

their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review, intent to revoke, and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), 19 CFR 353.22, and 19 CFR 353.25.

Dated: November 25, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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[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 October 24, 1996, in the case of *Cemex, S.A. v. United States*, Slip Op. 96-170, (Cemex), the United States Court of International Trade (the Court) affirmed the Department of Commerce's (the Department's) results of redetermination pursuant to remand of the final results of the second administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The period covered by the second review is August 1, 1991 through July 31, 1992. Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department will not order the liquidation of the subject merchandise entered or withdrawn from warehouse for consumption prior to a "conclusive" decision in this case.

**EFFECTIVE DATE:** November 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Robert James or John Kugelman, Office Eight, Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5222.

### SUPPLEMENTARY INFORMATION:

#### Background

On September 8, 1993, the Department published in the Federal Register the final results of its second administrative review of the antidumping duty order on gray portland cement and clinker from Mexico (58 FR 47253 (September 8, 1993)). In those final results the Department set forth its determination of the weighted-average margins for the respondent Cemex for the period of review, August 1, 1991 through July 31, 1992, and announced its intent to instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries.

Cemex subsequently filed suit with the Court challenging these final results. Thereafter, the Court published an Opinion dated April 24, 1995, in *Cemex, S.A. v. United States*, Ct. No. 93-10-00659, Slip Op. 95-72, remanding the Department's determination with instructions to: (1) Request and consider difference-in-merchandise information to determine the suitability of a price-to-price comparison of U.S. sales of Types II and V cement to home market sales of Type I cement; (2) consider an arm's-length test of transfer prices between a cement distributor and a concrete manufacturer in the United States, both related to Cemex, for allocating profit to value added during further processing in the United States; (3) examine whether the Department articulated a new policy regarding treatment of interest income "at a critical juncture," thus warranting consideration of factual information submitted by Cemex but rejected as untimely new information; and (4) correct our margin calculation to include CEMEX's sales of further-manufactured merchandise. See *Cemex, S.A. v. United States*, Slip Op. 95-72 (CIT April 24, 1995). On February 1, 1996, the Department filed its remand results with the Court. Cemex and defendant-intervenors, The Ad-Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement and the National Cement Company of California, Inc., challenged certain aspects of the Department's remand results.

On August 13, 1996, the Court ordered a second remand so that the Department (1) could determine if the inclusion of non-subject merchandise in Cemex's calculation of its home market freight expenses is distortive; (2) deny, as either direct or indirect adjustments, Cemex's claimed adjustments to foreign market value for post-sale freight expenses in those cases where the

expenses fail to qualify as a direct deduction from foreign market value; (3) choose an appropriate methodology for establishing duty assessment and estimated deposit rates; and (4) correct certain clerical errors discovered during the first remand proceeding. See *Cemex, S.A. v. United States*, Slip Op. 96-132 (CIT August 13, 1996). The Department filed its second redetermination with the Court on September 27, 1996; the Court, on October 24, 1996, affirmed the Department's remand results. See *Cemex, S.A. v. United States*, Slip Op. 96-170 (CIT October 24, 1996).

#### Suspension of Liquidation

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), 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. A "conclusive" decision cannot 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 expiration of the period to appeal or pending a final decision of the Federal Circuit if Cemex is appealed.

Dated: November 25, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

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[A-580-811]

### Steel Wire Rope From the Republic of Korea; Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke Antidumping Duty Order in Part

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review and intent to revoke antidumping duty order in part.

**SUMMARY:** In response to requests by the petitioner, the Committee of Domestic Steel Wire Rope & Specialty Cable Manufacturers, and by Manho Rope and Wire Ltd. (Manho) and Chun Kee Steel Wire Co. Ltd. (Chun Kee), respondent manufacturers/exporters of steel wire rope, the Department of Commerce (the