(CEMEX), and GCC Cemento, S.A. de C.V. (GCCC),[1] in the determination.

CEMEX, GCCC, and the Southern Tier Cement Committee (the petitioner) contested various aspects of the Department's *Seventh Review Final Results*. On May 30, 2002, the Article 1904 Binational Panel (the Panel) issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA–MEX–99–1904–03 (May 30, 2002) (*First Remand Order*), remanding to the Department the *Seventh Review Final Results*.

In the *First Remand Order*, the Panel instructed the Department to do the following: (1) Explain why its findings regarding the difference in freight costs, the relative profit levels, the number and type of customers, and the disparity in handling charges support the Department's determination that sales of Type V cement sold as Type I cement were outside the ordinary course of trade, (2) explain the basis of its decision to assess duties on merchandise destined for consumption outside the region, with particular reference to the requirements of the U.S. Constitution, (3) reconsider its decision that sales by CEMEX of bag and bulk cement should be classified as the same like product and that sales of CEMEX's bag and bulk cement were made at the same level of trade, (4) reconsider its decision to treat U.S. warehousing expenses of CEMEX and CDC as indirect selling expenses, (5) make the appropriate adjustment to normal value for CEMEX's home-market pre-sale warehousing expenses, (6) reconsider its decision to treat CDC's sales to unaffiliated U.S. customers as indirect export-price (EP) sales instead of constructed-export-price (CEP) sales in light of the decision of the Court of Appeals for the Federal Circuit (CAFC) in *AK Steel Corp.* v. *United States*, 226 F.3d 1361 (2000), (7) correct errors it made in its calculation of the difference-in-merchandise (DIFMER) adjustment and explain its DIFMER decision further, and (8) explain its decision further to allow CEMEX an adjustment for home-market freight expenses. The Department responded to the *First Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review; Final Results of Redetermination Pursuant to NAFTA Panel*, September 27, 2002 (*First Remand*).

On April 11, 2003, the Panel issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA–MEX–99–1904–03 (April 11, 2003) (*Second Remand Order*), remanding to the Department its remand redetermination in the *First Remand*. In the *Second Remand Order*, the Panel instructed the Department to determine whether the U.S. sales by CDC should be compared to the home-market sales of Type V cement sold as Type I cement by CEMEX. The Department responded to the *Second Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review; Final Results of Redetermination Pursuant to NAFTA Panel*, May 27, 2003 (*Second Remand*).

On September 4, 2003, the Panel issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA–MEX–99–1904–03 (September 4, 2003) (*Third Remand Order*), remanding to the Department its remand redetermination in the *Second Remand*. In the *Third Remand Order*, the Panel instructed the Department not to use the adverse facts available it had applied in determining the margins on U.S. sales by CEMEX when calculating the importer-specific assessment rate for CDC. The Department responded to the *Third Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA–MEX–99–1904–03 (September 15, 2003) (*Third Remand*).

On November 25, 2003, the Panel issued an order in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA–MEX–99–1904–03 (November 25, 2003) (*Fourth Remand Order*), remanding to the Department its remand redetermination in the *Third Remand*. In the *Fourth Remand Order*, the Panel instructed the Department to calculate separate importer-specific assessment rates for CDC and CEMEX and not to apply adverse facts available with respect to the calculation of normal value for CDC. The Department responded to the *Fourth Remand Order* in its remand redetermination in *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA–MEX–99–1904–03 (December 16, 2003) (*Fourth Remand*).

On January 22, 2004, the Panel issued an order affirming the Department's *Fourth Remand*, and on February 2, 2004, the NAFTA Secretariat issued a notice of final panel action. See *Gray Portland Cement and Clinker from Mexico; Final Results of the Seventh Antidumping Administrative Review*, Secretariat File No. USA–MEX–99–1904–03 (January 22, 2004, and February 2, 2004, respectively).

Amendment to Final Results

Pursuant to section 516A(g) of the Tariff Act of 1930, as amended (the Act), we are now amending the final results of the administrative review of the antidumping duty order on gray portland cement and clinker from Mexico for the period August 1, 1996, through July 31, 1997. Based on the final results of redetermination on remand, the weighted-average antidumping margin for CEMEX and GCCC changes from 49.58 percent, calculated in the *Seventh Review Final Results*, to 37.34 percent.

The Department will determine and U.S. Customs and Border Protection will assess appropriate antidumping duties on entries of the subject merchandise exported by firms covered by this review. We will issue appropriate assessment instructions directly to CBP within 15 days of publication of these amended final results of review.

We are issuing and publishing this determination and notice in accordance with section 516A(g) of the Act.

Dated: March 5, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 04–5544 Filed 3–10–04; 8:45 am]

BILLING CODE 3510–DS–P

[1] Cementos de Chihuahua, S.A. de C.V. (CDC), was GCCC's formal name during this segment of the proceeding.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Commercial Availability Petition under the Andean Trade Promotion and Drug Eradication Act (ATPDEA), the African Growth and Opportunity Act (AGOA) and the United States - Caribbean Basin Trade Partnership Act (CBTPA)

March 8, 2004.

AGENCY: The Committee for the Implementation of Textile Agreements

ACTION: Request for public comments concerning a petition for a determination that round cut 10-wale

per inch cotton corduroy cannot be supplied by the domestic industry in commercial quantities in a timely manner under the ATPDEA, AGOA and CBTPA.

SUMMARY: On March 5, 2004, the Chairman of CITA received a petition from S. Schwab Company Inc. alleging that smooth, round cut 10-wale per inch (4-wale per centimeter) 100% cotton corduroy for use in manufacturing apparel articles, classified in subheading 5801.22.90 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that apparel articles of such fabrics be eligible for preferential treatment under the ATPDEA, the AGOA and the CBTPA. CITA hereby solicits public comments on this petition, in particular with regard to whether this fabric can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by March 26, 2004 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, 14th and Constitution, N.W., Washington, D.C. 20230

FOR FURTHER INFORMATION CONTACT: Anna Flaaten, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA; Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Sections 1 and 6 of Executive Order No. 13191 of January 17, 2001; Presidential Proclamations 7350 and 7351 of October 4, 2000; Section 204 (b)(3)(B)(ii) of the ATPDEA, Presidential Proclamation 7616 of October 31, 2002, Executive Order 13277 of November 19, 2002, and the United States Trade Representative's Notice of Further Assignment of Functions of November 25, 2002.

BACKGROUND:

The ATPDEA, the AGOA and the CBTPA provide for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States. The ATPDEA, the AGOA, and the CBTPA also provide for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more ATPDEA, AGOA, or CBTPA beneficiary countries from fabric or yarn that is not formed in the United States, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191 (66 FR 7271) and pursuant to Executive Order No. 13277 (67 FR 70305) and the United States Trade Representative's Notice of Redelegation of Authority and Further Assignment of Functions (67 FR 71606), CITA has been delegated the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the CBTPA, or the ATPDEA. On March 6, 2001, CITA published procedures that it will follow in considering requests (66 FR 13502).

On March 5, 2004, the Chairman of CITA received a petition from S. Schwab Company Inc. alleging that smooth, round cut 10-wale per inch (4-wale per centimeter) 100% cotton corduroy for use in manufacturing apparel articles, classified in subheading 5801.22.90 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting quota- and duty-free treatment under the ADPTEA, the AGOA and the CBTPA for apparel articles that are cut and sewn in one or more ADPTEA, AGOA or CBTPA beneficiary countries from such fabrics.

CITA is soliciting public comments regarding this request, particularly with respect to whether this fabric can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other fabrics that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabric for purposes of the intended use. Comments must be received no later than March 26, 2004. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that this fabric can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the fabric stating that it produces the fabric that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 04–5601 Filed 3–9–04; 10:44 am]

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Commercial Availability Request under the United States-Caribbean Basin Trade Partnership Act (CBTPA)

March 8, 2004.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a request for a determination that apparel made from 100 percent cotton woven flannel fabrics made from 14 through 41 NM single ring-spun yarns of different colors cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA.

SUMMARY: On March 4, 2004, the Chairman of CITA received a petition from Dillard's, Inc. and BWA, Inc. alleging that 100 percent cotton woven flannel fabrics made from 14 through 41 NM single ring-spun yarns of different colors, classified in subheading 5208.43.00 of the Harmonized Tariff Schedule of the United States (HTSUS) of 2 X 1 twill weave construction, weighing not more than 200 grams per square meter, for use in apparel articles, excluding gloves, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that apparel of such fabrics cut and sewn in one or more CBTPA beneficiary country be eligible for preferential treatment under the CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether such fabrics can be supplied by the domestic industry in commercial quantities in a timely manner.