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#### SUPPLEMENTARY INFORMATION:

##### Background

On May 23, 1995 (60 FR 27273), the Department published in the Federal Register notice of initiation of administrative review of the antidumping duty order on fresh and chilled Atlantic salmon from Norway covering the period November 1, 1994 through April 30, 1995.

Based on Nordic's questionnaire response, the Department determined that Nordic made no sales to unrelated U.S. purchasers during the period of review. (See Memorandum from Joseph Spetrini to Susan Esserman, September 20, 1995.) The Department is now terminating this review in-part for Nordic. The review of Cocoon Ltd. A/S will continue.

This notice is published pursuant to 19 CFR 353.22(h).

Dated: September 29, 1995.

Joseph A. Spetrini,

*Deputy Assistant Secretary for Compliance.*

[FR Doc. 95-25297 Filed 10-11-95; 8:45 am]

BILLING CODE 3510-DS-M

[A-201-802]

#### Gray Portland Cement and Clinker From Mexico; Notice of Court Decision

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

**ACTION:** Notice of court decision and suspension of liquidation.

**SUMMARY:** On July 12, 1995, in the case of *The Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States*, Slip Op. 95-125, (*Ad Hoc*), the United States Court of International Trade (the Court) affirmed the Department of Commerce's (the Department's) results of redetermination pursuant to remand, and prior remand determinations of the Department, of the final results of the first administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The period covered by the first review is April 12, 1990 through July 31, 1991. The Court ruled that the challenge by defendant-intervenor CEMEX, S.A. of the Department's treatment of value-added taxes was untimely filed and, therefore, sustained

the Department's final results of redetermination pursuant to remand.

**EFFECTIVE DATE:** October 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** Robert James or John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, DC 20230; telephone: (202) 482-5253.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 28, 1993, the Department published in the Federal Register the final results of its first administrative review of the antidumping duty order on gray portland cement and clinker from Mexico (58 FR 25803 (April 28, 1993)). In those final results, the Department set forth its determination of the weighted-average margins for the two respondent companies for the period of review, April 12, 1990 through July 31, 1991, and announced its intent to instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

Petitioners in these proceedings subsequently filed suit with the Court challenging these final results. Thereafter, the Court published an Order and Opinion dated September 26, 1994 in *Ad Hoc*, Ct. No. 93-05-00273, Slip Op. 94-151, remanding the Department's determination with instructions to: (1) Consider CEMEX's claimed deductions for pre-sale home market transportation costs under the circumstances-of-sale (COS) provision of the Department's regulations; (2) apply a value-added-tax (VAT) adjustment consistent with the methodology established in *Torrington Co. v. United States*, 853 F. Supp. 446 (CIT 1994); (3) reclassify certain transactions designated as exporter's sales price (ESP) transactions as purchase price transactions and reconsider the selection of best information available (BIA) for certain other sales; and (4) reconsider the selection of BIA data for missing added material costs. On January 5, 1995, the Department filed its remand results with the Court. On January 25, 1995, CEMEX challenged certain aspects of the Department's remand results, including our treatment of VAT.

On May 15, 1995, the Court ordered a second remand so that the Department could make technical corrections to its final remand results (Slip Op. 95-91). The Department filed its redetermination with the Court on June 13, 1995; the Court, on July 12, 1995, affirmed the Department's remand

results, and issued a judgment that CEMEX's January 25, 1995 challenge on the issue of value-added taxes was untimely filed and, therefore, moot.

#### Suspension of Liquidation

In its decision in *Timken Co. v. United States*, Court No. 89-1489 (January 4, 1990), the Federal Circuit held that the Department must publish notice of a decision of the Court or 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. CEMEX has filed an appeal with the Federal Circuit that challenges the Court's May 15, 1995 and July 12, 1995 decisions. Therefore, the Department will continue to suspend liquidation pending a final decision of the Federal Circuit in this case. In the event of a "conclusive" decision affirming the Court's July 12, 1995 and May 15, 1995 decisions, the Department will publish in the Federal Register an amended final results of administrative review that reflects the results of the Court's May 15, 1995 and July 12, 1995 decisions.

Dated: October 4, 1995.

Paul L. Joffe,

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 95-25303 Filed 10-11-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-351-605]

#### Frozen Concentrated Orange Juice From Brazil: Termination Antidumping Duty Administrative Review

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

**ACTION:** Notice of Termination of Antidumping Duty Administrative Review.

**SUMMARY:** On June 15, the Department of Commerce (the Department) published in the Federal Register (60 FR 31447) the notice of initiation of the administrative review of the antidumping duty order on frozen concentrated orange juice from Brazil. This review has now been terminated as result of withdrawal of the requests for review by each of the two respondents, Branco Peres Citrus, S.A. (Branco Peres) and CTM Citrus S.A. (Citrus), that originally requested the review.

**EFFECTIVE DATE:** October 12, 1995.