

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 October 5, 1995.

BP's Ohio refinery facilities consist of three sites which operate as an integrated system: *Site 1* (142,000 barrels per day (BPD); 649 acres)—Toledo refinery and petrochemical feedstock complex located at 4100 Cedar Point Road (including a tank farm adjacent to the refinery on Buckeye Road), in the city of Oregon, Lucas County; *Site 2* (170,000 BPD; 650 acres)—Lima refinery and petrochemical feedstock complex, located some 80 miles south of the Toledo refinery at 1150 South Metcalf Road along the Ottawa River in Shawnee Township, Allen County; *Site 3* (17 acres)—crude oil tank farm located midway between the refineries at 12716 Tank Farm Road, city of Cygnet, Wood County.

The refineries (1,000 employees) are used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, distillates, residual fuels, and naphthas. Petrochemicals include methane, ethane, butane, propane, toluene, benzene, and xylene. Refinery by-products include petroleum coke, asphalt and carbon black. Approximately one-quarter of the crude oil (nearly all of inputs) and some feedstocks are sourced abroad.

Zone procedures would exempt the refineries 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 5.25¢ to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refineries' 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 December 15, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 2, 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, Bank One Center, 600 Superior Ave., Suite 700, Cleveland, Ohio 44114

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: October 5, 1995.

Dennis Puccinelli,

Acting Executive Secretary.

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International Trade Administration

[A-122-006]

Steel Jacks From Canada; 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: The Department of Commerce (the Department) is conducting an administrative review of the antidumping finding on steel jacks from Canada. The review covers two manufacturer/exporters of this merchandise to the United States, New-Form Manufacturing Co., Ltd. (NFM) and Seeburn Metal Products (Seeburn). The period covered is September 1, 1993 through August 31, 1994. The review indicates the existence of dumping margins for this period.

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

EFFECTIVE DATE: October 16, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0665 or 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 17, 1966, the Treasury Department published in the Federal Register (31 FR 7485) the antidumping finding on steel jacks from Canada. Based on a timely request for review, we initiated an administrative review of two firms, NFM and Seeburn, on November 14, 1994 (59 F.R. 56549), for the 1993–1994 period of review (POR), in accordance with 19 CFR § 353.22(c). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of the Review

Imports covered by this review are multi-purpose hand-operated heavy-duty steel jacks, used for lifting, pulling, and pushing, measuring from 36 inches to 64 inches high, assembled, semi-assembled and unassembled, including jack parts, from Canada. The merchandise is currently classified under Harmonized Tariff Schedule (HTS) item numbers 8425.49.00. The HTS numbers are provided for convenience and Customs purposes. The written description remains dispositive.

This review covers two manufacturer/exporters, NFM and Seeburn. The POR is September 1, 1993, through August 31, 1994.

Seeburn

On February 3, 1995, the Department determined that the products imported by Seeburn were automobile tire jacks outside the scope of the antidumping finding on steel jacks from Canada. Therefore, because Seeburn had no shipments of subject merchandise during the POR and Seeburn has never before been reviewed, we are assigning Seeburn the "all others" rate.

United States Price (USP)

Because NFM sold all its merchandise to unrelated U.S. customers prior to importation, we based USP on purchase price in accordance with section 772(b) of the Act. We calculated purchase price based on prices that were either F.O.B. or delivered to the customers' premises. In accordance with section 772(d)(2) of the Act, we adjusted USP for discounts, brokerage and handling, foreign and U.S. inland freight, and customs duty,

where applicable. Since NFM did not report customs duty for U.S. sales which were delivered to customers' premises, the Department used the Customs duty rate applicable for this merchandise.

We adjusted USP for taxes in accordance with our practice as outlined in *Silicomanganese From Venezuela; Preliminary Determination of Sales at Less than Fair Value*, 59 F.R. 31204 (June 17, 1994) (*Silicomanganese*).

No other adjustments were claimed or allowed.

Foreign Market Value (FMV)

Based on a comparison of the volume of home market and third-country sales, we determined that NFM's home market was viable in accordance with 19 CFR § 353.48. Therefore, in accordance with section 773 of the Act, we compared U.S. sales of subject merchandise with sales of such or similar merchandise in the home market. We calculated FMV using monthly weighted-average prices of sales of identical jacks.

FMV was based on packed, delivered home market prices, with deductions for discounts, foreign inland freight and insurance, home market credit expenses, rebates, and home market packing, in accordance with Section 773(a)(1) and (a)(4) of the Act. In accordance with section 773(a)(1) of the Act, we added U.S. packing, credit, warehousing, and commissions to FMV. We did not offset U.S. commissions by deducting home market indirect selling expenses up to the amount of U.S. commissions, as we normally do pursuant to section 353.56(b)(1) of the Department's regulations, because the respondent's claimed indirect selling expenses were calculated using unsupported estimates.

We included in FMV the amount of value-added taxes collected in the home market, in accordance with our practice as outlined in *Silicomanganese*. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of USP to FMV, we preliminarily determine that the following dumping margins exist for the POR:

Review period	Manufacturer/exporter	Margin (percent)
9/1/93-8/31/94	NFM	28.49
	Seeburn ...	*28.35

*No shipments or sales subject to this review; because this firm has never been reviewed, rate is the all others rate explained in (4) below.

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing will be held 44 days after the date of publication or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analyses of issues raised in any such case briefs or at a hearing.

The following deposit requirements shall be effective for all shipments of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act, and will remain in effect until publication of the final results of the next administrative review:

- (1) The cash deposit rates for the reviewed companies shall be the rates established in the final results of this review;
- (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be their previously established company-specific rate published for the most recent period;
- (3) if the exporter is not a firm covered in this review, prior reviews, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise;
- (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be the "all others" rate established in the first review conducted by the the Department in which an "all others" rate was established, as discussed below.

On May 25, 1993, the Court of International Trade (CIT) in *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993), and *Federal Mogul Corporation and the Torrington Company v. United States*, 822 F. Supp. 782 (CIT 1993), decided that once an "all others" rate is established for a company it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate the "all others" rate from the LTFV investigation (or that rate as amended for correction of clerical errors or as a result of litigation)

in proceedings governed by antidumping duty orders.

In proceedings governed by antidumping findings, unless we are able to ascertain the "all others" rate from the Treasury LTFV investigation, the Department has determined that it is appropriate to adopt the "all others" rate established in the first final results of administrative review published by the Department (or that rate as amended for correction of clerical errors or as a result of litigation) for the purposes of establishing cash deposit rates in all current and future administrative reviews.

Because this proceeding is governed by an antidumping duty finding and we are unable to ascertain the "all others" rate from the Department of Treasury LTFV investigation, the Department has determined to apply the "all others" rate of 28.35 percent established in the first final results published by the Department (52 F.R. 32957, September 1, 1987).

This notice 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 these review periods. 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 this 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: September 13, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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[C-201-001]

Leather Wearing Apparel From Mexico; Partial Termination of Countervailing Duty Administrative Review and Termination of New Shipper Review

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

ACTION: Notice of partial termination of countervailing duty administrative review and termination of new shipper countervailing duty administrative review.

SUMMARY: On May 15, 1995, in response to a request from the Government of