

**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]

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[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.

**FOR FURTHER INFORMATION CONTACT:**

Vincent Kane at (202) 482-2815, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, or Duane Layton at (202) 482-5285, Office of the Chief Counsel for the Import Administration, U.S. Department of Commerce.

**SUPPLEMENTARY INFORMATION:****Background**

On July 9, 1993, the Department published its final countervailing duty determinations on certain steel products from Belgium. *Final Affirmative Countervailing Duty Determinations: Certain Steel Products From Belgium*, 58 FR 37273 (July 9, 1993). On August 17, 1993, the Department published its amendment to the final countervailing duty determinations. *Countervailing Duty Order and Amendment: Certain Steel Products from Belgium*, 58 FR 43749 (Aug. 17, 1993).

Subsequent to the Department's determinations, petitioners and one of the investigated companies filed lawsuits with the CIT challenging these determinations. Thereafter, the CIT issued an Order and Opinion dated January 3, 1996, in *Geneva Steel, et al. v. United States*, 914 F. Supp. 563 (CIT 1996), ("Geneva I"), remanding six issues to the Department. The Department filed its remand results on May 10, 1995. Petitioners challenged one aspect of the Department's redetermination on remand. On August 27, 1996, the CIT affirmed the Department's final results of redetermination on remand in *Geneva II*.

**Timken Notice**

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 CIT or Federal Circuit which is "not in harmony" with the Department's determination. The CIT's decisions in *Geneva I* and *Geneva II* were not in harmony with the Department's original countervailing duty determinations. Therefore, publication of this notice fulfills the obligation imposed upon the Department by the decision in *Timken*. If these decisions are not appealed, or if appealed, if they are upheld, the Department will publish amended final countervailing duty determinations.

Dated: September 25, 1996.

Barbara R. Stafford,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 96-25410 Filed 10-2-96; 8:45 am]

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**[C-401-804]**

**Certain Cut-to-Length Carbon Steel Plate From Sweden; Preliminary Results of Countervailing Duty Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Countervailing Duty Administrative Review.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain cut-to-length carbon steel plate from Sweden. For information on the net subsidy for the reviewed company, as well as for any non-reviewed companies, please see the *Preliminary Results of Review* section of this notice. If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Preliminary Results of Review* section of this notice. Interested parties are invited to comment on these preliminary results.

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

**FOR FURTHER INFORMATION CONTACT:**

Gayle Longest or Lorenza Olivas, 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: Gayle Longest (202) 482-3338 or (202) 482-2786.

**SUPPLEMENTARY INFORMATION:****Background**

On August 17, 1993, the Department published in the Federal Register (58 FR 43758) the countervailing duty order on certain cut-to-length carbon steel plate from Sweden. On August 1, 1995, the Department published a notice of "Opportunity to Request an Administrative Review" (60 FR 39150) of this countervailing duty order. We received timely requests for review, and we initiated the review, covering the period January 1, 1994 through December 31, 1994, on September 15, 1995 (60 FR 47930).

In accordance with section 355.22(a) of the Department's *Interim Regulations*, this review covers only those producers or exporters for which a review was specifically requested (*see Antidumping and Countervailing Duties: Interim Regulations; Request for Comments*, (60 FR 25130; May 11, 1995) (*Interim Regulations*)). Accordingly, this review covers SSAB, the sole known producer/exporter of the subject merchandise during the period of review (POR). This review also covers 10 programs.

On May 29, 1996, we extended the period for completion of the preliminary and final results pursuant to section 751(a)(3) of the Tariff Act of 1930, as amended (*see Certain Cut-to-Length Carbon Steel Plate From Sweden; Extension of Time Limit for Countervailing Duty Administrative Review* (61 FR 26879)). As explained in the memoranda from the Assistant Secretary for Import Administration to the File dated November 22, 1995, and January 11, 1996 (both on file in the public file of the Central Records Unit, Room B-099 of the Department of Commerce), all deadlines were extended to take into account the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 15, 1995, through January 6, 1996. Therefore, the deadline for these preliminary results is no later than September 27, 1996, and the deadline for the final results of this review is no later than 180 days from the date on which these preliminary results are published in the Federal Register.

**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). The Department is conducting this administrative review in accordance with section 751(a) of the Act. References to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments* (54 FR 23366; May 31, 1989) (*1989 Proposed Regulations*) are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *1989 Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the URAA. *See Advance Notice of*