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 section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 26, 1996.

Robert. L. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–19726 Filed 8–1–96; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–803]

Certain Corrosion-Resistant Carbon Steel Flat Products From Australia: Amendment to Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Amendment to Final Results of Antidumping Duty Administrative Review.

SUMMARY: On March 29, 1996, the Department of Commerce published the final results of its administrative review of the antidumping duty order on certain corrosion-resistant carbon steel flat products from Australia. The review covered one manufacturer/exporter and the period February 4, 1993, through July 31, 1994. Based on the correction of a ministerial error, we are amending the final results.

EFFECTIVE DATE: August 2, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Jean Kemp, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 482–3793.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 1996, the Department of Commerce (the Department) published in the Federal Register the final results of its administrative review of the antidumping duty order on certain corrosion-resistant carbon steel flat products from Australia (61 FR 14049). The review covered one manufacturer/exporter, The Broken Hill Proprietary Company Ltd. (BHP), and the period February 4, 1993, through July 31, 1994.

After publication of our final results, we received a timely allegation from respondent that the Department had made ministerial errors in calculating the final results for corrosion-resistant steel from Australia. The petitioners (Bethlehem Steel Corporation, U.S. Steel Company, a Unit of USX Corporation, Inland Steel Industries, Inc., Geneva Steel, Gulf States Steel Inc. of Alabama, Sharon Steel Corporation, and Lukens Steel Company) filed a timely rebuttal to respondent's ministerial error allegation.

BHP alleges that the Department incorrectly applied a BIA credit rate for certain sales by BHP Steel Building Products USA (Building Products). BHP agrees that for sales in which respondent did not report payment dates it was appropriate for the Department to use a BIA rate for credit expenses. However, BHP states that in applying the BIA rate to all sales where the credit expense equaled zero, the Department applied the punitive rate to a certain number of sales for which a payment date was in fact reported. Petitioners argue that in correcting its program in response to BHP's allegation, the Department should ensure that BIA will only be applied to those sales which had missing payment and shipment dates. We agree with respondents that we incorrectly applied a BIA credit rate on certain sales by Building Products in which payment dates had been submitted. We also agree with petitioners' rebuttal that the Department must continue to apply BIA to those sales in which payment and shipment dates were not reported. Therefore, we have recalculated credit costs using BIA only for those sales where payment and shipment dates were inaccurately reported.

In addition, respondent alleges that the Department incorrectly used both the average foreign manufacturing cost and average profit as derived from Coated Steel Corp. (Coated) to calculate a surrogate further manufacturing cost for BHP Trading, Inc. (Trading). BHP stated that once Coated's average foreign manufacturing figure was derived in the Department's calculation of further manufacturing costs for Trading, an actual profit could have been calculated using Trading's data, and using a surrogate profit from Coating was unnecessary. Petitioners argue the Department made a reasonable and correct decision to apply BIA (i.e., surrogate amounts for average foreign manufacturing cost and average profit) to certain of Trading's sales because respondent failed to provide the Department with the necessary information for calculating further manufacturing cost and profit for these sales. Petitioners state that the Department was correct to rely on Coated's further manufacturing cost and profit in calculating the same for Trading and that this is not a ministerial error as defined in 19 CFR section 353.28(d) as ''an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the Secretary considers ministerial.''

The determination to calculate a surrogate profit on Trading's further manufactured sales of subject merchandise by relying on the average profit of Coating's sales of the same merchandise was intentional. The Department determined that since Trading had not submitted its cost of manufacturing and actual profit for each of these sales, calculating an average profit, then applied to each sale at issue, was an appropriate methodology, regardless of whether Trading made a profit on every sale. Respondent is correct in stating that the Department could have constructed Trading's actual profit on every sale in which Trading had a profit because the Department could have derived Trading's actual profit by using Coating's surrogate foreign manufacturing costs and Trading's's gross unit price. However, the Department rejected this methodology as inappropriate under the circumstances. Therefore, using a surrogate profit was not a ministerial error and the Department will not amend its final results.

Amended Final Results of Review

As a result of our correction of the ministerial error, we have determined the following margin exists for the period February 4, 1993, through July 31, 1994:

Manufacturer/exporter	Margin (percent)
BHP	39.05

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department shall issue appraisement instructions directly to the Customs Service. Furthermore, the

following deposit requirements shall be effective, upon publication of this notice of amended final results of administrative review, for all shipments of the subject merchandise from Australia that are entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for BHP will be the rate established above; (2) for previously investigated companies not listed 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, or the original 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 continue to be 24.96 percent, the all others rate established in the final results of the less than fair value investigation (58 FR 44161, August 19, 1993).

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

This notice serves as a final 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 notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended and 19 CFR 353.28(c).

Dated: July 29, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–19728 Filed 8–1–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–703]

Certain Internal-Combustion Industrial Forklift Trucks From Japan Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by an interested party, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain internal-combustion industrial forklift trucks from Japan. The review covers 3 manufacturers/exporters. The period of review (the POR) is June 1, 1994, through May 31, 1995.

We have preliminarily determined that sales have been made below normal value (NV) by one of the companies subject to this review. If these preliminary results are adopted in our final results of this administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the constructed export price (CEP) and NV.

We invite interested parties to comment on these preliminary results. Parties who submit comments in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: August 2, 1996.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Thomas O. Barlow, Davina Hashmi or Kris Campbell at Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On June 7, 1988, the Department published in the Federal Register (53 FR 20882) the antidumping duty order on certain internal-combustion, industrial forklift trucks from Japan. On August 16, 1995, we initiated an administrative review of this order for the period June 1, 1994 through May 31, 1995 (60 FR 42500). On March 14, 1996, we extended the time limits for preliminary and final results for this administrative review since we determined that it was not practicable to complete the review within the time limits mandated by the Act (61 FR 10562). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

The products covered by this review are certain internal-combustion, industrial forklift trucks, with lifting capacity of 2,000 to 15,000 pounds. The products covered by this review are further described as follows: Assembled, not assembled, and less than complete, finished and not finished, operator-riding forklift trucks powered by gasoline, propane, or diesel fuel internal-combustion engines of off-the-highway types used in factories, warehouses, or transportation terminals for short-distance transport, towing, or handling of articles. Less than complete forklift trucks are defined as imports which include a frame by itself or a frame assembled with one or more component parts. Component parts of the subject forklift trucks which are not assembled with a frame are not covered by this order.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8427.20.00, 8427.90.00, and 8431.20.00. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

This review covers the following firms: Toyota Motor Corporation (TMC), Nissan Motor Company (Nissan), and Toyo Umpanki Company, Ltd (Toyo).

Verification

As provided in section 782(i) of the Act, we verified information provided by TMC using standard verification procedures, including on-site inspection of TMC's sales facility, the examination of relevant sales and financial records, and original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.