

ferrovanadium and nitrided vanadium, such as vanadium-aluminum master alloys, vanadium chemicals, vanadium waste and scrap, vanadium-bearing raw materials, such as slag, boiler residues, fly ash, and vanadium oxides.

The products subject to this order are currently classifiable under subheadings 2850.00.20, 7202.92.00, 7202.99.5040, 8112.40.3000, and 8112.40.6000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

#### Antidumping Duty Order

In accordance with sections 735(a) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") made its final determination that ferrovanadium and nitrided vanadium from the Russian Federation ("Russia") is being sold at less than fair value (60 FR 27957, May 26, 1995). On July 3, 1995, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 735(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of the subject merchandise from Russia.

Therefore, all unliquidated entries of ferrovanadium and nitrided vanadium from Russia that are entered, or withdrawn from warehouse, for consumption on or after January 4, 1995, the date of publication of the Department's preliminary determination (60 FR 438), are liable for the assessment of antidumping duties.

In accordance with section 736(a)(1) of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the foreign market exceeds the United States price for all relevant entries of ferrovanadium and nitrided vanadium from Russia. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below.

The ad valorem weighted-average dumping margins are as follows:

Manufacturer/Producer/Exporter	Weighted-Average Margin
Galt Alloys, Inc .....	3.75

Manufacturer/Producer/Exporter	Weighted-Average Margin
Gesellschaft far Elektrometallurgie m.b.H. (and its related companies Shieldalloy Metallurgical Corporation, and Metallurg, Inc.) ..	11.72
Odermet .....	10.10
Russia-wide Rate .....	108.00

This notice constitutes the antidumping duty order with respect to ferrovanadium and nitrided vanadium from Russia. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: July 3, 1995.

**Barbara R. Stafford,**

*Acting Assistant Secretary for Import Administration.*

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#### [A-357-804]

#### Notice of Amendment to Final Determination and Antidumping Duty Order: Silicon Metal From Argentina

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

**EFFECTIVE DATE:** July 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Kristin Heim or Elizabeth Graham, Office of Countervailing Investigations, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3798 and 482-4105, respectively.

#### Summary

On May 30, 1995, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department) April 7, 1995, remand determination and entered Final Judgment. See *American Alloys, Inc. et al. v. United States of America*, Slip-Op 95-98, Court No. 91-10-00782 (CIT May 30, 1995).

On September 26, 1991, the Department published the Antidumping Duty Order of Silicon Metal from Argentina (56 FR 48779, September 26, 1991). The weight-averaged margin was determined to be 8.65 percent.

The Department prepared the final results of redetermination pursuant to a remand order dated December 9, 1994,

from the Court of International Trade, which was based upon the U.S. Court of Appeals for the Federal Circuit's opinion in *American Alloys, Inc. et al. v. United States*, 30 F.3d 1469 (Fed.Cir. 1994). In accordance with the Federal Circuit's order, the Department attempted to analyze whether indirect taxes rebated under Argentina's Reembolso program should be accounted for in the calculation of U.S. price (USP), pursuant to 19 U.S.C. 1677a(d)(1)(C), when determining the dumping margin. Because the respondent refused to allow verification, the Department made its remand determination on the basis of best information available (BIA) which resulted in a dumping margin of 17.87 percent.

#### Background

The Reembolso is a program through which the Government of Argentina provided tax and duty rebates to silicon metal exporters that purchased domestically produced and imported inputs. In the antidumping investigation, the Department determined that the USP should be adjusted upward by the amount of the rebated taxes which the respondent, Electrometallurgica Andina S.A.I.C. (Andina), received upon export of the subject merchandise to the United States. Petitioners challenged the methodology the Department used to make this determination, arguing that the Department had failed to investigate whether the taxes rebated under Reembolso were imposed directly upon silicon metal or inputs physically incorporated into silicon metal. In petitioners' view, this inquiry was necessary to determine which of the taxes rebated under the Reembolso program were directly related to the exported merchandise or components physically incorporated therein.

The CIT affirmed the Department's determination that this type of inquiry was relevant to a countervailing investigation, but not an antidumping investigation. The CIT also instructed the Department to examine more closely the tax pass-through issue. *American Alloys, Inc. v. United States*, 810 F. Supp. 1294, 1296 (CIT 1993). Petitioners subsequently appealed and the U.S. Court of Appeals for the Federal Circuit reversed and remanded the lower court's decision, holding that the Department must undertake a directly-related inquiry in the antidumping investigation of silicon metal from Argentina. *American Alloys, Inc. v. United States*, 30 F.3d 1469 (Fed.Cir. 1994). In addition, the Federal Circuit reversed the Court of International