shall require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below, adjusted for export subsidies found in the final determination of the companion countervailing duty investigation of this merchandise. Specifically, consistent with our practice, where the product under investigation is also subject to a concurrent countervailing duty

investigation, we instruct CBP to require a cash deposit or posting of a bond equal to the amount by which the normal value exceeds the EP, as indicated below, less the amount of the countervailing duty determined to constitute an export subsidy. Accordingly, 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). After the adjustment for the cash deposit rates attributed to export subsidies, the resulting cash deposit rates will be 9.66 percent for Alpanil, 52.21 percent for Pidilite. We also calculated a weighted-average all-others cash deposit rate of 28.66 percent after adjusting Alpanil's and Pidilite's cash deposit rates for export subsidies. See the All-Others Rate memorandum to the file from Lyn Johnson dated November 8, 2004. These instructions suspending liquidation will remain in effect until further notice.

Final Determination Margins

The weighted-average margins are as follows:

Producer/exporter	Weighted-average margin percentage
Alpanil Industries	27.23
Pidilite Industries Ltd	69.23
All Others	45.98

Disclosure

In accordance with 19 CFR 351.224(b), the Department will disclose to interested parties within five days of the date of publication of this notice the calculations performed in the final determination.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination of sales at LTFV. As our final determination is affirmative, and in accordance with section 735(b) of the Act, the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or

canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

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. Timely notification of 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.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

November 8, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

Issues Appendix

Comment 1—Duty Revenue
Comment 2—Level of Trade
Comment 3—Reporting Errors

[FR Doc. E4-3198 Filed 11-16-04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-337-804, A-570-851, A-533-813, A-560-802]

Continuation of Antidumping Duty Orders on Certain Preserved Mushrooms From Chile, the People's Republic of China, India, and Indonesia

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

ACTION: Notice of continuation of antidumping duty orders on certain preserved mushrooms from Chile, the People's Republic of China, India, and Indonesia.

SUMMARY: The Department of Commerce ("the Department") has determined that revocation of the antidumping duty orders on certain preserved mushrooms ("mushrooms") from Chile, the People's Republic of China ("China"), India, and Indonesia, would likely lead to continuation or recurrence of dumping. On November 1, 2004, the International

Trade Commission ("ITC"), pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"), determined that revocation of the antidumping duty orders on certain preserved mushrooms from Chile, China, India, and Indonesia would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping duty orders on mushrooms from Chile, China, India, and Indonesia.

DATES: Effective November 17, 2004.

Contact Information: Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-5050.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2003, the Department initiated, and the ITC instituted, sunset reviews of the antidumping duty orders on mushrooms from Chile, China, India, and Indonesia, pursuant to section 751(c) of the Act.¹ As a result of its review, the Department found that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the order revoked.² On November 1, 2004, the ITC determined pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on mushrooms would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.³

Scope of Orders

The products subject to these orders are imported certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under the orders are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and

sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars, in a suitable liquid medium including, but not limited to, water, brine, butter or butter sauce. Included within the scope of these orders are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing. Also included within the scope of these orders, as of June 19, 2000, are marinated, acidified, or pickled mushrooms containing less than 0.5 percent acetic acid. Excluded from the scope of these orders are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms"; (3) dried mushrooms; and (4) frozen mushrooms. The merchandise subject to these orders were previously classifiable under subheadings 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive. As of January 1, 2002, the HTSUS codes are as follows: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, 0711.51.0000.

Determination

As a result of the determinations by the Department and ITC that revocation of these antidumping duty orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on mushrooms from Chile, China, India, and Indonesia. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year reviews of these orders not later than October 2009.

The five-year ("sunset") reviews and notice are published in accordance with sections 751(c), 752 and 777(i)(1) of the Act.

¹ See *Initiation of Five-year ("Sunset") Reviews*, 68 FR 62280 and 68 FR 62322 (November 3, 2003).

² See *Certain Preserved Mushrooms from Chile, India, Indonesia and The People's Republic of China; Final Results of Expedited Sunset Reviews of Antidumping Duty Orders*, 69 FR 11384 (March 10, 2004).

³ See *Certain Preserved Mushrooms from Chile, China, India, and Indonesia*, 69 FR 63408 (November 1, 2004), and USITC Publication 3731, Investigation Nos. 731-TA-776-779 (November 1, 2004) (Review).