Hyperinflation

Due to the currency crisis that occurred during the POR, we requested respondents to submit information on the rates of inflation in our original questionnaire on November 1, 1995 and in our supplemental questionnaire on February 14, 1996. The data submitted by CEMEX indicated that the annual inflation rate in Mexico during the POR exceeded 35 percent. The portion of the POR from August, 1994–December, 1994 was not considered hyperinflationary as the annualized inflation rate did not exceed 50 percent. However, the portion of the POR from January, 1995–July, 1995 was considered hyperinflationary due to the fact that annualized inflation rate exceeded 50 percent see Certain Fresh Cut Flowers from Mexico, 52 FR 6361 (March 3, 1987). Therefore, consistent with our prior practice, we determined that a possible hyperinflationary situation existed during the POR.

For purposes of our comparison we calculated a NV for each month of the POR, converting the foreign currency using the methodology discussed in the ''Currency Conversion'' section above, and comparing the NV to each individual U.S. sale during the same month of the POR as the comparison NV.

By using this methodology we have accounted for the effects of hyperinflation that were present during the POR. The hyperinflationary methodology employed by the Department in these preliminary results of review is based on the facts particular to this review. The Department will continue to examine its policy for its final results of review.

Preliminary Results of Review

Thus, as a result of our review, we preliminarily determine the dumping margin for CEMEX for the period August 1, 1994, through July 31, 1995, to be 107.756 percent.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter. Case briefs and/or other written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish its final results of this administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 180 days after the date of publication of this notice.

Upon completion of this review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries.

The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be the rate determined in the final results of review; (2) for previously reviewed or investigated companies not mentioned 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 original 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 59.91 percent, as explained below.

On May 25, 1993, the CIT in *Floral Trade Council* v. *United States,* 822 F. Supp. 766 (CIT 1993), and *Federal-Mogul* v. *United States,* 839 F. Supp 864 (CIT 1993), determined that once an ''all others'' rate is established for a company, it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate the original ''all others'' rate from the LTFV investigation (or that rate as amended for correction of clerical errors or as a result of litigation) in proceedings governed by antidumping duty orders for the purposes of establishing cash deposits in all current and future administrative reviews.

Because this proceeding is governed by an antidumping duty order, the ''all others'' rate for this order will be 59.91 percent, which was the ''all others'' rate established in the final notice of the LTFV investigation by the Department (55 FR 29244, July 18, 1990).

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

This notice also serves as a preliminary 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 administrative review and notice are in accordance with the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: September 25, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–25408 Filed 10–2–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–351–406]

Certain Agricultural Tillage Tools From Brazil; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On July 31, 1996, the Department of Commerce (''the Department'') published in the Federal Register its preliminary results of administrative review of the countervailing duty order on certain agricultural tillage tools from Brazil for the period January 1, 1994 through December 31, 1994 (61 FR 39949). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended. We determine the net subsidy to be zero for Marchesan Implementos Agricolas, S.A. (Marchesan). The Department will instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Marchesan exported on or after January 1, 1994 and on or before December 31, 1994.

EFFECTIVE DATE: October 3, 1996.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Kelly Parkhill, Office of CVD/AD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 355.22(a) of the Department's Interim Regulations, this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. *See Antidumping and Countervailing Duties: Interim regulations; request for comments,* 60 FR 25130, 25139 (May 11, 1995) (''*Interim Regulations*''). Accordingly, this review covers Marchesan. This review also covers the period January 1, 1994 through December 31, 1994, and five programs.

We published the preliminary results on July 31, 1996 (61 FR 39949). We invited interested parties to comment on the preliminary results. We received no comments from any of the parties.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''URAA'') effective January 1, 1995 (''the Act'').

Scope of the Review

Imports covered by this review are shipments of certain round shaped agricultural tillage tools (discs) with plain or notched edge, such as colters and furrow-opener blades. During the review period, such merchandise was classifiable under item numbers 8432.21.00, 8432.29.00, 8432.80.00 and 8432.90.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Analysis of Programs

Based upon the responses to our questionnaire, and the results of verification, we determine the following:

I. Programs Found to be Not Used

In the preliminary results, we found that the producers and/or exporters of the subject merchandise did not apply for or receive benefits under the following programs:

A. Accelerated Depreciation for Brazilian-Made Capital Goods
B. Preferential Financing for Industrial Enterprises by Banco do Brasil (FST and EGF loans)
C. SUDENE Corporate Income Tax Reduction for Companies Located in the Northeast of Brazil
D. Preferential Financing under PROEX (formerly under Resolution 68 and 509 through FINEX)
E. Preferential Financing under FINEP

Since there were no comments submitted by the interested parties, we have not reconsidered our findings in the preliminary results.

Final Results of Review

In accordance with section 355.22(c)(4)(ii) of the Department's *Interim Regulations,* we calculated an individual subsidy rate for each producer/exporter subject to administrative review. Since Marchesan did not use any of the countervailable subsidy programs during the period of review, we determine the net subsidy for Marchesan to be zero percent *ad valorem*.

As provided for in the Act, any rate less than 0.5 percent *ad valorem* in an administrative review is *de minimis.* Accordingly, the Department will instruct Customs to liquidate, without regard to countervailing duties, shipments of the subject merchandise from Marchesan exported on or after January 1, 1994, and on or before December 31, 1994. Also, the cash deposits required for this company will be zero. This cash deposit rate shall be effective upon publication of this notice in accordance with § 355.22(c)(8) of the Department's *Interim Regulations.* Further, this deposit rate, when imposed shall remain in effect until publication of the final results of the next administrative review.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. *See* section 355.22(a) of the *Interim Regulations.* Pursuant to 19 CFR 355.22(g), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States,* 822 F.Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States,* 822 F.Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR 355.22(g)).

Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at zero. This rate shall apply to all non-reviewed companies until a review of a company assigned this rate is requested. In addition, for the period January 1, 1994 through December 31, 1994, the assessment rates applicable to all non-reviewed companies covered by this order is zero, the cash deposit rate in effect at the time of entry.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: September 27, 1996.

Barbara R. Stafford,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–25412 Filed 10–2–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–423–806]

Certain Carbon Steel Products From Belgium: Notice of Decision of the Court of International Trade

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

SUMMARY: On August 27, 1996, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) results of redetermination on remand of the final countervailing duty determinations on certain steel products from Belgium. *Geneva Steel, et al.* v. *United States,* Slip Op. 96–147 (CIT Aug. 27, 1996) (''*Geneva II*''). 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 is notifying the public that *Geneva II* and the CIT's earlier opinion in this case, discussed below, were ''not in harmony'' with the Department's original determinations.

EFFECTIVE DATE: October 3, 1996.