

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 and section 353.22 of the Department's regulations.

Dated: November 20, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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[A-570-845]

Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Brake Drums From the People's Republic of China

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

EFFECTIVE DATE: November 29, 1996.

FOR FURTHER INFORMATION CONTACT: Brian C. Smith or Dennis McClure, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1766 or (202) 482-3530, 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 Rounds Agreements Act.

Amendment to the Brake Drums Preliminary Determination

We are amending the preliminary determination of sales at less than fair value for brake drums¹ from the People's Republic of China (the PRC) to reflect the correction of ministerial errors made in the margin calculations in that determination. We are publishing this amendment to the preliminary determination, consistent with Departmental policy as reflected in the proposed regulations. *19 CFR Parts 351, 353, and 355, Antidumping Duties; Countervailing Duties; Proposed Rule,*

¹ No amendments have been made to the margins in the companion investigation of Brake Rotors from the PRC.

61 FR 7308, 7373, (February 27, 1996), at 19 CFR § 351.224.

Case History and Amendment of the Brake Drums Preliminary Determination

On October 3, 1996, the Department of Commerce (the Department) preliminarily determined, in separate investigations pursuant to section 733 of the Act, that brake drums and brake rotors from the PRC are being, or are likely to be, sold in the United States at less than fair value (61 FR 53190 (October 10, 1996)). On October 18, 1996, certain respondents² alleged that the Department made ministerial errors in the brake drums and brake rotors preliminary determinations.

The Department's proposed regulations provide that the Department will correct any significant ministerial error by amending the preliminary determination. A significant ministerial error is an error the correction of which, either singly or in combination with other errors:

(1) Would result in a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin or the countervailable subsidy rate (whichever is applicable) calculated in the original (erroneous) preliminary determination; or

(2) Would result in a difference between a weighted-average dumping margin or countervailable subsidy rate (whichever is applicable) of zero (or de minimis) and a weighted-average dumping margin or countervailable subsidy rate of greater than de minimis, or vice versa. Proposed 19 CFR 351.224(g), 61 FR at 7374.

The respondents made three clerical error allegations, which are addressed individually below. See also November 4, 1996, Memorandum to Barbara Stafford. The petitioners did not make any clerical error allegations.

Valuation of Steel Sheet

The respondents assert that the Department inadvertently selected a

² China National Automotive Industry Import & Export Corporation, Shandong Laizhou CAPCO Industry Corporation, and CAPCO International USA, Yantai Import & Export Corporation (Yantai), Qingdao Metal & Machinery Import & Export Corporation (Qingdao), Beijing Xinchangyuan Automobile Fittings Corporation, Ltd. (Xinchangyuan), China National Machinery Import & Export Corporation (CMC), China National Machinery and Equipment Import & Export (Xinjiang) Corporation, Ltd., Hebei Metals and Machinery Import & Export Corporation, Longjing Walking Tractor Works Foreign Trade Import & Export Corporation, Shanxi Machinery and Equipment Import & Export Corporation, China North Industries Dalian Corporation (Dalian Norinco) and China North Industries Guangzhou Corporation.

surrogate price for steel plate to value steel sheet used by the following three factories: (1) Longkou Botai Machinery Co., Ltd.; (2) Changzhi Automotive Parts Factory; and (3) Xingchangyuan.

We agree with the respondents that our selection of the price used to value steel sheet constitutes a ministerial error. In our supplemental questionnaires, we requested each respondent to describe further its factor inputs, including what they initially reported as steel plate. In the respondent's supplemental responses, three factories reported the use of steel with dimensions corresponding to steel sheet. Therefore, we are using the surrogate value for steel sheet shown on page 20 of the October 3, 1996, *General Issues and Factors Valuation Memorandum for the Preliminary Determinations*, to value the material originally reported by these three factories as steel plate.

Tax Treatment of Scrap Value

The respondents argue that the Department erred in using domestic prices for steel scrap and iron scrap that included taxes when tax-exclusive import prices were available. The respondents further assert that if the Department did intend to use domestic scrap prices, the Department should have deducted the tax amount from domestic prices just as it did for pig iron.

We agree with the respondents that the domestic prices of iron scrap and steel scrap should be exclusive of taxes. Therefore, based on information on the record, we have recalculated the surrogate values for iron scrap and steel scrap to be exclusive of taxes.

Denial of Separate Rate

In the companion brake rotors investigation, Dalian Norinco asserts that the Washington Post articles, upon which the Department relied in its decision to deny a separate rate to Dalian Norinco, do not refer to Dalian Norinco. It argues that these articles refer to the national corporation, NORINCO, which is located in Dalian, not Dalian Norinco. Therefore, Dalian argues that the Department based its decision on a factual misreading of Dalian Norinco's response, which constitutes a ministerial error.

We disagree with the respondent that not granting Dalian Norinco a separate rate in the preliminary determination was a ministerial error. In our October 3, 1996, concurrence memorandum, we stated that we had concerns regarding *de facto* government control of Dalian Norinco. We did not base our decision solely on articles appearing in the

Washington Post. Our decision not to grant a separate rate to Dalian Norinco was also based on other information on the record which did not establish that Dalian Norinco was separate from the national corporation, NORINCO.

We do not find this issue to be ministerial in nature. However, we will examine this issue further for the final determination.

Conclusion

Our analysis of the clerical allegations included an analysis of the calculations for all the selected respondents and the respondents not selected.

For brake drum respondents Yantai, Xinchangyuan, and Qingdao, we are correcting the clerical errors mentioned above at this time, because we have found them to be significant. Based upon the revised margins for Yantai, Xinchangyuan, and Qingdao, we will also amend the weighted-average dumping margin used for the respondents not selected.³ We will not amend the preliminary margin for the selected respondent CMC, because the change in the margin calculated for CMC would be less than five absolute percentage points; furthermore, CMC's margin will not change from not *de minimis* to *de minimis*, since it is already *de minimis*. See proposed regulation 351.224(g)(2). The China-Wide Rate used in the brake drums investigation remains unchanged.

In the companion investigation of Brake Rotors from the PRC, we are not making any corrections at this time, because the correction of the two ministerial errors described above would result in a change of less than five absolute percentage points for all the selected respondents except Southwest Technical Import & Export Corporation, and Yangtze Machinery Corporation (Southwest). However, the change in margin for Southwest would be less than 25 percent of the weighted-average dumping margin calculated in the original brake rotors preliminary determination for that firm, and thus does not meet our criteria for a significant ministerial error.

³ Given that we did not have the administrative resources to analyze the responses of all participating exporters, we determined that our investigations would be limited to the analysis of the sales of the seven largest PRC brake rotor exporters and the five largest brake drum exporters to the United States. For the responding firms that were not selected, we have assigned a weighted-average dumping margin based on the calculated margins which were not *de minimis*.

Continuation of Suspension of Liquidation, and Termination of Suspension of Liquidation, in Part

The weighted-average dumping margins have changed for the following companies in the brake drums investigation. For the exporter Beijing Xinchangyuan Automobile Fittings Corporation, Ltd., the amended preliminary weighted-average margin is *de minimis*. Accordingly, we are directing Customs to terminate the suspension of liquidation for shipments of brake drums entered or withdrawn from warehouse, for consumption on or after October 10, 1996, and to release any bond or other security, and refund any cash deposit, posted for entries of subject merchandise produced and exported by Beijing Xinchangyuan Automobile Fittings Corporation, Ltd. For the remaining exporters, in accordance with section 733(d) of the Act, the Department will direct the Customs Service to continue to require a cash deposit or posting of a bond equal to the estimated dumping margins by which the normal value exceeds the U.S. price, as shown below.

Manufacturer/producer/exporter	Weighted-average margin percentage
Yantai Import & Export Corporation	6.88
Qingdao Metal & Machinery Import & Export Corporation	2.36
Beijing Xinchangyuan Automobile Fittings Corporation, Ltd	1.33 (<i>de minimis</i>)
Respondents Not Selected:	
China National Automotive Industry Import & Export Corporation, Shandong Laizhou CAPCO Industry Corporation, and CAPCO International USA	4.62
Shandong Jiuyang Enterprise Corporation	4.62
Hebei Metals and Machinery Import & Export Corporation	4.62
Longjing Walking Tractor Works Foreign Trade Import & Export Corporation	4.62
Shanxi Machinery and Equipment Import & Export Corporation ..	4.62

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

Dated: November 21, 1996.
 Barbara R. Stafford,
 Acting Assistant Secretary for Import Administration.
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University of Vermont, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 96-096. Applicant: University of Vermont, Burlington, VT 05405. Instrument: IR Mass Spectrometer, Model Delta^{plus}. Manufacturer: Finnigan MAT, Germany. Intended Use: See notice at 61 FR 51276, October 1, 1996. Reasons: The foreign instrument provides: (1) high sensitivity to 1500 molecules CO₂ per mass 44 ion, (2) ion source linearity of 0.02%/nA ion current (mass 44) and (3) a GC/C/MS interface and microcombustion oxidation furnace for production of CO₂, N₂ and H₂O. Advice received from: National Institutes of Health, October 21, 1996.

Docket Number: 96-100. Applicant: Johns Hopkins University, Baltimore, MD 21218. Instrument: Fast Correlation Spectrometer, Model ALV 5000/E. Manufacturer: ALV Laser, Germany. Intended Use: See notice at 61 FR 54156, October 17, 1996. Reasons: The foreign instrument provides a dual detection system to minimize spurious afterpulsing at short intervals and optimal fiberoptic coupling. Advice received from: National Institute of Standards and Technology, November 13, 1996.

The National Institutes of Health and the National Institute of Standards and Technology advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of