

Improvement and Reform Act of 1996 states that revisions made after the enactment of the law to NRCS State Technical Guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS regarding disposition of those comments and a final determination of change will be made.

Dated: April 24, 1998.

Steven L. Machovec,

Acting State Conservationist, Natural Resources Conservation Service, Syracuse, NY.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-802]

Gray Portland Cement and Clinker From Mexico: Amended Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan, Kristen Stevens, or John Totaro, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, D.C. 20230; telephone: (202) 482-3793.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (hereinafter, "the Act") by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to the old regulations (19 CFR part 353 (1997)).

Scope of the Review

The products covered by this review 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 the 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 U.S. Customs Service purposes only. Our written description of the scope of the order remains dispositive.

Amendment of Final Results

On March 16, 1998, the Department of Commerce (the Department) published the final results of the administrative review of the antidumping duty order on Gray Portland Cement and Clinker from Mexico (63 FR 12764). This review covered CEMEX S.A de C.V (CEMEX), and its affiliate, Cementos de Chihuahua (CDC), manufacturers/exporters of the subject merchandise to the United States. The period of review (POR) is August 1, 1995 through July 31, 1996.

On March 24, 1998, counsel for petitioner, the Southern Tier Cement Producers Committee, filed allegations of clerical errors with regard to the final results in the sixth administrative review of the antidumping duty order of gray portland cement and clinker from Mexico. On April 3, 1997, counsel for the respondent, CEMEX, also filed allegations of clerical errors with regard to this review. Petitioner then filed rebuttal comments on April 10, 1998. The Department, upon review of the allegations, agrees that certain aspects of the final results constitute ministerial errors within the meaning of 19 CFR 353.28, and is hereby issuing an amended final based on corrections for these ministerial errors.

First, CEMEX and petitioner noted that the margin program contained an incorrect instruction which resulted in an incorrect calculation of home market credit and inventory carrying cost. The Department, upon review of the margin program determined that the original final margin program failed to perform the proper mathematical calculation in calculating home market credit and inventory carrying cost, and U.S. credit and inventory carrying cost. The Department has corrected the amended final margin program to reflect these changes. For a complete discussion of the Department's corrected margin program, please see the amended final results analysis memo from the case analyst to the file.

Second, CEMEX contends that the Department used an incorrect factor to

convert quantities from short tons to metric tons in the margin calculation program. CEMEX did not raise this alleged error in its case brief for the sixth review. The petitioner argues that the Department used this conversion factor in the fifth review amended final results, the sixth review preliminary results, and the sixth review final results. We agree with petitioner, moreover, CEMEX did not object to the explicit statement in the **Federal Register** notice of the fifth review amended final results that the Department used the conversion factor CEMEX now contests—.907194 metric tons per short ton—in the amended final results. The Department's short ton/metric ton conversion factor (1 MT=1.1023 ST; 1/1.1023=0.907194) varies by 0.000009 from the factor proposed by CEMEX as the "numerically correct" factor (1 ST=2000 Lbs.; 1 MT=2,204.623 Lbs.; 2000/2,204.623=0.907185). Clearly, the Department's conversion factor is also "numerically correct," but reflects a different calculation methodology from that proposed by CEMEX. Thus, the Department did not err by using this factor, and we will not depart from established practice by adopting CEMEX's conversion factor for the sixth review amended final results.

Third, CEMEX alleges that the Department used incorrect inflation factors for the months of December 1995 and January 1996 in its calculation of the difference in merchandise (DIFMER) adjustment. Petitioner did not object to the corrected inflation factor, but noted that the Department failed to use the appropriate costs, as revised after verification, in the DIFMER adjustment calculation. Upon review of the margin program, the Department determined that CEMEX and petitioner are both correct, therefore, we have revised the inflation factors for the months of December 1995 and January 1996, revised the cost of production to reflect the costs as reported to us after verification, and recalculated DIFMER for both CEMEX and its collapsed affiliate, CDC. For a complete discussion of the Department's corrected margin program, please see the amended final results analysis memo from the case analyst to the file.

Finally, petitioner alleges that the Department failed to issue a final duty absorption finding in the **Federal Register** notice for the final results of review. CEMEX did not rebut petitioner's allegation. Upon review of the final results, the Department has determined that its position has not altered from the preliminary results of review and has determined that the

parties to the proceeding did not comment on the Department's preliminary finding. Therefore, consistent with our prior practice, the Department will continue to adhere to its preliminary finding for the final results of review. However, due to the fact that the final weighted-average dumping margin was revised between

the preliminary and final results, we have finally determined that CEMEX has margins on 92.49 percent of its U.S. sales.

Pursuant to section 353.28 of the Department's regulations, parties to the proceeding will have 5 days after the date of publication of this notice to notify the Department of other

ministerial or clerical errors, as well as, 5 days thereafter to rebut any comments by parties.

Amended Final Results of Review

As a result of our review, we have determined that the following margins exist:

Manufacturer/Exporter	Time period	Margin (percent)
CEMEX S.A de C.V	8/1/95-7/31/96	37.49

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective, upon publication of this notice of amended final results of 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 rates for the reviewed companies will be the rates for those firms as stated above; (2) for previously investigated 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, or the original 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 for gray portland cement and clinker, the all others rate established in the LTFV investigations. See Final Determination of Sales at Less Than Fair Value: Gray Portland Cement and Clinker from Mexico, 55 FR 29244, (1990).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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.

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 section 353.34(d) of the Department's regulations. 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 administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: April 21, 1998.

Robert S. LaRussa,
Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration [C-508-605]

Industrial Phosphoric Acid from Israel; Extension of Time Limit for Countervailing Duty Administrative Review

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

ACTION: Notice of extension of time limit for countervailing duty administrative review.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the administrative review of the countervailing duty order on industrial phosphoric acid from Israel, covering the period January 1, 1996 through December 31, 1996. This

extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Maria MacKay, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-2786.

POSTPONEMENT: Under the Act, the Department of Commerce (the Department) may extend the deadline for issuance of the preliminary results of review if it determines that it is not practicable to issue the preliminary results within the statutory time limit of 245 days after the last day of the month in which the anniversary of the date of the publication of the order occurs. The Department finds that it is not practicable to issue the preliminary results for the calendar year 1996 administrative review of industrial phosphoric acid from Israel within this time limit. (See Memorandum from the Acting Deputy Assistant Secretary for Import Administration, dated April 27, 1998, to the Acting Assistant Secretary for Import Administration, "Industrial Phosphoric Acid from Israel: Extension of the Deadline for the Preliminary Results of the 1996 Administrative Review (January 1, 1996 through December 31, 1996)", which is a public document on file in the Central Records Unit.)

In accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act, the Department will extend the time for issuance of the preliminary results of this review from May 4, 1998 to no later than August 31, 1998.