

examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application, as amended, is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the rubber chemicals manufacturing plant of Bayer Corporation, located in Goose Creek, South Carolina (Subzone 21C), at the location described in the application, as amended, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 19th day of February 1998.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98-5310 Filed 2-27-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-401-805]

Court Decision: Certain Cut-to-Length Carbon Steel Plate From Sweden

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

ACTION: Notice of court decision.

SUMMARY: On January 13, 1998, the United States Court of International Trade ("CIT") affirmed the determination made by the Department of Commerce ("the Department") pursuant to a voluntary remand of the final results of administrative review in the case of certain cut-to-length carbon steel plate from Sweden. *SSAB Svenskt Stal AB v. United States*, Slip Op. 98-3 (CIT January 13, 1998). In the remand determination, the Department determined that three types of rebates given to certain home market customers should be treated as direct selling expenses for which a circumstance-of-sale ("COS") adjustment is appropriate.

EFFECTIVE DATE: January 23, 1998.

FOR FURTHER INFORMATION CONTACT: Carrie Blozy or Stephen Jacques, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-0374 or 482-1391, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 1996, the Department published its final results of administrative review in the case of *Certain Cut-to-Length Carbon Steel Plate from Sweden; Final Results of Antidumping Duty Administrative Review*, 61 FR 15772 ("Final Results"). The review covered one manufacturer/exporter, SSAB Svenskt Stal AB ("SSAB"), of the subject merchandise for the period February 4, 1993, through July 31, 1994. In the final results, the Department reclassified SSAB's reported rebates as post-sale price adjustments ("PSPAs") as there was no evidence that the buyer was aware of the conditions to be fulfilled and the approximate amount of the rebates at the time of sale. Further, because information on the record for this review indicated that these PSPAs were made and reported on a customer-specific, not transaction-specific, basis, the Department disallowed these PSPAs as direct adjustments and treated them, instead, as indirect expenses.

Based on the decision in *Torrington Co. v. United States*, 82 F.3d 1039 (Fed. Cir. 1996), the Department requested a remand to reconsider the propriety of making a COS adjustment for these PSPAs. Through an examination of the record, the Department found that all rebates were made on either a fixed or constant percentage-of-sales value or on a fixed and constant Swedish Kroner-per-ton of total tonnage sold. Therefore, the Department determined that these PSPAs qualified as direct selling expenses warranting a COS adjustment to foreign market value.

The Department filed its redetermination with the CIT on October 29, 1997. See *Final Results of Redetermination on Remand, SSAB Svenskt Stal AB v. United States*, Court No. 96-05-01372, Slip Op. 97-123 (August 29, 1997) ("Remand Results"). In its *Remand Results*, the Department stated that it would "instruct the Customs Service to collect cash deposits at the above rate [of 7.25%] for entries from SSAB of cut-to-length carbon steel plate from Sweden" (*Remand Results* at 4). Since then, parties and the CIT have agreed that such instructions would be incorrect because the Department has published subsequent administrative reviews that govern future cash deposits. Therefore, cash deposit rates will be governed not by the rate published in the *Remand Results*, but by the most recently completed administrative review, according to the Department's normal procedures. See *Certain Cut-to-Length Carbon Steel Plate from Sweden; Final Results of*

Antidumping Duty Administrative Review, 62 FR 46947 (September 5, 1997). On January 13, 1998, the CIT affirmed the Department's remand determination (with the exception noted above).

As a result of the remand determination, the final dumping margin for the period February 4, 1993, through July 31, 1994 is as follows:

Manufacturer/exporter	Margin (percent)
SSAB	7.25

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision in *SSAB Svenskt Stal AB* on January 13, 1998, constitutes a decision not in harmony with the Department's final results of review. Publication of this notice fulfills the *Timken* requirement. Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, until a "conclusive" court decision.

Dated: February 23, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on April 7, 1998. The meeting will be from 2 p.m. to 4 p.m. in room 1863, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

The Committee provides advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats