Dated: April 18, 1996.

Linda Engelmeier,

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

[FR Doc. 96–10115 Filed 4–24–96; 8:45 am]

BILLING CODE 3510–07–P

Foreign-Trade Zones Board

[Docket 31–96]

Foreign-Trade Zone 98—Birmingham, AL; Application for Subzone Status, ZF Industries, Inc. (Automotive Axle Assemblies), Tuscaloosa, Alabama

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Birmingham, Alabama, grantee of FTZ 98, requesting special-purpose subzone status for the automotive axle assembly manufacturing plant of ZF Industries, Inc. (ZF) (subsidiary of ZF Friedrichshafen AG, Germany), located in Tuscaloosa, Alabama. 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 April 16, 1996.

The new ZF plant (34 acres, 83,000 sq.ft.), currently under construction, is located at 1200 Commerce Drive within the Tuscaloosa County Airport Industrial Park, about 4 miles west of the City of Tuscaloosa. The facility (200 employees) will be used to produce front and rear axle assemblies for passenger vehicles manufactured at the Mercedes-Benz motor vehicle assembly plant in Tuscaloosa County, as well as for export. The application indicates that, at the outset, foreign-sourced parts and materials will comprise some 25 percent of the finished axle assemblies' material value, including: pinion sets, steering gears, tie rods, parking brake cables, and fasteners (duty rate range: 2.9–12.5%). Foreign (non-North American) parts and materials purchases are projected to decline to about 14 percent of the total in the medium term.

Zone procedures would exempt ZF from Customs duty payments on the foreign items used in production for export. On domestic shipments transferred in-bond to the Mercedes-Benz plant (Subzone 98A, Board Order 803, 61 FR 8237, 3–4–96), no duties would be paid on foreign-origin components of the axle assemblies until Mercedes enters the finished motor vehicles for domestic consumption, at which time, Mercedes could choose to apply the finished auto duty rate (2.5%). Mercedes would pay no duties on its exports. For axle assemblies withdrawn for Customs entry, the company would be able to choose the axle duty rate (2.9%) for the foreign-origin fasteners noted above. The application indicates that the savings from zone procedures would help improve the plant'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 on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 24, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 9, 1996).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Medical Forum Building, 7th Floor, 950 22nd Street North, Birmingham, AL 35203.

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

Dated: April 17, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–10110 Filed 4–25–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–351–806]

Silicon Metal from Brazil; 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 of the preliminary and final results of the fourth administrative review of the antidumping duty order on silicon metal from Brazil. The review covers five manufacturers/exporters of the subject merchandise to the United States and the period July 1, 1994, through June 30, 1995.

EFFECTIVE DATE: April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Fred Baker or John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the normal time frame, the Department is extending the time limits for completion of the preliminary results until July 29, 1996, in accordance with section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994. We will issue our final results for this review by December 5, 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: April 17, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–10114 Filed 4–24–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–549–502]

Certain Circular Welded Carbon Steel Pipes and Tubes from Thailand; Amended Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of amended final results of antidumping duty administrative review.

SUMMARY: On January 19, 1996, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Thailand (61 FR 1328). On February 2, 1996, Saha Thai Steel Pipe Co., Ltd. (Saha Thai), the sole respondent covered by this review, filed a timely allegation of clerical error regarding calculation of the cash deposit rate. Petitioners filed a timely reply to respondent's clerical error allegation on February 9, 1996. Upon review of these submissions, we have determined that the Department made a clerical error when it stated in the final results that ''the countervailing duty review for the period January 1, 1993, through December 31, 1993, has not yet been completed.'' *Id.* at 1338. It is because of

this clerical error that the Department did not adjust United States price (USP) pursuant to section 772 (d)(1)(D) of the Tariff Act of 1930, as amended (the Act) for countervailing duties attributable to export subsidies imposed on the subject merchandise. We are publishing this amendment to the final results of review in accordance with 19 CFR 353.28(c).

EFFECTIVE DATE: April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph Hanley or Zev Primor, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 482–3058/4114.

SUPPLEMENTARY INFORMATION:

Background

The Department published the order on certain circular welded carbon steel pipes and tubes from Thailand on March 11, 1986 (51 FR 8341). The Department published the preliminary results of this review on November 22, 1994 (59 FR 60128), and the final results of review on January 19, 1996 (61 FR 1328).

Applicable Statute and Regulations

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

Scope of the Review

The products covered by this administrative review are shipments of certain circular welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. These products, which are commonly referred to in the industry as ''standard pipe'' or ''structural tubing,'' are hereinafter designated as ''pipe and tube.'' The merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. The item numbers are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive as to the scope of the order.

The review period is March 1, 1992, through February 28, 1993. This review involves one company, Saha Thai Steel Pipe Company, Ltd. (Saha Thai).

Ministerial Error in Final Results of Review

Saha Thai alleges that the Department committed a clerical error by failing to recognize that both countervailing duty reviews (1992 and 1993) that cover the antidumping period of review (March 1, 1992 through February 28, 1993) were completed prior to the completion of this review. As a result, Saha Thai alleges, the Department had the information to adjust USP (pursuant to section 772(d)(1)(D) of the Act) to account for countervailing duties in its margin calculations prior to issuing the antidumping final results, but failed to do so.

Petitioners agree that the Department committed an error by stating that the 1993 countervailing duty review had yet to be completed. However, petitioners claim that the Department clearly stated in its final results that the U.S. Customs Service would adjust the antidumping duty cash deposit rate established in this review by the current countervailing duty cash deposit rate in effect at the time entries are made. Therefore, petitioners claim that this is a methodological rather than clerical issue, and oppose any adjustment to USP for countervailing duties imposed.

We agree with Saha Thai that the Department made a clerical error in its final results by stating that ''the countervailing duty review for the period January 1, 1993, through December 31, 1993 has not yet been completed'' (61 FR 1338). In fact the final results of the 1993 countervailing duty review were published in the Federal Register on August 23, 1995 (60 FR 43773). Therefore, at the time it issued the final results of this review on January 19, 1996, the Department had the information necessary to adjust USP upward for countervailing duties attributable to export subsidies imposed on the merchandise as required by section 772(d)(1)(D) of the Act.

Further, we disagree with petitioners that this is a methodological issue. The Department's unintentional error was clearly a ministerial one within the meaning of section 353.28(d) of the Department's regulations. 19 CFR 353.28(d). The statute clearly instructs the Department to adjust USP for countervailing duties imposed on merchandise subject to an antidumping duty review that are attributable to export subsidies. In this review the Department mistakenly concluded that it did not have the complete information to make such an adjustment, and therefore stated that it would instruct the U.S. Customs Service to adjust the antidumping duty cash deposit rate by the countervailing duty rate currently in effect. Because it is now clear that the information necessary to make the adjustment was available before completion of the final results, failure to make the adjustment is a clerical error.

Final Results of Review

Based upon correction of the ministerial error described above, we determine that a margin of 17.28 percent exists for Saha Thai for the period March 1, 1992, through February 28, 1993.

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

Furthermore, the following deposit requirements will be effective upon publication of these final results of administrative review for all shipments of pipe and tube from Thailand entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act, and will remain in effect until the final results of the next administrative review: (1) the cash deposit rate for Saha Thai will be 17.28 percent; (2) for previously investigated companies not named above, the cash deposit 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 be the ''all others'' rate established in the final notice of the less-than-fair-value (LTFV) investigation of this case, in accordance with the U.S. Court of International Trade's decisions in *Floral Trade Council* v. *United States*, 822 F. Supp. 766 (CIT 1993) and *Federal Mogul Corporation and Torrington Company* v. *United States*, 822 F. Supp. 782 (CIT 1993). The all others rate is 15.67 percent. 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 19 CFR 353.34(d). Timely written 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 review and notice are in accordance with section 751(e) of the Tariff Act (19 U.S.C. 1675(e)) and 19 CFR 353.28(c).

Dated: April 11, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–10113 Filed 4–24–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–201–820]

Initiation of Antidumping Duty Investigation: Fresh Tomatoes From Mexico

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

EFFECTIVE DATE: April 25, 1996.

FOR FURTHER INFORMATION CONTACT: John Brinkmann at (202) 482–5288 or Michelle Frederick at (202) 482–0186, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

Initiation of Investigation

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).

The Petition

Pursuant to 19 CFR 353.12(c), an antidumping duty petition must be filed at the Department of Commerce (the Department) and the U.S. International Trade Commission (ITC) on the same day. In this instance, the ITC does not consider the petition covering fresh tomatoes from Mexico to have been filed until April 1, 1996. As such, the Department considers the petition as having been filed in proper form on April 1, 1996, not March 29, 1996.

The petitioners filed supplements to the petition, including an amended list of petitioners, on April 11 and 17, 1996. The petitioners in this investigation are: the Florida Tomato Growers Exchange; the Florida Tomato Exchange; the Tomato Committee of the Florida Fruit and Vegetable Association; the South Carolina Tomato Association; the Gadsden County Tomato Growers Association; and an Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, and Virginia Tomato Growers, as detailed in Exhibit 5 of the April 11, 1996, supplement.

In accordance with section 732(b) of the Act, the petitioners allege that imports of fresh tomatoes from Mexico are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

The petitioners state that they have standing to file the petition because they are interested parties as defined under section 771(9)(C) of the Act.

Determination of Industry Support for the Petition

Section 732(c)(4)(A) of the Act requires that the Department determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets these minimum requirements if the domestic producers or workers who support the petition account for (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

One producer has informed the Department that it takes no position regarding this antidumping petition and a second producer has stated that it opposes the petition. On April 16, 1996, we received a letter on behalf of the Confederacion de Asociaciones Agricolas de Estado de Sinaloa (CAADES), an association of producers of fresh tomatoes in Mexico. The CAADES objections focus on the level of individual supporters of the petition and did not address the support of the Florida and South Carolina trade associations.

Our review of the production data provided in the petition and other information readily available to the Department indicates that the petitioners and supporters of the petition account for more than 50 percent of the total production of the domestic like product, thus meeting the standard of 732(c)(4)(A) and requiring no further action by the Department pursuant to 732(c)(4)(D). Accordingly, the Department determines that the petition is supported by the domestic industry.

Several supporters of the petition did not agree to release their identities to the public. The production data of these supporters was not necessary to establish that the petitioners account for more than 50 percent of the total production of the domestic like product. For this reason, we are not determining whether to consider non-public supporters of a petition in establishing industry support.

Scope of the Investigation

The products covered by this investigation are all fresh or chilled tomatoes (fresh tomatoes) except for those tomatoes which are for processing. For purposes of this investigation, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying or the addition of chemical substances, or converting the tomato product into juices, sauces or purees. Further, imports of fresh tomatoes for processing are accompanied by an ''Importer's Exempt Commodity Form'' (FV–6) (within the meaning of 7 CFR section 980.501(a)(2) and 980.212(i)). Fresh tomatoes that are imported for cutting up, not further processed (*e.g.,* tomatoes used in the preparation of fresh salsa or salad bars), and not accompanied by an FV–6 form are covered by the scope of this investigation.

All commercially-grown tomatoes sold in the United States, both for the fresh market and for processing, are classified as *Lycopersicon esculentum*. Important commercial varieties of fresh tomatoes include common round, cherry, plum, and pear tomatoes.

Tomatoes imported from Mexico covered by this investigation are classified under the following subheadings of the Harmonized Tariff Schedules of the United States (HTS), according to the season of importation: 0702.00.20, 0702.00.40, 0702.00.60, and 9906.07.01 through 9906.07.09. Although the HTS numbers are provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive.

Export Price and Normal Value

The petitioners based export prices on prices published by the U.S. Department of Agriculture (USDA) Marketing Service. These prices represented packed, F.O.B. shipping point prices,