[A–427–806, A–427–807, A–427–808, A–427–809]

Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From France; Notice of Final Court Decision and Amended Final Determinations

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

ACTION: Notice.

SUMMARY: On May 28, 1996, in the case of Usinor Sacilor v. United States, Consol. Court No. 93–09–00592–AD (''Usinor Sacilor''), the United States Court of International Trade (the Court) affirmed the Department of Commerce's (the Department's) second redeterminations on remand arising out of the final determinations of sales at less than fair value in the antidumping duty investigations of certain hot-rolled carbon steel flat products, certain cold-rolled flat products, certain corrosion-resistant flat products, and certain cut-to-length steel plate from France. As there is now a final and conclusive court decision in this action, we are amending our final determinations in this matter and will instruct the U.S. Customs Service to change the cash deposit rate and to liquidate certain past entries of the subject merchandise.

FOR FURTHER INFORMATION CONTACT: Edward Easton at (202) 482–1777, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 9, 1993, the Department published its final determinations of sales at less than fair value in the antidumping duty investigations of certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, certain corrosion-resistant carbon steel flat products, and certain cut-to-length carbon steel plate from France. On August 19, 1993, the Department published amended final determinations.

Subsequently, Usinor Sacilor filed lawsuits with the Court challenging the final determinations. On December 19, 1994, the Court remanded the cases to the Department on certain of the challenged issues. In its opinion, the Court found that the Department had improperly rejected Usinor Sacilor's revised and corrected product concordance and resorted to the ''best information available'' (BIA). The Court directed the Department to accept the concordance. The Court also found that the Department had improperly used BIA to remedy Usinor Sacilor's having improperly coded a particular grade of hot-rolled steel. The Court directed the Department either to use the relevant sales as coded or to allow Usinor Sacilor to reclassify them. In addition, the Court rejected the Department's selection of the highest non-aberrant margin as BIA for the downstream sales of Usinor Scilor's majority-owned steel service centers. The Court instructed the Department to use, instead, the ''weighted-average calculated margin.'' Finally, with regard to the downstream sales of mintory-owned steel service centers, the Court instructed the Department to Determine whether Usinor Sacilor had operational control over these service centers. If the Department were to find that Usinor Sacilor did control them, we were to select the highest non-aberrant margin as BIA in a manner consistent with the Court's ruling in National Steel Corp. v. United States, Slip. Op. 94–194 (December 13, 1994). On the other hand, if the Department were to determine that Usinor Sacilor did not control the steel service centers in which it had a minority ownership, we were to apply the ''weighted-average calculated margin'' as BIA.

On remand, after finding that Usinor Sacilor lacked operational control over the minority-owned service centers, the Department used the weighted-average calculated margin as BIA for the downstream sales of both the majority- and minority-owned steel service centers. This weighted-average calculated BIA margin consisted of individual price-to-price margins, price-to-constructed value margins, and unchallenged BIA margins. The Department also accepted Usinor Sacilor's revised and corrected product concordance and allowed the company to correct the coding of the miscoded grade of steel. On February 17, 1995, the Department filed its required remand results with the Court.

On November 9, 1995, the Court remanded the Department's redeterminations on remand. In this remand opinion, the Court explained that it had intended that the Department use a weighted-average calculated margin consisting only of price-to-price and price-to-constructed value margins, not including the unchallenged margins based on BIA.

The Department submitted the recalculated weighted-average margins to the Court on January 11, 1996.

On May 28, 1996, the Court upheld the Department's second set of redeterminations. See Usinor Sacilor v. United States, Consol. Ct No. 93–09–00592–AD, Slip Op. 96–84 (CIT May 28, 1996).

On June 21, 1996, the Department published a notice of court decision pursuant to 19 U.S.C. 1516e(e). Notice of Court Decision and Suspension of Liquidation, 61 FR 31921. In that notice, we stated that we would suspend liquidation until there was a ''conclusive'' decision in the action. Since that notice, the period to appeal has expired and no appeal was filed. Therefore, as there is now a final and conclusive court decision in this action, we are amending our final determinations.

Amendment to Final Determinations

Pursuant to 19 U.S.C. 1516a(e), we are now amending the final determinations in certain hot-rolled carbon steel flat products, certain cold-rolled steel flat products, certain corrosion-resistant carbon steel flat products, and certain cut-to-length steel plate from France.

The recalculated weighted-average dumping margins for Usinor Sacilor and for the ''All Others'' rate are as follows:

Certain Hot-Rolled Carbon Steel Products	25.80%
Certain Cold-Rolled Carbon Steel Products	44.52%
Certain Corrosion-Resistant Carbon Steel Products	29.41%
Certain Cut-to-Length Carbon Steel Plate	52.76%

In August 1993, the U.S. International Trade Commission (the Commission) determined that an industry in the United States was not materially injured or threatened with material injury, and that the establishment of an industry in the United States was not materially retarded, by reason of imports of certain hot-rolled carbon steel flat products, certain cold-rolled carbon steel flat products, or certain cut-to-length carbon steel plate from France. These negative determinations had the effect of terminating those investigations and no antidumping duty orders were issued concerning those products.

The Commission also determines that an industry in the United States was materially injured or threatened with material injury by reason of imports of certain corrosion-resistant carbon steel products from France. As a consequence of the Commission's affirmative determination, these products were subject to an antidumping order. The Department will instruct the U.S.

Customs Service to change the appropriate cash deposit requirements in accordance with the recalculated rate for corrosion-resistant steel products and to proceed with liquidation of the subject merchandise entered on or after April 6, 1993, and before August 17, 1993. All other entries currently are enjoined from liquidation by a preliminary injunction issued by the Court in *Inland Steel Industries* v. *United States*, Consol. Court No. 93–09–00567–CVD.

Dated: September 23, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–25109 Filed 9–30–96; 8:45 am]

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[A–122–085]

Sugar and Syrups from Canada; Final Results of Changed Circumstances Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review.

SUMMARY: On September 17, 1996, the Department of Commerce (the Department) published the notice of inititiation and preliminary results of its changed circumstances administrative review concerning its examination of whether Rogers Sugar Ltd. (Rogers) is the successor-in-interest to the British Columbia Sugar Refining Company, Limited (BC Sugar) for purposes of determining antidumping liability. We have now completed that review and determine that Rogers is the successor company to BC Sugar for antidumping duty law purposes and, as such, receives the antidumping duty cash deposit rate previously assigned to BC Sugar of zero percent ad valorem.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: J. David Dirstine or Richard Rimlinger, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

In a letter dated August 30, 1996, Rogers advised the Department that on June 1, 1995, the former BC Sugar effected a legal name change to Rogers Sugar Ltd. Rogers stated that the former Executive Vice President of BC Sugar is now the President and Chief Operating Officer of Rogers and, further, that the company's management structure is otherwise unchanged. Rogers also stated that the company's three production facilities are unaffected by this change, as are supplier relationships and the company's customer base. Rogers submitted a copy of the document dated June 5, 1995, which evidences this legal name change and which was filed with the Canadian Government to record the name change under the Canada Business Corporations Act.

On September 17, 1996, the Department of Commerce (the Department) published in the Federal Register (61 FR 48885) the notice of initiation and preliminary results of its antidumping duty changed circumstances review of the antidumping duty order on sugar and syrups from Canada. We have now completed this changed circumstances review in accordance with section 751(b) of the Tariff Act, as amended (the Act).

Scope of the Review

Imports covered by the review are shipments of Canadian sugar and syrups produced from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar. Sugar and syrups are currently classifiable under item numbers 1701.11.0025, 1701.11.0045, and 1702.90.3000 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Successorship

In a letter dated August 30, 1996, Rogers advised the Department that on June 1, 1995, the former BC Sugar effected a legal name change to Rogers Sugar Ltd. Since October 25, 1983, BC Sugar has been assigned a zero percent antidumping duty cash deposit rate *(See Sugar and Syrups From Canada; Final Results of Administrative Review of Antidumping Duty Order*, 48 FR 49327 (October 25, 1983)). Thus, Rogers requested that the Department make a determination that Rogers Sugar Ltd. receive the same antidumping duty treatment as the former BC Sugar.

Upon examing the factors of: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base, the Department has determined that the resulting operation of Rogers is the same as that of its predecessor, BC Sugar, and thus the Department has determined that Rogers is the successor-in-interest to BC Sugar for purposes of determining antidumping duty liability. For a complete discussion of the basis for this decision, *see Sugar and Syrups From Canada; Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review*, 61 FR 48885 (September 17, 1996).

Comments

Although we gave interested parties an opportunity to comment on the preliminary results, none were submitted.

Final Results of Review

We determine that Rogers is successor-in-interest to BC Sugar and, accordingly, Rogers will receive the same antidumping duty treatment as the former BC Sugar, i.e., a zero percent antidumping duty cash deposit rate. We will instruct the U.S. Customs Service to terminate suspension of liquidation on entries from Rogers and to liquidate without regard to antidumping duties, merchandise exported by Rogers on or after June 1, 1995, the date on which the corporate name change was legally effected.

This changed circumstances review and notice are in accordance with section 751(b)(1) of the Act (19 U.S.C. 1675(b) and 19 CFR 353.22(f)(4).

Dated: September 25, 1996.

Barbara R. Stafford,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–25113 Filed 9–30–96; 8:45 am]

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Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.