

periodic market share recomputations as well as any recomputation arising from a determination of structural change from the Small Business Administration (SBA) Regional Representative. If there are any disagreements between the SBA representative and the Forest Supervisor, refer the matter to the Regional Forester for resolution before giving notice of the proposed share recomputation to timber purchasers.

Following the review by the Small Business Administration, the responsible line officer shall take the following actions:

1. Give direct notice of the proposed new share to all timber purchasers on bidders' lists within the affected area, and invite their comment.

a. Advise the timber purchasers of the information used in recomputing shares and invite comment on the information used by the agency or on information that purchasers believe should have been considered. Also advise timber purchasers of the location where they can inspect the information used.

b. All comments postmarked within 30 calendar days following the date of mailing must be considered in arriving at the final share decision.

2. Following the 30-day review and comment period, consider the comments, make adjustments as may be appropriate, and prepare a letter or other document setting forth the final decision.

3. Give notice of the final decision to all purchasers on the bidders' lists within the affected area. Be sure to include a statement that the decision is not subject to administrative appeal. Make any new share effective at the beginning of the first 6-month analysis period following the decision to implement it.

4. In the notice of the final decision or an attachment to it, summarize the comments received, identify the number of persons who or entities that provided comments, and provide the deciding official's response to them.

[FR Doc. 96-4495 Filed 2-27-96; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

(Docket 12-96)

#### Foreign-Trade Zone 116—Beaumont, Texas; Application for Subzone Status, Clark Refining and Marketing, Inc. (Oil Refinery Complex), Jefferson County, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Southeast Texas, Inc., grantee of FTZ 116, requesting special-purpose subzone status for the oil refinery complex of Clark Refining and Marketing, Inc., located in Jefferson County, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade

Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 16, 1996.

The refinery complex (5,079 acres, 855 employees) consists of 4 sites and related pipelines in Jefferson County, Texas: *Site 1* (3,975 acres)—main refinery complex (215,000 BPD) located at 1801 S. Gulfway Drive, 3 miles southwest of Port Arthur; *Site 2* (775 acres)—Lucas/Beaumont Terminal storage facility (1.7 mil. barrels) located at 9405 West Port Arthur Road, 15 miles northwest of the refinery; *Site 3* (243 acres)—Fannett LPG storage terminal (3 mil. barrels) located at 16151 Craigen, near Fannett, some 25 miles west of the refinery; and *Site 4* (86 acres)—Port Arthur Products storage facility (1.8 mil. barrels) located at 1825 H.O. Mills Road, 4 miles northwest of the refinery. The refinery, storage facilities and pipelines operate as an integral part of the refinery complex.

The refinery complex is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, distillates, diesel, and residual fuels. Petrochemical feedstocks include methane, ethane, propane, butane, butylene, propylene. Refinery by-products include sulfur and petroleum coke. About 65 percent of the crude oil (95 percent of inputs), and some feedstocks and motor fuel blendstocks used in producing fuel products are sourced abroad.

Zone procedures would exempt the operations involved from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free). The duty on crude oil ranges from duty-free to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 29, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 14, 1996).

A copy of the application and accompanying exhibits will be available

for public inspection at each of the following locations:

U.S. Department of Commerce District Office, #1 Allen Center, Suite 1160, 500 Dallas, Houston, Texas 77002.  
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: February 22, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

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## International Trade Administration

[A-588-838]

### Notice of Preliminary Determination of Sales at Less Than Fair Value: Clad Steel Plate From Japan

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

EFFECTIVE DATE: February 28, 1996.

FOR FURTHER INFORMATION CONTACT: Ellen Grebasch or Erik Warga, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 482-3773 or (202) 482-0922, respectively.

The Applicable Statute:

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

Preliminary Determination:

As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996, the Department of Commerce (the Department) has exercised its discretion to toll all deadlines for the duration of the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 16, 1995, through January 6, 1996. Thus, all deadlines in this investigation have been extended by 28 days, *i.e.*, one day for each day (or partial day) the Department was closed. As such, the deadline for this preliminary determination was to be no later than April 4, 1996. However, because the sole respondent in the investigation

failed to answer our questionnaire, we have expedited the determination.

We preliminarily determine that clad steel plate from Japan is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

#### Case History

Since the initiation of this investigation on October 19, 1995, (60 FR 54666, October 25, 1995), the following events have occurred:

On November 13, 1995, the U.S. International Trade Commission (ITC) notified the Department of its affirmative preliminary determination.

On December 7, 1995, the Department issued the antidumping questionnaire to The Japan Steel Works Ltd. (JSW), the only known Japanese producer and exporter to the United States of Clad Steel Plate. JSW informed the Department on January 19, 1996, that it would not be responding to the antidumping questionnaire.

#### Scope of the Investigation

The scope of this investigation is all clad<sup>1</sup> steel plate of a width of 600 millimeters ("mm") or more and a composite thickness of 4.5mm or more. Clad steel plate is a rectangular finished steel mill product consisting of a layer of cladding material (usually stainless steel or nickel) which is metallurgically bonded to a base or backing of ferrous metal (usually carbon or low alloy steel) where the latter predominates by weight.

Stainless clad steel plate is manufactured to American Society for Testing and Materials ("ASTM") specifications A263 (400 series stainless types) and A264 (300 series stainless types). Nickel and nickel-base alloy clad steel plate is manufactured to ASTM

<sup>1</sup> Cladding is the association of layers of metals of different colors or natures by molecular interpenetration of the surfaces in contact. This limited diffusion is characteristic of clad products and differentiates them from products metalized in other manners (e.g., by normal electroplating). The various cladding processes include pouring molten cladding metal onto the basic metal followed by rolling; simple hot-rolling of the cladding metal to ensure efficient welding to the basic metal; any other method of deposition or superimposing of the cladding metal followed by any mechanical or thermal process to ensure welding (e.g., electrocladding), in which the cladding metal (nickel, chromium, etc.) is applied to the basic metal by electroplating, molecular interpenetration of the surfaces in contact then being obtained by heat treatment at the appropriate temperature with subsequent cold-rolling. See Harmonized Commodity Description and Coding System Explanatory Notes, Chapter 72, General Note (IV) (C) (2) (e).

specification A265. These specifications are illustrative but not necessarily all-inclusive. Clad steel plate within the scope of this investigation is classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") 7210.90.10.00. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

#### Period of Investigation

The period of investigation (POI) is September 1, 1994, through August 31, 1995.

#### Facts Available

Pursuant to section 776 of the Act, the Department will use the facts otherwise available if necessary information is not available on the record, or if an interested party or any other person withholds requested information, fails to provide such information by the deadlines for submission of the information or in the form and manner requested, significantly impedes a proceeding, or provides such information but the information cannot be verified.

In addition, section 776(b) of the Act provides that, if the Department finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, the Department may use information that is adverse to the interests of that party as the facts otherwise available. The statute also provides that such an adverse inference may be based on secondary information, including information drawn from the petition.

Section 776(c) explains that where the Department relies on secondary information, the Department will, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The Statement of Administrative Action (SAA), accompanying the URAA, clarifies that the petition is secondary information. See SAA, published in H. Doc. 103-316, 103d Cong., 2d Sess. at 807, 870. The SAA also clarifies that corroborate means to determine that the information used has probative value. However, where corroboration is not practicable, the Department may use the uncorroborated information.

The Department finds that, because JSW has not answered our questionnaire, it has failed to cooperate to the best of its ability to comply with our request for information. Accordingly, the application of section 776(b) is warranted. In this case, the petition is the only information on the

record which could form the basis for a dumping calculation. Therefore, the Department has based the margins for JSW on information in the petition.

In accordance with section 776(c) of the Act, the Department attempted to corroborate the petition information by comparing the petition information on export price to U.S. Customs data and Japanese export statistics. Both of these sources record prices based on the HTSUS subheading 7210.90.10.00, and tend to corroborate the prices contained in the petition. (See memorandum dated February 16, 1996.)

Because Lukens Steel Company (the petitioner) based the normal value calculation on constructed value in the petition, we were able to examine the supporting documentation regarding the valuation of variable costs for labor, electricity, natural gas, and other factors (principally backing steel and insert metal costs) in Japan and because that supporting information was from independent, public sources, we found that those costs have probative value.

Accordingly, we have preliminarily relied upon the information contained in the petition, and have assigned to JSW a margin of 118.53 percent.

#### All-Others Rate

Under section 735(c)(5) of the Act, the "all-others rate" will normally be a weighted average of the weighted-average dumping margins established for all exporters and producers, but will exclude any zero or *de minimis* margins, or any margins based entirely on the facts available. However, this provision also states that if there are no margins other than those that are zero, *de minimis*, or based on the facts available, the Department may use other reasonable methods to calculate the all-others rate, including a weighted-average of such margins. In this case, as discussed above, the margin assigned to JSW is 118.53 percent based on the facts available, and there is no alternative method upon which to base the all others rate. Therefore, the Department determines the all-others rate to be 118.53 percent as well.

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of Clad Plate Steel from Japan, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the export price as shown

below. These suspension of liquidation instructions will remain in effect until further notice.

The dumping margins are as follows:

Exporter/manufacturer	Margin percentage
The Japan Steel Company .....	118.53
All others .....	118.53

The all others rate applies to all entries of subject merchandise except for entries from exporters that are identified above.

#### ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

#### Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than March 1, 1996, and rebuttal briefs, no later than March 8, 1996. A list of authorities used and a summary of arguments made in the briefs should accompany these briefs. The summary must be limited to five pages total, including footnotes. In accordance with 19 CFR 353.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held at 10 a.m. Tuesday March 12, 1996, at the U.S. Department of Commerce, Room 3606, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by May 1, 1996.

This determination is published pursuant to section 733(f) of the Act.

Dated: February 22, 1996.

Susan G. Esserman,

*Assistant Secretary for Import Administration.*

[FR Doc. 96-4548 Filed 2-27-96; 8:45 am]

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#### [A-122-823]

#### Certain Cut-to-Length Carbon Steel Plate From Canada: Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Duty Order

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

**ACTION:** Notice of final results of changed circumstances antidumping duty administrative review, and revocation in part of antidumping duty order.

**SUMMARY:** On August 19, 1993, the Department of Commerce (the Department) published an antidumping duty order on certain corrosion-resistant carbon steel flat products and certain cut-to-length carbon steel plate from Canada. On November 30, 1995, the Department simultaneously initiated a changed circumstances antidumping administrative review and issued the preliminary results of this review expressing an intent to revoke the order in part. We are now revoking this order in part, with regard to certain cut-to-length carbon steel plate free of Cobalt-60 and other radioactive nuclides (Cobalt-60 free carbon steel plate), based on the fact that domestic parties have expressed no interest in the importation or sale of Cobalt-60 free cut-to-length carbon steel plate produced in Canada.

**EFFECTIVE DATE:** February 28, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ron Trentham or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 482-5253.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 3, 1995, Sidbec-Dosco Inc. (Sidbec-Dosco) and Canberra Industries, Inc., (Canberra) requested that the Department conduct a changed circumstances administrative review to determine whether to partially revoke the order with regard to Cobalt-60 free

cut-to-length carbon steel plate. The order with regard to imports of other cut-to-length carbon steel plate was not affected by this request. In addition, on November 13, 1995, the petitioners informed the Department in writing that they did not object to the changed circumstances review and had no interest in the importation or sale of Cobalt-60 free cut-to-length carbon steel plate produced in Canada.

We preliminarily determined that petitioner's affirmative statement of no interest constitutes good cause for conducting a changed circumstances review. Consequently, on November 30, 1995, the Department published a notice of initiation and preliminary result of changed circumstances antidumping duty administrative review to determine whether to revoke this order in part (60 FR 61537). We gave interested parties an opportunity to comment on the preliminary results of this changed circumstances review. We received no comments.

#### Scope of Review

The merchandise covered by this changed circumstance review includes cut-to-length carbon steel plate meeting the following criteria: (1) 100% dry steel plates, virgin steel, no scrap content (free of Cobalt-60 and other radioactive nuclides); (2) .290 inches maximum thickness, plus 0.0, minus .030 inches; (3) 48.00 inch wide, plus .05, minus 0.0 inches; (4) 10 foot lengths, plus 0.5, minus 0.0 inches; (5) flatness, plus/minus 0.5 inch over 10 feet; (6) AISI 1006; (7) tension leveled; (8) pickled and oiled; and (9) carbon content, .03 to .08 (max). This merchandise is currently classified under subheading HTS 7208.43.0000. The HTS numbers are provided for convenience and Customs purposes. The written description of the scope of these reviews remains dispositive.

This changed circumstance administrative review covers all manufacturers/exporters of Cobalt 60 free cut-to-length carbon steel plate from Canada.

#### Final Results of Review; Partial Revocation of Antidumping Duty Order

The affirmative statement of no interest by petitioners in this case constitutes changed circumstances sufficient to warrant partial revocation of this order. Therefore, the Department is partially revoking this order on certain cut-to-length carbon steel plate from Canada with regard to Cobalt 60 free cut-to-length carbon steel plate, from Canada in accordance with sections 751 (b) and (d) and 782(h) of the Tariff Act of 1930, as amended (the