Petitions will refer to Petitions For The Imposition Of Monitoring Or Controls On Recyclable Metallic Materials; Public Hearings activities; and

CCL will refer to Commerce Control List activities that are associated with export license applications.

II. Method of Collection

For USAG, the method is a written application for the exemption from Short Supply Limitations on Export Activities.

For Petitions, the method is a written petition requesting the monitoring of exports or the imposition of export controls, or both, with respect to certain materials.

For CCL, the method is by electronic or paper submissions related to export license applications.

III. Data

OMB Number: 0694–0102.

Form Number: None.

Type of Review: Regular submission for extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 2.

Estimated Time Per Response:

USAG: 5 hours per response.

Petition: 5 hours per response.

CCL: n/a—time is part of license application requirements.

Estimated Total Annual Burden Hours: 10.

Estimated Total Annual Cost: $200.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: February 29, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–5180 Filed 3–5–96; 8:45 am]

BILLING CODE 3510–DT–P

International Trade Administration

[A–580–807]

Polyethylene Terephthalate Film, Sheet, and Strip From the Republic of Korea; Antidumping Duty Administrative Review; Time Limits

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

ACTION: Notice of extension of time limits.

SUMMARY: The Department of Commerce (the Department) is extending the time limits for the preliminary and final results of the review of polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea. The review covers four manufacturers/exporters of the subject merchandise to the United States and the period June 1, 1994 through May 31, 1995.

EFFECTIVE DATE: March 6, 1996.

FOR FURTHER INFORMATION CONTACT:

Michael J. Heaney 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) 482–4475 or 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

Because it is not practicable to complete this review within the time limits mandated by the URAA (245 days from the last anniversary month for preliminary determinations, 120 additional days for final determinations), pursuant to Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended, the Department is extending the time limits for completion of the preliminary results until June 30, 1996. We will issue our final results for this review by October 31, 1996.

These extensions are in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A)).

Dated: February 22, 1996.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 96–5144 Filed 3–5–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–201–504]

Notice of Preliminary Results of Antidumping Duty Administrative Review; Porcelain-on-Steel Cookware From Mexico

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

SUMMARY: In response to a request by petitioner, the Department of Commerce is conducting an administrative review of the antidumping duty order on porcelain-on-steel cookware from Mexico. The review covers shipments of this merchandise to the United States during the period December 1, 1991 through November 30, 1992. The review indicates the existence of dumping margins during the review period. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 6, 1996.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Dolores Peck, 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) 482–4929.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 1992, the Department of Commerce (the Department) published in the Federal Register a notice of ''Opportunity to Request an Administrative Review'' of the Antidumping Duty Order on Porcelain-on-Steel Cookware from Mexico (57 FR 57419). In accordance with 19 C.F.R. 353.22(a)(2), on December 16, 1992, General Housewares Corporation requested an administrative review of the antidumping order covering the period December 1, 1991, through November 30, 1992. We initiated the administrative review on February 23, 1993 (58 FR 11026), and are conducting it in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are shipments of porcelain-on-steel cookware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are

enameled or glazed with vitreous glasses. This merchandise is currently classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) item number 7323.94.00. Kitchenware currently entering under HTS item number 7323.94.00.30 is not subject to the order. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive.

The review covers two manufacturers/exporters, Acero Porcelanizado, S.A. de C.V. (APSA) and Cinsa, S.A. de C.V. (CINSA) of Mexican porcelain-on-steel cookware. The period of review (POR) is December 1, 1991 to November 30, 1992.

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.

Product Comparisons

In accordance with the Department's standard methodology, we first compared identical merchandise. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we made similar merchandise comparisons on the basis of product type, quality, color, and number of enamel coats for CINSA and product type and quality for APSA.

CINSA argued that beginning in the fifth review period (1990–91), its home market costs and prices began to differentiate between items having different colors and enamel coats. We analyzed the information on the record in the sixth review (1991–92) and determined that appreciable differences in costs may result from different coats/colors for a product otherwise the same which is sold in the same period of time. We also noted that CINSA's home market pricing appears to differentiate between items having different colors and enamel coats, as argued by respondent. Accordingly, in addition to the product type and quality criteria, we have also used color and coat as matching criteria for CINSA.

APSA argues that color and coat should not be used in its product comparisons since the difference in its cost of producing cookware of different colors and coats is insignificant in relation to the total cost of production (COP). Moreover, APSA argued that the Department had matched only by product and quality in past reviews. As a result of our analysis of the information on the record, we concluded that there is no evidence indicating that the previous matching criteria are inappropriate for purposes of this review for this company. Accordingly, for APSA, we have compared products using only the product type and quality criteria, as was done in past reviews. (*See* Concurrence Memorandum dated September 13, 1995, for further discussion of this issue).

For those U.S. sales for which we found no contemporaneous sales of comparable merchandise sold in the home market and for which there was no constructed value (CV) data on the record, we used best information available (BIA). (See United States Price section of this notice).

United States Price

A. APSA

We based United States price (USP) on both exporter's sales price (ESP) and purchase price (PP), in accordance with section 772 of the Act, because the subject merchandise was sold both before and after importation into the United States. We based ESP and PP on the packed, ex-factory price to unrelated purchasers in the United States.

For both PP and ESP sales we made deductions from USP, where appropriate, for foreign and U.S. inland freight and insurance, Mexican and U.S. brokerage and U.S. import duties and user fees, in accordance with section 772(d)(2) of the Act. We also made deductions for discounts and rebates.

We made further deductions from ESP, where applicable, for commissions, credit expenses and indirect selling expenses, pursuant to section 772(e)(1) and (2) of the Act.

For three U.S. products, we found no identical home market products sold in contemporaneous periods, and APSA did not provide an adjustment for differences in merchandise or constructed value information, as we had repeatedly requested. Therefore, we used BIA for these sales pursuant to Section 776(C) of the Act. As partial BIA, we used the weighted-average of 8.75 percent from *Porcelain-On-Steel Cookware From Mexico; Final Results of Antidumping Duty Administrative Review (3rd Administrative Review),* 58 FR 32095 (June 8, 1993),because it is the highest rate ever determined for APSA. This is consistent with the Department's general application of partial BIA (*see, e.g., Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order; Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et. al.,*(AFBs), 60 FR 10900, 10907 (February 28, 1995)).

B. CINSA

We based USP on PP, in accordance with section 772 of the Act, because the subject merchandise was sold before importation into the United States. We based PP on the packed, ex-factory price to unrelated purchasers in the United States.

We made deductions from USP, where appropriate, for foreign and U.S. inland freight and insurance, Mexican and U.S. brokerage and U.S. import duties, in accordance with section 772(d)(2) of the Act.

We added to USP the amount of import duties which have been rebated, or which not have been collected, by reason of the exportation of the subject merchandise to the United States.

C. CINSA and APSA

For both CINSA and APSA we made an adjustment to USP for the value-added tax (VAT) paid on the comparison sales in Mexico. In light of the Federal Circuit's decision in *Federal Mogul* v. *United States,* CAFC No. 94–1097, the Department has changed its treatment of home market consumption taxes. Where merchandise exported to the United States is exempt from the consumption tax, the Department will add to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that the Department adopted following the decision of the Federal Circuit in *Zenith* v. *United States,* 988 F. 2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The Court of International Trade (CIT) overturned this methodology in *Federal Mogul* v. *United States,* 834 F. Supp. 1391 (1993), and the Department acquiesced in the CIT's decision. The Department then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; the Department made adjustments to this amount so that the tax adjustment would not alter a ''zero'' pre-tax dumping assessment.

The foreign exporters in the *Federal Mogul* case, however, appealed that decision to the Federal Circuit, which reversed the CIT and held that the statute did not preclude Commerce from using the ''*Zenith* footnote 4'' methodology to calculate tax-neutral dumping assessments (*i.e.,* assessments that are unaffected by the existence or amount of home market consumption taxes). Moreover, the Federal Circuit recognized that certain international agreements of the United States, in

particular the General Agreement on Tariffs and Trade (GATT) and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct Commerce to determine which tax methodology it will employ.

The Department has determined that the ''*Zenith* footnote 4'' methodology should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the *Federal Circuit* has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the Uruguay Round Agreements Act (URAA) explicitly amended the antidumping law to remove consumption taxes from the home market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

While the ''*Zenith* footnote 4'' methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to United States price rather than subtracted from home market price, it does result in tax-neutral duty assessments. In sum, the Department has elected to treat consumption taxes in a manner consistent with its longstanding policy of tax-neutrality and with the GATT.

Also, for both APSA and CINSA, the Department verified in the original investigation and in previous reviews that both companies incur the same packing expenses for sales of the subject merchandise in the United States and in Mexico. Therefore, as in previous reviews, no adjustment was made for packing.

Foreign Market Value

A. APSA

In calculating foreign market value (FMV), the Department used home market price, as defined in section 773 of the Act. Home market price was based on the packed, ex-factory price to certain related and unrelated purchasers in the home market. In our margin calculations, we used sales to related parties which we found were at arm's length. *See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom; Final Results of Antidumping Duty Administrative Review*, 60 FR 44012 (August 24, 1995).

We made deductions from the home market price for discounts and rebates. For comparison to PP sales, pursuant to section 773(a)(4)(B) and 19 C.F.R. 353.56(a)(2), we made a circumstance-of-sale (COS) adjustment, where appropriate, for differences in credit expenses. For comparison to ESP sales, we also deducted credit expenses from FMV.

We adjusted for differences in commissions in accordance with 19 CFR 353.56(a)(2)(1994).

Regarding indirect selling expenses, APSA calculated inventory carrying costs based on sales price. We recalculated these costs based on APSA's cost of goods sold.

We adjusted for VAT in accordance with our practice. (See the United States Price section of this notice, above.)

B. CINSA

We also used home market price for CINSA, when sufficient quantities of such or similar merchandise were sold in the home market, at or above the cost of production (COP), to provide a basis for comparison.

Home market price was based on the packed, delivered and ex-factory price to certain related and unrelated purchasers in the home market. In our margin calculations, we used sales to related parties which we found were at arm's length. We made deductions from home market price for discounts, where applicable.

In light of the Court of Appeals for the Federal Circuit's decision in *Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement* v. *United States*, 13 F.3d 398 (Fed. Cir. 1994), the Department no longer can deduct home market movement charges from FMV pursuant to its inherent power to fill in gaps in the antidumping statute. Instead, we adjust for those expenses under the COS provision of 19 CFR 353.56(a). Accordingly, in the present case, we adjusted for post-sale home market inland freight charges under the COS provision of 19 CFR 353.56(a). We did not deduct pre-sale inland freight charges because, as in the fifth administrative review, CINSA did not demonstrate to the Department's satisfaction that these expenses are directly related to sales of the subject merchandise. Because CINSA did not report warehousing as a direct selling expense, it is reasonable to assume that freight to the warehouse also is not directly related to sales. *See Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit from Thailand*, 60 FR 29553, 29563 (June 5, 1995) for a complete discussion on the Department's policy concerning pre-sale movement charges.

Pursuant to section 773(a)(4)(B) and 19 C.F.R. 353.56(a)(2), we made a COS adjustment, where appropriate, for differences in credit expenses. We recalculated home market credit using the revised interest rate reported in the May 2, 1994, supplemental response. Also, as stated in this response, we did not calculate credit expenses for sales in the home market where there were missing pay dates. We determined that the bank fees associated with the letter of credit transactions for certain U.S. customers are a direct selling expense and have added these fees to FMV. We deducted home market commissions and added U.S. indirect selling expenses capped by the amount of home market commissions.

We adjusted for VAT in accordance with our practice. (*See* the ''United States Price'' section of this notice, above.)

Cost of Production

With regard to CINSA, there is a history of sales below the COP. In order to determine whether home market prices were below COP within the meaning of section 773(b) of the Act, we performed a product-specific cost test, in which we examined whether each home market product sold during the POR was priced below the COP of that product. For CINSA's home market models for which there were insufficient sales at or above the COP, we used CV.

Regarding APSA, petitioner's June 18, 1993, letter requested an extension for filing a sales below cost allegation, however, no such allegation was filed with the Department. Therefore, we did not perform a sales below cost analysis of APSA.

A. Calculation of COP

We calculated COP based on the sum of respondent's cost of materials, fabrication, general expenses and packing costs, in accordance with 19 CFR 353.51(c). In our COP analysis, we have relied on COP information submitted by CINSA, except in the following instances where it was not appropriately quantified or valued: 1) We included expenses related to employee profit sharing in the cost of manufacture; 2) We revised CINSA's submitted interest costs to exclude the calculation of negative interest expense; and adjusted the VAT amount included in COP.

B. Test of Home Market Sales Prices

As required by section 773(b) of the Act, we tested whether a substantial quantity of respondent's home market sales of subject merchandise were made at prices below COP over an extended period of time. We also tested whether such sales were made at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade. On a product-specific basis, we compared the COP (net of selling expenses) to the reported home market prices, less any applicable movement charges, rebates, and direct and indirect selling expenses. To satisfy the requirement of section 773(b)(1) of the Act that below-cost sales be disregarded only if made in substantial quantities, we applied the following methodology. If over 90 percent of the respondent's sales of a given product were at prices equal to or greater than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' If between 10 and 90 percent of the respondent's sales of a given product were at prices equal to or greater than the COP, and sales of that product were also found to be made over an extended period of time, we disregarded only the below-cost sales. Where we found that more than 90 percent of the respondent's sales of a product were at prices below the COP, and the sales were made over an extended period of time, we disregarded all sales of that product, and calculated FMV based on CV, in accordance with section 773(b) of the Act.

In accordance with section 773(b)(1) of the Act, in order to determine whether below-cost sales had been made over an extended period of time, we compared the number of months in which below-cost sales occurred for each product to the number of months in the POR in which that product was sold. If a product was sold in three or more months of the POR, we do not exclude below-cost sales unless there were below-cost sales in at least three months during the POR. When we found that sales of a product only occurred in one or two months, the number of months in which the sales occurred constituted the extended period of time, *i.e.,* where sales of a product were made in only two months, the extended period of time was two months; where sales of a product were made in only one month, the extended period of time was one month. *See Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the United Kingdom,* 60 FR 10558, 10560 (February 27, 1995).

C. Results of COP Test

We found that for certain products, between 10 and 90 percent of CINSA's home market sales were sold at below COP prices over an extended period of time. Because CINSA provided no indication that the disregarded sales were at prices that would permit recovery of all costs within a reasonable period of time in the normal course of trade, in accordance with section 773(b) of the Act, we based FMV on CV for all U.S. sales left without a home market sales match as a result of our application of the COP test.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of respondent's cost of materials, fabrication, general expenses and packing costs. In accordance with section 773(e)(1)(B) (i) and (ii), we used: (1) The actual amount of general expenses because those amounts were greater than the statutory minimum of ten percent and (2) the actual amount of profit where it exceeded the statutory minimum of eight percent.

We recalculated the respondent's CV based on the methodology described in the calculation of COP above, with the exception of the VAT adjustment. In addition, we revised CV profit based upon the calculation provided by CINSA.

Price-to-CV Comparisons

Where we made CV to PP comparisons, we made a COS adjustment for direct selling expenses.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margins exist for the period December 1, 1991, through November 30, 1992:

Manufacturer/exporter	Review period	Margin (percent)
APSA	12/1/91–11/30/92	1.65
CINSA	12/1/91–11/30/92	4.93

Interested parties may request a disclosure within 5 days of publication of this notice and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held no later than seven days after the scheduled date for submission of rebuttal briefs. Case briefs will be due on April 22, 1996, and rebuttal briefs, limited to issues raised in the case briefs, will be due on April 29, 1996. We will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirement will be effective for all shipments of subject merchandise from Mexico 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 Tariff Act: (1) the cash deposit rates for the reviewed companies will be those 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 the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value 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) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the ''all others'' rate of 29.52 percent from the original investigation.

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 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 Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 29, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–5257 Filed 3–5–96; 8:45 am]

BILLING CODE 3510–DS–P