

The weighted-average dumping margins are as follows:

Exporter/Manufacturer	Weighted-average margin percentage
Mitsubishi Heavy Industries, Ltd. (MHI)	41.72
All-Others	41.72

International Trade Commission ("ITC") Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is published pursuant to section 735(d) of the Act.

Dated: April 24, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-11384 Filed 5-2-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-802]

Gray Portland Cement and Clinker From Mexico: Amended Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: May 5, 1997.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan or Dorothy Woster, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230; telephone: (202) 482-3793.

Scope of the Review

The products covered by this review include gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material product produced when manufacturing cement, has no use other than being ground into finished cement. Gray portland cement is currently classifiable under the Harmonized Tariff Schedule (HTS) item number 2523.29 and cement clinker is currently classifiable under HTS item number 2523.10. Gray portland cement has also been entered under HTS item number 2523.90 as "other hydraulic cements." The HTS subheadings are provided for convenience and U.S. Customs Service purposes only. Our written description of the scope of the order remains dispositive.

Amendment of Final Results

On April 9, 1997, the Department of Commerce (the Department) published the final results of the administrative review of the antidumping duty order on Gray Portland Cement and Clinker from Mexico (62 FR 17148). This review covered CEMEX S.A de C.V (CEMEX), and its affiliate, Cementos de Chihuahua (CDC), manufacturers/exporters of the subject merchandise to the United States. The period of review (POR) is August 1, 1994 through July 31, 1995.

On April 8, 1997, and April 17, 1997, counsel for the respondent, CEMEX, filed allegations of clerical errors with regard to these final results. On April 18, 1997, counsel for CDC filed allegations of clerical errors with regard to these final results. On April 9, 1997, counsel for petitioners, the Southern Tier Cement Committee, filed a submission agreeing with CEMEX's allegation submitted April 8, 1997; petitioners' submission also contained additional allegations of clerical errors with regard to these final results. On April 10, 1997, CEMEX filed a submission agreeing that the Department should correct the errors noted by petitioners' April 9, 1996 letter. The allegations and rebuttal comments of both parties were filed in a timely fashion. The Department, upon review of the allegations and comments, agrees with respondent and petitioners and is hereby issuing an amended final, based on the corrections of these ministerial errors.

First, respondent CEMEX contended that the Department made an arithmetic error when it converted the value of sales to the United States reported in short tons into metric tons. Respondent alleged that the Department should have

divided net price for the product sold in the United States by the short ton/metric ton conversion coefficient rather than multiplying by the coefficient.

Petitioners did not object to respondent's allegation. Petitioners noted, however, that the correct conversion factor is .907194 metric tons per short ton, and that this conversion factor should be incorporated into the Department's amended final results. Respondent did not object to petitioners' allegation, and the Department has used the conversion factor of .907194 metric tons per short ton in the amended final results.

Second, CEMEX alleged that the Department overstated the constructed export price (CEP) profit rate by continuing to use further manufactured sales in the calculation of CEP profit without making any adjustment for those U.S. expenses associated with further manufacturing. CEMEX suggested that the Department correct this inadvertent error by dividing total U.S. expenses and revenue in the CEP profit calculation by the percentage which CEP sales comprise of total U.S. CEP and further manufactured sales. Petitioners have not objected in principle to CEMEX's allegation, however, they have objected to CEMEX's proposed methodology for calculating CEP profit. Petitioners have provided an alternative suggestion which adjusts total U.S. movement expenses (USMOVEH) and total U.S. indirect selling expenses (INDEXPU) to account for those expenses associated with the further manufactured sales.

In the final results of this review, the Department determined that the value added of U.S. further manufactured sales of concrete substantially exceeded the value added of the subject merchandise. The weighted-average CEP for non-further manufactured CEP sales was substituted as the CEP for U.S. further manufactured sales. The Department agrees with CEMEX that the Department overstated the CEP profit rate in the final results by continuing to use further manufactured sales in the calculation of CEP profit without making any adjustment for those U.S. expenses associated with further manufacturing. The Department agrees with CEMEX and petitioners' that this is a ministerial error and has corrected this error for the amended final results by including expenses associated with all CEP sales in the calculation of CEP profit based on petitioners' suggested calculation.

Third, CEMEX claims that the Department erred in excluding home market Type II transactions and sales failing the arm's length test from the

calculation of CEP profit. We agree with respondent that sales outside the ordinary course of trade should be included in the Department's calculation of total actual profit and have corrected this. However, with respect to sales failing the arm's length test, we disagree with CEMEX that we made a ministerial error in excluding these sales.

Fourth, CEMEX alleged that the variable overhead factor (VOH) for CEMEX's cost of production contains a mathematical error. CEMEX alleged that the Department incorrectly used the 1994 VOH factor for Type II cement for the 12 month calendar year in the calculation of the difference in merchandise (DIFMER) adjustment, as opposed to the average factor corresponding to August through December 1994, the five month period in 1994 subject to review. CEMEX noted that all other cost of production factors for 1994 were calculated based on the five month period in 1994 subject to review. Petitioners have objected to CEMEX's allegation stating that this is a methodological issue and cannot be considered a ministerial error. The Department agrees with CEMEX; in the calculation of DIFMER for these amended final results, the Department intended to use the VOH factor relating to the five month period in 1994, subject to review, consistent with all other cost of production factors used in both the preliminary and final results of this review. Therefore, we have corrected this ministerial error.

Fifth, CEMEX alleged that the Department failed to adjust certain fixed overhead (FOH) costs as intended. CEMEX alleged that the Department properly incorporated the increase in monthly reported 1995 FOH costs which were recalculated during verification to take into account additional depreciation expenses. However, CEMEX noted that the Department failed to revise total cost of manufacturing (TOTCOM) and general and administrative (GNA) expenses for cost of production to account for the change in FOH costs. Petitioners object to CEMEX's allegation stating that this is a methodological issue and cannot be considered to be a ministerial error. The Department agrees with CEMEX that it inadvertently omitted the additional depreciation costs from the calculation of TOTCOM and has, therefore, revised the TOTCOM and GNA figures in cost of production for the amended final results of this review.

Sixth, CDC alleged that the Department should convert the entered value, reported in U.S. dollars per short ton, to U.S. dollars per metric ton before

calculating importer-specific dumping rates based on duties due calculated in dollars per metric tons. Petitioners have not objected to CDC's allegation of a ministerial error. The Department agrees with CDC, and has divided entered value by .907194 in the calculation of these amended final results to convert entered value to dollars per metric ton.

CDC also alleged that the Department should calculate a single percentage margin for all of CDC's U.S. sales, as opposed to a value-based importer-specific rate for the CEP sales and a volume-based rate (unit margin) for export price (EP) sales. We disagree with respondent that this is a ministerial error. The calculation of importer-specific dumping rates is a methodological issue. Consequently, it is inappropriate to change the methodology to calculate an importer-specific rate for EP sales at this time as a ministerial error.

Lastly, petitioners alleged that the Department made a ministerial error in the calculation of credit expense for CDC. Petitioners alleged that the Department should have subtracted the date of shipment from the date of payment in the calculation of average credit days outstanding. In addition, the percentage for credit expense in the Department's calculations should have been multiplied by the gross unit price for the product sold in the United States minus discounts and rebates. Second, petitioners alleged that the Department erred in the calculation of the DIFMER adjustment. For the months of February, March, and April 1995, petitioners alleged that the Department misplaced the decimal point in the DIFMER percentage. Respondent has not objected to petitioners' allegation of ministerial errors. After a review of petitioners' allegation, we agree and have corrected these errors for the amended final results.

Pursuant to section 353.28 of the Department's regulations, parties to the proceeding will have 5 days after the date of publication of this notice to notify the Department of any new ministerial or clerical errors, as well as, 5 days thereafter to rebut any comments by parties.

Amended Final Results of Review

As a result of our review, we have determined that the following margin exists:

Manufacturer/Exporter	Time period	Margin (percent)
CEMEX S.A de C.V.	8/1/94-7/31/95	73.69

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between sales to the United States and normal value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective, upon publication of this notice of amended final results of review for all shipments of gray portland cement and clinker from Mexico, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates for those firms as stated 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 61.35 percent for gray portland cement and clinker, the all others rate established in the less than fair value investigation. See Final Determination of Sales at Less Than Fair Value: Gray Portland Cement and Clinker from Mexico, 55 FR 29244 (1990).

These 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 also 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 section 353.34(d) of the Department's regulations. Timely 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 amendment of final results of 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: April 25, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-11656 Filed 5-2-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-803]

Heavy Forged Hand Tools from the People's Republic of China: Notice of Amendment of Final Results of Antidumping Administrative Review

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

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

SUMMARY: The Department of Commerce (the Department) is amending its final results of administrative reviews of the antidumping duty orders on heavy forged hand tools (HFHTs) from the People's Republic of China (PRC), published on October 1, 1996, to reflect the correction of ministerial errors made in the margin calculations for those final results. We are publishing this amendment to the final results in accordance with 19 CFR 353.28(c).

EFFECTIVE DATE: May 5, 1997.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-4733.

Applicable Statute

Unless otherwise stated, 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). 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).

SUPPLEMENTARY INFORMATION:

Background

On April 5, 1996, the Department published the preliminary results of our administrative review of HFHTs from the PRC (61 FR 15218) for the period February 1, 1994 through January 31, 1995. We published the final results of review on October 1, 1996 (61 FR 51269). On October 7, 1996, we received a timely allegation from respondents Fujian Machinery & Equipment Import & Export Corporation (FMEC) and Shandong Machinery Import & Export Corporation (SMC) that the Department made ministerial errors in the final results. These errors were not corrected by the Department prior to the time the parties filed suit with the Court of International Trade (CIT). Therefore, leave was requested to correct the clerical errors in this case. On March 6, 1997, the CIT issued an order granting leave to the Department to correct ministerial errors in these final results.

Scope of Review

Imports covered by these reviews are shipments of HFHTs from the PRC comprising the following classes or kinds of merchandise: (1) Hammers and sledges with heads over 1.5 kg (3.33 pounds) (hammers/sledges); (2) bars over 18 inches in length, track tools and wedges (bars and wedges); (3) picks/mattocks; and (4) axes/adzes.

HFHTs include heads for drilling, hammers, sledges, axes, mauls, picks, and mattocks, which may or may not be painted, which may or may not be finished, or which may or may not be imported with handles; assorted bar products and track tools including wrecking bars, digging bars and tampers; and steel woodsplitting wedges. HFHTs are manufactured through a hot forge operation in which steel is sheared to required length, heated to forging temperature, and formed to final shape on forging equipment using dies specific to the desired product shape and size. Depending on the product, finishing operations may include shot-blasting, grinding, polishing and painting, and the insertion of handles for handled products. HFHTs are currently provided for under the following Harmonized Tariff System (HTS) subheadings: 8205.20.60, 8205.59.30, 8201.30.00, and 8201.40.60. Specifically excluded are hammers and sledges with heads 1.5 kg (3.33 pounds) in weight and under, hoes and rakes, and bars 18 inches in length and under.

Amended Final Results

On October 7, 1996, FMEC and SMC alleged that the Department committed ministerial errors in calculating the final antidumping duty margin. Respondents alleged that, in the calculation sheet for bars exported by SMC, the Department included one observation twice, which led to the misalignment of the column for per unit foreign inland freight.

Second, the respondents alleged that the Department made errors in calculating the factor values for anti-damp paper, the iron knot/iron button, and resin glue. Specifically, respondents claim that the Department made clerical errors in determining which import values were too small to be included in the overall weighted averages the Department calculated for these factor values.

We have reviewed these allegations, and agree with respondents in part. We agree that we included one observation twice in the calculation sheet for bars exported by SMC, which resulted in a misalignment of the inland freight column in the calculation sheet. We have amended the final results by deleting the duplicate observation. We also agree with respondents that we incorrectly calculated the factor value for resin glue. We have recalculated this factor value by adding imports from Denmark to, and subtracting imports from the United Arab Emirates from, the weighted average calculation. As a result of these corrections, the margin for bars exported from SMC has changed from 42.97 percent to 42.11 percent. No other margins were affected.

We disagree with respondents that we incorrectly calculated factor values for anti-damp paper and the iron knot/iron button. With respect to anti-damp paper, we note that our final factor value memorandum inaccurately stated that we did not include Swedish imports in our weighted-average factor value calculation. However, it is clear from the factor value calculation sheet attached to our analysis memorandum that we did include Swedish data in the weighted-average factor value for anti-damp paper. The analysis memorandum should state that we did not include imports from the United Kingdom and Switzerland. See Final Analysis Memorandum dated September 23, 1996, and Final Factor Value Memorandum dated September 23, 1996, on file in room B-099 of the Commerce Department.

With respect to the iron knot/iron button, respondents are incorrect in stating that the import data show that the quantity imported from the Netherlands was 130 kgs., and that, if