

Dated: January 31, 1997.  
 Robert S. LaRussa,  
 Acting Assistant Secretary for Import  
 Administration.  
 [FR Doc. 97-3101 Filed 2-6-97; 8:45 am]  
 BILLING CODE 3510-DS-P

[A-201-802]

**Gray Portland Cement and Clinker From Mexico; Amended Final Results of Antidumping Duty Administrative Review in Accordance With Court Decision**

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

**ACTION:** Notice of amended final results of antidumping duty administrative review in accordance with court decision.

**SUMMARY:** On August 1, 1996, the Court of Appeals for the Federal Circuit (the Federal Circuit) affirmed the July 12, 1995 decision of the Court of International Trade (CIT) in *The Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States*, Slip Op. 95-125 (CIT 1995) (*Ad Hoc*). In its July 12, 1995 opinion, the CIT 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 Federal Circuit's ruling represents a "final and conclusive" court decision "not in harmony" with the Department's original determination. As a result of these remand redeterminations, the Department found a dumping margin for respondent Cemex, S.A. de C.V. (Cemex) for the period April 12, 1990 through July 31, 1991 of 61.42 percent.

**EFFECTIVE DATE:** February 7, 1997.

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

**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 April 12, 1990 through July 31, 1991. Petitioners and Cemex subsequently filed separate complaints with the CIT challenging the final results; these complaints were later consolidated. Thereafter, the CIT published an Order and Opinion dated September 26, 1994 in *Ad Hoc Committee v. United States*, Ct. No. 93-05-00273, Slip Op. 94-151, remanding the Department's final results 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 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 CIT. Cemex challenged certain aspects of the Department's remand results, including our treatment of VAT.

On May 15, 1995, the CIT ordered a second remand which affirmed the Department's treatment of Cemex's pre-sale transportation expenses and its application of the so-called *Torrington* methodology for calculating VAT. The CIT, however, directed the Department to consider different VAT rates. *Ad Hoc Committee v. United States*, Slip Op. 95-91 (CIT May 15, 1995). The Department filed its redetermination with the Court on June 13, 1995. The CIT, 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 VAT methodology was untimely filed and, therefore, moot.

Cemex appealed from the CIT's July 12, 1995 decision in *Ad Hoc* affirming the Department's redetermination. This appeal challenged the CIT's ruling that Cemex had waived its right in this case to challenge Commerce's application of the *Torrington* methodology for calculating VAT, and that Cemex's pre-sale transportation expenses were not deductible in the calculation of foreign market value. Consistent with the Federal Circuit's decision in *Timken Company v. United States*, 893 F.2d 337 (Fed. Cir. 1990), on October 12, 1995,

the Department published a "Notice of Court Decision" in the Federal Register which suspended liquidation of the subject merchandise entered, or withdrawn from warehouse, for consumption until there was a "final and conclusive" decision in this case (60 FR 53163).

On August 1, 1996, the Federal Circuit issued its decision affirming the earlier rulings of the CIT (Appeal No. 95-1485, Fed. Cir. August 1, 1996). On October 17, 1996, the Federal Circuit issued its mandate. The Federal Circuit's ruling constitutes a "final and conclusive" decision in this case which is "not in harmony" with the Department's original determination. Accordingly, we have prepared these amended final results and will proceed to issue liquidation instructions to the Customs Service.

**Amended Final Results of Review**

In its April 29, 1993 *Final Results of Administrative Review*, the Department calculated a weighted-average margin for Cemex for the period April 12, 1990 through July 31, 1991 of 30.74 percent. As a result of the Department's redeterminations on court remand, we have determined the weighted-average dumping margin for Cemex for the period April 12, 1990 through July 31, 1991 to be 61.42 percent. The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries, and will issue appraisal instructions accordingly. This notice is published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(8).

Dated: January 31, 1997.  
 Robert S. LaRussa,  
 Acting Assistant Secretary for Import  
 Administration.  
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[A-401-040]

**Stainless Steel Plate From Sweden Antidumping Duty Administrative Review; Time Limits**

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

**ACTION:** Notice of extension of time limits.

**SUMMARY:** The Department of Commerce (the Department) is extending the time limit for the preliminary results of the review of the antidumping finding on stainless steel plate from Sweden. The review covers two manufacturers/