

	Period
Sweden: Viscose Rayon Staple Fiber (C-401-056) .....	01/01/94-12/31/94
Thailand: Ball Bearings and Parts Thereof (C-549-802) .....	01/01/94-12/31/94
Venezuela: Ferrosilicon (C-307-808) .....	01/01/94-12/31/94

In accordance with sections 353.22(a) and 355.22(a) of the regulations, an interested party as defined by section 353.2(k) may request in writing that the Secretary conduct an administrative review. For antidumping reviews, the interested party must specify for which individual producers or resellers covered by an antidumping finding or order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which were produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-009, U.S. Department of Commerce, Washington, D.C. 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping Compliance, Attention: Pamela Woods, in room 3065 of the main Commerce Building. Further, in accordance with section 353.31(g) or 355.31(g) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review," for requests received by May 31, 1995. If the Department does not receive, by May 31, 1995, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: May 3, 1995.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Compliance.*

[FR Doc. 95-11531 Filed 5-9-95; 8:45 am]

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[A-588-815]

### Gray Portland Cement and Clinker From Japan; Court of International Trade Decision and Suspension of Liquidation

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

**SUMMARY:** On March 28, 1995, in the case of *Nihon Cement Co., Ltd. et al. v. United States*, Slip Op. 95-53 (*Nihon*), the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department) redetermination on remand of the original investigation of the antidumping duty order on gray portland cement and clinker from Japan (56 FR 21658, May 10, 1991).

**EFFECTIVE DATE:** May 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Michelle Frederick or John Brinkmann, Office of Antidumping Investigations, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 482-0186 or 482-5288, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 10, 1991, the Department published in the **Federal Register** the Antidumping Duty Order and Amendment to Final Determination of Gray Portland Cement and Clinker from Japan. In that order, the Department set forth its finding of weighted-average margins for two companies during the period of investigation (December 1, 1989 through May 31, 1990), and announced its intent to instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

Subsequent to this determination, the two companies which were the subject of the investigation filed lawsuits with the CIT challenging the determination. Thereafter the CIT issued an order and Opinion dated May 25, 1993, in *Nihon Cement Co., et. al. v. United States*, Court No. 91-06-00425, Slip Op. 93-80

(May 25, 1993) remanding the Department's final determination so that the Department could: (1) Recalculate the United States price for Onoda Cement Co.'s (Onoda) sales through Lone Star Northwest's Oregon division; (2) articulate its underlying reasoning regarding every element of 19 U.S.C. section 1677(16)(B) (1988) in its product comparison analysis; (3) recalculate the dumping margin assigned to Nihon Cement Co., Ltd. (Nihon) without collapsing Nihon and the related entities Myojo Cement Co., Ltd. and Daiichi Cement Co., Ltd; and (4) conduct a substantive investigation of the service stations used by Onoda in its home market distribution system.

On September 10, 1993, the Department submitted its Final Remand Results to the CIT. The defendant-intervenor (the petitioner) subsequently filed a motion requesting reconsideration of the court's order of remand in light of the decision in *The Ad Hoc Committee of AX-NM-TX-FL Producers of Gray Portland Cement v. United States*, 13 F.3d 398 (Fed. Cir. 1994) (*Ad Hoc Committee*). In that decision, the Ad Hoc Committee court held that the Department had no inherent, "gap filling" authority to adjust for home market pre-sale movement expenses. Thus, the CIT remanded the Department's adjustment for home market pre-sale movement expenses for both Nihon and Onoda. In performing the instant remands, however, the CIT agreed with the Department that the authority exists to make such an adjustment to foreign market value (FMV) under the circumstance-of-sale provision of the Department's regulations (19 C.F.R. 353.56). Under this regulation, the Department will make the adjustment to FMV only if the expenses are determined to be directly related to the sales under investigation. To determine whether pre-sale movement expenses are direct, the Department examines the respondent's pre-sale warehousing expenses because the pre-sale movement charges incurred in positioning the merchandise at the warehouse are considered, for analytical purposes, to be "inextricably linked" to pre-sale warehousing expenses.

The Department's remand determination to deduct these home market pre-sale movement expenses

from FMV with respect to Nihon was affirmed because, consistent with 19 C.F.R. 353.56, these expenses were demonstrated to be direct expenses. Similarly, the Department's remand determination not to deduct the expenses from FMV associated with Onoda purchase price transactions was affirmed because these expenses were indirect expenses. With respect to Onoda's exporter's sales price comparisons, the court affirmed the Department's decision not to deduct these from FMV, but to include them in the pool of home market indirect expenses to offset indirect expenses in the U.S. market.

By order dated May 18, 1994, the CIT vacated and dismissed the May 25, 1993, remand with regard to the following issues: (1) The recalculation of United States Price for Onoda's sales through Lone Star Northwest's Oregon division; (2) the articulation of the Department's underlying reasoning regarding every element of 19 U.S.C. 1677(16)(B) (1988) in its product comparison analysis; and (3) the conducting of a substantive investigation of the service stations used by Onoda in its home market distribution system.

On July 5, 1994, the Department submitted its Final Results of Redetermination Pursuant To Court Remand for Nihon. On September 8, 1994, the Department submitted its Final Results of Redetermination Pursuant to Court Remand with regard to Onoda and the "All Others" rate. The parties subsequently filed comments upon the results of the Department's remand determinations. The Department responded to the parties' comments on January 6, 1995, requesting that the CIT again remand this action in order to provide the Department an opportunity to reexamine the calculation of Nihon's margin by taking into account the October 3, 1990, Supplemental Response submitted by Nihon during the original investigation. By order dated January 19, 1995, the CIT sustained the Department's remand determination with respect to the calculation of Onoda's margin, and ordered this action remanded to the Department for reconsideration of its calculation of Nihon's margin. The Department submitted its Final Results of Redetermination Pursuant To Court Remand on February 16, 1995, that determined a recalculated weighted-average antidumping duty rate of 69.89 percent for Nihon, and 70.23 percent for "All Others." Pursuant to the September 8, 1994, Final Results of Redetermination Pursuant to Court

Remand, the revised weighted-average antidumping rate for Onoda is 70.52 percent. The CIT, in Nihon, affirmed all redeterminations and dismissed this action on March 28, 1995.

#### Suspension of Liquidation

In its decision in *Timken Co. v. United States*, Court No. 89-1489 (January 4, 1990) (*Timken*), the Federal Circuit held that the Department must publish a notice of a decision of the CIT or the Federal Circuit which is not "in harmony" with the Department's determination. Publication of this notice fulfills this obligation. The Federal Circuit also held that in such a case, the Department must suspend liquidation until there is a "conclusive" decision in the action. The option of appealing this decision is being weighed, and a "conclusive" decision can not be reached until the opportunity to appeal expires, or any appeal is decided by the Federal Circuit. Therefore, the Department will continue to suspend liquidation pending the expiration of the period to appeal or pending a final decision of the Federal Circuit if *Nihon* is appealed.

Date: May 4, 1995.

**Paul L. Joffe,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 95-11529 Filed 5-9-95; 8:45 am]

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#### [C-412-811]

#### **Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; Preliminary Results of Countervailing Duty Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Countervailing Duty Administrative Review.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom. We have preliminarily determined the net subsidy to be 20.33 percent *ad valorem* for Allied Steel and Wire Limited (ASW Limited) and 7.03 percent *ad valorem* for all other companies for the period September 17, 1992 through December 31, 1992. We have preliminarily determined the net subsidy to be 20.33 percent *ad valorem* for ASW Limited, 2.68 percent *ad valorem* for United

Engineering Steels (UES), and 9.76 percent *ad valorem* for all other companies for the periods January 1, 1993 through January 14, 1993, and March 22, 1993 through December 31, 1993. If the final results remain the same as these preliminary results of administrative review, we will instruct U.S. Customs to assess countervailing duties as indicated above.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** May 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dana Mermelstein, Melanie Brown or Christopher Cassel, Office of Countervailing Compliance, 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.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 22, 1993, the Department published in the **Federal Register** (58 FR 15327) the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom. On March 4, 1994, the Department published a notice of "Opportunity to Request an Administrative Review" (59 FR 10368) of this countervailing duty order. We received a timely request for review from UES, a respondent company.

We initiated the review, covering the period September 17, 1992 through December 31, 1993, on April 15, 1994 (59 FR 18099). The review covers two manufacturers/exporters of the subject merchandise and fifteen programs.

##### **Applicable Statute and Regulations**

The Department is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. However, references to the Department's Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, (54 FR 23366; May 31, 1989) (Proposed Regulations), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the Proposed Regulations were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which,