Because U.S. repacking costs are clearly related to such activities, we have deducted these expenses from the starting price to calculate CEP for the final results.

Comment 20

Petitioners claim that the Department uniformly reduced Toyota's home market sales prices by reported inland freight expenses, which is inappropriate because Toyota's reported home market prices were exclusive of inland freight for certain sales. Petitioners assert that deducting these amounts resulted in an understatement of NV for those sales for which the price did not include delivery.

Toyota responds that it reported, and the Department verified, inland freight amounts only where the prices were inclusive of inland freight. Toyota asserts that the Department's Preliminary Results accomplish exactly what petitioners claim is proper.

Department's Position

We agree with petitioners. Toyota reported that its reported home market gross unit price ''includes inland freight only where the sales term is c.&f.'' (October 16, 1995 response at B–22) and indicated that for a particular sale ''the sales term is FOB, that is, it does not include charges for inland freight'' (May 3, 1996 supplemental response at Supp. 29). We have ensured that our calculations reflect the information Toyota provided in its response concerning this expense.

Final Results of Review

We determine that the following weighted-average margins exist for the period June 1, 1994, through May 31, 1995:

Manufacturer/exporter	Margin (percent)
Toyota	50.34
Nissan	[1] 7.36
Toyo	[1] 4.48

[1] No shipments or sales subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments/sales.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated an exporter/importer-specific assessment rate for Toyota. For Toyota's CEP sales we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales and the entered value of leased trucks not subject to review (see our response to Toyota comment 10). We will direct Customs to assess the resulting percentage margin against the entered Customs values for the subject merchandise on each of Toyota's entries during the review period. While the Department is aware that the entered value of sales during the POR is not necessarily equal to the entered value of entries during the POR, use of entered value of sales as the basis of the assessment rate permits the Department to collect a reasonable approximation of the antidumping duties which would have been determined if the Department had reviewed those sales of merchandise actually entered during the POR.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of forklift trucks entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the ''All Others'' rate of 39.45 percent made effective by the final results of review in *Certain Internal-Combustion Industrial Forklift Trucks From Japan; Final Results of Antidumping Duty Administrative Review*, 59 FR 1374,1384 (January 10, 1994).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of 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 notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

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

Dated: January 29, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–2877 Filed 2–5–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–201–817]

Oil Country Tubular Goods From Mexico: Notice of Panel Decision, Amended Order and Final Determination of Antidumping Duty Investigation in Accordance With Decision Upon Remand

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

ACTION: Notice of panel decision and amendment to final determination of antidumping duty investigation in accordance with decision upon remand.

SUMMARY: As a result of a remand from a Binational Panel (the Panel), convened pursuant to the North American Free Trade Agreement (NAFTA), the Department of Commerce (the Department) is amending its final determination in the antidumping duty investigation of Oil Country Tubular Goods from Mexico. The Department has determined, in accordance with the instruction of the Panel, the dumping margin for entries of Oil Country Tubular Goods from Mexico to be 21.70 percent.

EFFECTIVE DATE: February 6, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Stagner, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1673.

SUPPLEMENTARY INFORMATION:

Background

On June 28, 1995, the Department published in the Federal Register (60 FR 33567) the final determination of sales at less than fair value for Oil Country Tubular Goods from Mexico (OCTG from Mexico). On August 11, 1995, the Department published the antidumping duty order on OCTG from Mexico. 60 FR 41056.

Subsequent to the antidumping duty order, Tubos de Acero de Mexico, S.A. (TAMSA), the sole respondent, challenged the Department's findings and requested that the Panel review the final determination. Thereafter, the Panel remanded the Department's final determination with respect to two issues. Specifically, the Panel directed the Department to (1) substitute a weighted-average factor for the adverse factor used in the calculation of nonstandard costs for certain products and (2) provide a complete explanation of its reasoning for its use of 1994 data in calculating general and administrative (G&A) expense. In the Matter of: Oil Country Tubular Goods from Mexico; Final Determination of Sales at Less Than Fair Value, USA–95–1904–04 (July 31, 1996).

The Department recalculated the nonstandard costs using a weighted-average factor and provided an explanation of our use of 1994 data in calculating G&A expenses.[1] The Department submitted its remand determination on October 25, 1996.

On December 2, 1996, the Panel affirmed the remand determination of the Department. In the Matter of: Oil Country Tubular Goods from Mexico; Final Determination of Sales at Less Than Fair Value, USA–95–1904–04 (July 31, 1996) (Final Panel Order). As a result, the margin for TAMSA and all other producers/exporters was reduced from 23.79 percent to 21.70 percent.

Suspension of Liquidation

The Department will instruct the Customs Service to collect cash deposits of 21.70 percent on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this amended final determination.

This notice is published pursuant to 19 U.S.C. 1516a(g)(5)(B) (1996), section 735(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(d) (1996)), and 19 CFR 353.20(a)(4) (1996).

Dated: January 31, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–3006 Filed 2–5–97; 8:45 am]

BILLING CODE 3510–DS–P

[1] For a complete discussion of the Department's reasoning for using 1994 data in calculating G&A expenses, see Redetermination on Remand; Final Determination of Sales at Less Than Fair Value: Oil Country Tubular Goods from Mexico (October 25, 1996).

[A–357–804]

Notice of Final Results of the 1992/93 Antidumping Duty Administrative Review: Silicon Metal From Argentina

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

SUMMARY: In response to timely requests from the respondents, Electrometalurgica Andina S.A.I.C. (Andina) and Silarsa S.A. (Silarsa), and the petitioners,[1] the Department of Commerce has conducted an administrative review of the antidumping duty order on silicon metal from Argentina. The review covers merchandise exported to the United States by these two respondents during the review period of September 1, 1992 through August 31, 1993.

EFFECTIVE DATE: February 6, 1997.

FOR FURTHER INFORMATION CONTACT: Michelle Frederick, Magd Zalok, or Howard Smith, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–0186, (202) 482–4162, or (202) 482–3530, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On July 25, 1996, the Department of Commerce (the Department) published in the Federal Register the preliminary results of this administrative review. *See Notice of Preliminary Results of the 1992/93 Antidumping Duty Administrative Review: Silicon Metal from Argentina*, 61 FR 38711 (July 25, 1996) (*Preliminary Results*). On August 26, 1996, the Department received briefs from Andina and the petitioners. On September 3, 1996, the Department received rebuttal briefs from Andina, the petitioners, and Hunter Douglas, an importer of the subject merchandise. On September 10, 1996, the petitioners withdrew their request for a hearing. The Department held ex-parte meetings with the petitioners' counsel and counsel for Hunter Douglas on September 11 and 13, 1996, respectively (*see* Ex-Parte Memoranda From the Team to the File dated September 11 and 13, 1996). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

[1] American Alloys Inc., American Silicon Technologies, ELKEM Metals Company, Globe Metallurgical Inc., and SKW Metals & Alloys Inc.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of Review

The product covered by this review is silicon metal. During the less-than-fair-value (LTFV) investigation, silicon metal was described as containing at least 96.00 percent, but less than 99.99 percent, silicon by weight. In response to a request by the petitioners for clarification of the scope of the antidumping duty order on silicon metal from the People's Republic of China (PRC), the Department determined that material with a higher aluminum content containing between 89 and 96 percent silicon by weight is the same class or kind of merchandise as silicon metal described in the LTFV investigation (*see Final Scope Rulings—Antidumping Duty Orders on Silicon Metal From the People's Republic of China, Brazil, and Argentina* (February 3, 1993)). Therefore, such material is within the scope of the orders on silicon metal from the PRC, Brazil, and Argentina. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) and is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this review. The HTS subheadings are provided for convenience and U.S. Customs purposes only. Our written description of the scope of the proceeding is dispositive.

Best Information Available

As explained in the preliminary results, Silarsa failed to respond to the Department's questionnaire in this review. Therefore, we have determined that the use of best information available (BIA) is appropriate for Silarsa in accordance with section 776(c) of the Act. For discussion of the Department's rationale for assigning a non-cooperative respondent a dumping margin based on BIA, *see Preliminary Results.* In this review, we have assigned Silarsa, as BIA, a margin of 24.62 percent, the rate assigned to Silarsa in the *Amendment to Final Results of Antidumping Administrative Review (1991/92): Silicon Metal from Argentina*, 59 FR 1617 (April 6, 1994), which is the highest rate for any company from any prior segment of the proceeding.