

SKF Germany's and Timken's motions to dismiss appeals in *SKF Germany*. On April 26, 2004, the CAFC granted the United States' motion to dismiss appeals in all four cases and lifted the stay of proceedings.

#### Assessment of Duties

The remands for *AFBs 7* had no effect on weighted-average margins or duty-assessment rates for FAG Italy, SKF Italy, SKF Sweden, Barden, and NSK/RHP. The remands for *AFBs 9* had no effect on weighted-average margins or duty-assessment rates for SKF France,

SKF Germany, SKF Italy, and SKF Sweden.

Accordingly, the Department will determine and CBP will assess appropriate antidumping duties on entries of the subject merchandise produced by the affected companies. Individual differences between U.S. price and foreign market value may vary from the percentages published. The Department has disclosed or will disclose assessment instructions to the parties in advance. The Department will issue assessment instructions to CBP

within 15 days of publication of these amended final results of reviews.

The CIT remanded *AFBs 7* and *AFBs 9* to the Department to annul all findings and conclusions made pursuant to the duty-absorption inquiries it conducted in both segments of proceeding. The Department hereby complies with the remand as directed by the CIT and annuls all findings and conclusions made pursuant to its duty-absorption inquiries conducted for the subject reviews with respect to the following companies:

| Segments     | Country        | Company     | Class or Kind of Merchandise |
|--------------|----------------|-------------|------------------------------|
| AFBs 7 ..... | Italy          | FAG Italy   | BBs                          |
| .....        | .....          | SKF Italy   | BBs                          |
| .....        | Sweden         | SKF Sweden  | BBs                          |
| .....        | United Kingdom | Barden      | BBs                          |
| .....        | .....          | NSK/RHP     | BBs, CRBs                    |
| AFBs 9 ..... | France         | SKF France  | BBs                          |
| .....        | Germany        | SKF Germany | BBs, CRBs, SPBs              |
| .....        | Italy          | SKF Italy   | BBs                          |
| .....        | Sweden         | SKF Sweden  | BBs, CRBs                    |

We are issuing and publishing these determinations in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: October 15, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-853]

#### Bulk Aspirin From the People's Republic of China: Amended Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On August 24, 2004, the United States Court of International Trade issued an amendment to its order, clarifying a June 29, 2004, decision regarding liquidation of entries of bulk aspirin from the People's Republic of China. Consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public of the Court's amendment.

**DATES:** Effective October 22, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Scott Holland, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1279.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 29, 2004, the United States Court of International Trade ("CIT") issued its decision to invalidate certain sets of liquidation instructions issued by the Department of Commerce ("the Department") in the antidumping proceeding covering entries of bulk aspirin from the People's Republic of China ("PRC"). See *Jilin Henghe Pharmaceutical Co. and Jilin Pharmaceutical USA v. United States*, Consol. Court No. 04-00151, Slip. Op. 04-77 (CIT 2004) ("*Jilin Henghe*").

Pursuant to *Timken*, on July 9, 2004, the Department published a notice of the CIT's decision in the **Federal Register**. See *Bulk Aspirin from the People's Republic of China: Notice of Court Decision and Suspension of Liquidation*, 69 FR 41458 (July 9, 2004).

On August 24, 2004, the CIT issued an amendment to its order to clarify that entries of bulk aspirin that (1) were manufactured and exported to the United States by Jilin Henghe Pharmaceutical Co. Ltd. ("Jilin") and imported by Jilin Pharmaceutical USA ("Jilin USA"); and (2) were entered, or withdrawn from warehouse, for consumption during the time period of

July 1, 2002, through September 29, 2002, or entered pursuant to Customs number D09-0929517-8, shall be liquidated in accordance with the Court's decision in *Rhodia Inc. v. United States*, 240 F. Supp. 2d 1247 (CIT 2002).

#### Timken Notice

In its decision in *Timken*, the Federal Circuit held that, pursuant to section 516A(c)(1) and (e) of the Tariff Act of 1930 ("the Act"), the Department must publish notice of a decision of the CIT which is not in harmony with the Department's determination. The CIT's decision in *Jilin Henghe* was not in harmony with the Department's *Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision: Bulk Aspirin from the People's Republic of China*, 68 FR 75208 (December 30, 2003), *Notice of Amended Final Results of Antidumping Duty Administrative Review: Bulk Aspirin from the People's Republic of China*, 68 FR 12036 (March 13, 2003), or *Notice of Amended Final Results of Antidumping Duty Administrative Review: Bulk Aspirin from the People's Republic of China*, 68 FR 54890 (September 19, 2003). Therefore, publication of this notice fulfills the statutory obligation.

#### Suspension of Liquidation

This notice will serve to continue the suspension of liquidation pending a final decision by the Federal Circuit. The Department will instruct Customs and Border Protection to continue to

suspend entries of bulk aspirin from the PRC that: (1) Were produced and exported by Jilin, and imported by Jilin USA; (2) were entered, or withdrawn from warehouse, for consumption from July 1, 2002, through September 29, 2002, or entered pursuant to Customs number D09-0929517-8. The Department will issue liquidation instructions covering these entries when there is a final decision by the Federal Circuit.

Dated: October 18, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-802]

#### **Gray Portland Cement and Clinker From Mexico: Notice of Extension of the Time Limit for the Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce is extending the time limit for the final results of the administrative review of the antidumping duty order on gray portland cement and clinker from Mexico until December 20, 2004. This extension applies to one manufacturer/exporter, CEMEX, S.A. de C.V., and its affiliate, GCC Cemento, S.A. de C.V. The period of review is August 1, 2002, through July 31, 2003.

**DATES:** Effective October 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Frank or Hermes Pinilla, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0090 and (202) 482-3477, respectively.

#### *Background*

On September 30, 2003, the Department of Commerce (the Department) published in the **Federal Register** the *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review* (68 FR 56262) in which it initiated an administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. On April 28, 2004, the

Department published a notice extending the date for issuing the preliminary results of this review until June 14, 2004. See *Gray Portland Cement and Clinker From Mexico: Notice of Extension of the Time Limit for the Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 23172. On June 22, 2004, the Department published in the **Federal Register** the preliminary results of this administrative review. See *Preliminary Results of Antidumping Duty Administrative Review: Gray Portland Cement and Clinker From Mexico*, 69 FR 34647.

#### *Extension of Time Limit for Final Results*

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the final results of an antidumping duty administrative review within 120 days of the date on which the preliminary results are published. Currently, the due date for the final results is October 20, 2004. The Act also provides that the Department may extend the 120-day period to 180 days, if it determines that it is not practicable to complete the review within the foregoing time period.

This review involves complex factual and legal issues regarding sales of a new type of cement, and the Department needs additional time to consider the issue. For this reason, the Department has determined that it is not practicable to complete the final results within the time limit mandated by section 751(a)(3)(A) of the Act. Therefore, in accordance with that section, the Department is extending the time limit for completion of the final results by 60 days.

The final results of review are now due no later than December 20, 2004. This extension of the time limit is in accordance with section 751(a)(3)(A) of the Act.

Dated: October 18, 2004.

**Jeffrey A. May,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Export Trade Certificate of Review**

**ACTION:** Notice of application.

**SUMMARY:** Export Trading Company Affairs, International Trade Administration, Department of

Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

#### **FOR FURTHER INFORMATION CONTACT:**

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number) or e-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

#### **Request for Public Comments**

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be marked clearly and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 1104H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 04-00004." A summary of the application follows.