Whereas, an application from the Philadelphia Regional Port Authority, grantee of Foreign-Trade Zone 35, for authority to establish special-purpose subzone status at the oil refinery complex of Sun Company Inc., at sites in the Philadelphia, Pennsylvania, area, was filed by the Board on January 11, 1996, and notice inviting public comment was given in the Federal Register (FTZ Docket 1–96, 61 FR 1747, 1–23–96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 35C) at the oil refinery complex of Sun Company Inc., at sites in the Philadelphia, Pennsylvania, area, at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Foreign status (19 CFR §§ 146.41, 146.42) products consumed as fuel for the refinery shall be subject to the applicable duty rate.

2. Privileged foreign status (19 CFR § 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR § 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.1000–#2710.00.1050 and #2710.00.2500 which are used in the production of:

—Petrochemical feedstocks and refinery by-products (examiners report, Appendix D);
—Products for export; and,
—Products eligible for entry under HTSUS #9808.00.30 and 9808.00.40 (U.S. Government purchases).

3. The authority with regard to the NPF option is initially granted until September 30, 2000, subject to extension.

Signed at Washington, DC, this 16th day of July 1996.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–18939 Filed 7–24–96; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 837]

Grant of Authority for Subzone Status; Exxon Corporation (Oil Refinery), Harris County, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Port of Houston Authority, grantee of Foreign-Trade Zone 84, for authority to establish special-purpose subzone status at the oil refinery/petrochemical complex of Exxon Corporation, in Harris County, Texas, was filed by the Board on December 12, 1995, and notice inviting public comment was given in the Federal Register (FTZ Docket 79–95, 61 FR 1323, 1–19–96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 84O) at the oil refinery/petrochemical complex of Exxon Corporation, in Harris County, Texas, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Foreign status (19 CFR 146.41, 146.42) products consumed as fuel for the refinery shall be subject to the applicable duty rate.

2. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.1000–#2710.00.1050, #2710.00.2500 and #2710.00.4510 which are used in the production of:

—Petrochemical feedstocks and refinery by-products (examiners report, Appendix D);
—Products for export; and,
—Products eligible for entry under HTSUS # 9808.00.30 and 9808.00.40 (U.S. Government purchases).

3. The authority with regard to the NPF option is initially granted until September 30, 2000, subject to extension.

Signed at Washington, DC, this 16th day of July 1996.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–18938 Filed 7–24–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–357–804]

Notice of Preliminary Results of the 1992/93 Antidumping Duty Administrative Review: Silicon Metal From Argentina

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on silicon metal from Argentina in response to requests by the petitioners [1] and the respondents.[2] This review covers shipments of this merchandise to the United States during the period September 1, 1992 through August 31, 1993.

We have preliminary determined that sales have been made below normal foreign market value (FMV). If these preliminary results are adopted in our final results, we will instruct U.S. Customs to assess antidumping duties equal to the differences between the United States price and FMV.

Interested parties are invited to comment on the preliminary results. Parties who submit arguments are requested to submit with each argument: (1) A statement of the issue;

[1] American Alloys Inc., American Silicon Technologies, ELKEM Metals Company, Globe Metallurgical Inc., and SKW Metals & Alloys Inc.

[2] Silarsa, S.A. and Electrometalurgica Andina.

and (2) a brief summary of the argument.

EFFECTIVE DATE: July 25, 1996.

FOR FURTHER INFORMATION CONTACT: Magd Zalok or Howard Smith, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–4162 or (202) 482–5193, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

On September 26, 1991, the Department published in the Federal Register (56 FR 48779) the antidumping duty order on silicon metal from Argentina. On September 7, 1993, the Department published in the Federal Register (58 FR 47116) the notice of Opportunity to Request Administrative Review (AR) for the 1992/93 review period. On September 17 and 29, 1993, respectively, Silarsa, S.A. (Silarsa), and Electrometalurgica Andina (Andina) requested an AR for the 1992/93 review period. Petitioners requested an AR on September 30, 1993. On October 18, 1993, in accordance with 19 CFR 353.22 (c), we initiated an AR of this order on Andina and Silarsa for the period September 1, 1992 through August 31, 1993 (58 FR 53710). The Department is now conducting this AR in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

The product covered by this review is silicon metal. During the less-than-fair-value (LTFV) investigation, the silicon metal was described as containing at least 96.00, but less than 99.99 percent of silicon by weight. In response to a request by petitioners for clarification of the scope of the antidumping duty order on silicon metal from the People's Republic of China (PRC), the Department determined that material with a higher aluminum content containing between 89 and 96 percent silicon by weight is the same class or kind of merchandise as silicon metal described in the LTFV investigation (*see Final Scope Rulings—Antidumping Duty Orders on Silicon Metal From the People's Republic of China, Brazil, and Argentina* (February 3, 1993)). Therefore, such material is within the scope of the orders on silicon metal from the PRC, Brazil, and Argentina. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) and is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this review. The HTS subheadings are provided for convince and U.S. Customs purposes only; our written description of the scope of the proceeding is dispositive.

Period of Review

The period of review (POR) is September 1, 1992 through August 31, 1993.

Best Information Available

In accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of best information available (BIA) is appropriate for Silarsa. In this review, Silarsa failed to respond to the Department's questionnaire. The Department's regulations provide that we take into account whether a party refuses to provide requested information (19 CFR 353.37(b)). In determining what to use as BIA, the Department follows a two-tiered methodology. The Department assigns lower margins to those respondents who cooperate in a review (tier two), and margins based on more adverse assumptions for those respondents who do not cooperate in the review, or who significantly impede the proceeding (tier one). *See Antifriction Bearings (Other than Tapered Roller Bearings) and Parts thereof from France et al;* final Results of Antidumping Duty Administrative Review, 57 FR 28360 (June 24, 1992) (AFBs II); *Allied Signal Aerospace Co.* v. *United States,* 996 F.2d 1185 (Fed.Cir., June 22, 1993), aff'd, 28 F.3d 1188, cert. denied, 1995 U.S. Lexis 100 (1995) (Allied-Signal)).

Given that Silarsa failed to respond to our questionnaire, we have assigned to it a margin based on first-tier BIA, which is the higher of (1) The highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the LTFV investigation or a prior administrative review; or (2) the highest rate found in the present administrative review for any firm for the same class or kind of merchandise from the same country of origin. AFBs II, 57 FR at 28379.

In this review, we have assigned to Silarsa, as BIA, 24.62 percent, the rate assigned to Silarsa in the *Amendment to Final Results of Antidumping Administrative Review (1991/92): Silicon Metal from Argentina* (the *first review*) (59 FR 1617, April 6, 1994), which is the highest rate from any prior segment of the proceeding.

U.S. Price

We based USP on PP in accordance with section 772(b) of the Tariff Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation to the United States. We calculated PP based on packed f.o.b. and c&f prices to unrelated customers in the United States, and made deductions, where appropriate, for foreign inland freight, port authority fees, port handling fees, custom's fees, and ocean freight costs, in accordance with section 772(d)(2) of the Act. In accordance with section 772(d)(1)(c) of the Act, we increased PP for uncollected duties by reason of exportation.

Based on the CAFC opinion in *American Alloys, Inc.* v. *United States,* 30 F.3d 1469 (Fed. Cir. 1994) (*American Alloys*), the Department issued a questionnaire requesting that Andina demonstrate that the reembolso taxes for which it is requesting an upward adjustment to U.S. price were, in fact, imposed directly on the exported merchandise or components thereof. Andina, however, failed to respond to the Department's questionnaire. Therefore, absent sufficient information on the record regarding reembolso taxes, no upward adjustment was made. Moreover, as we determined in the first administrative review, we continued to treat turnover and lote hogar taxes as taxes on gross revenue, not taxes imposed directly upon the merchandise or components thereof. Therefore, we made no upward adjustment to the PP for turnover or lote hogar taxes. *See Final Results of Antidumping Administrative Review (1991/92): Silicon Metal from Argentina* (58 FR 238, December 14, 1993) (Comment 16).

We made adjustments to Andina's reported date of shipment and date of payment to reflect the date on which the merchandise left the factory and the date on which payment was made, respectively. Also, because Andina failed to provide sufficient information on its short-term borrowings, we used, as best information available, the highest interest rate on the record for Andina's short-term loans denominated in U.S. dollars in calculating the imputed credit related to U.S. sales.

Foreign Market Value

To calculate FMV, the Department used home market price or constructed value (CV), as defined in section 773 of the Tariff Act, as appropriate.

Petitioners alleged that Andina made home market sales during the POR at prices below its cost of production (COP). Based on petitioners' allegation, we concluded that we had reasonable grounds to believe or suspect that sales were made below the COP. Thus, in accordance with section 773(b), we initiated a cost investigation.

In order to determine whether home market prices were below the COP within the meaning of section 773(b) of the Act, we performed a product-specific cost test in which we examined whether each product sold in the home market during the POI was priced below the COP. For each product, we compared the COP to the home market unit price.

We calculated COP based on the sum of Andina's cost of materials, direct labor, variable and fixed factory overhead, selling, general and administrative expenses, and packing, in accordance with 19 CFR 353.51(c). We revised Andina's COP calculations as follows:

(1) Andina calculated incorrectly the unit selling expenses included in COP by dividing total selling expenses by the tons of subject merchandise produced. We recalculated the unit selling expenses by dividing total selling expenses by tons of subject merchandise sold.

(2) Andina deducted incorrectly from the COP income earned from its subsidiary which is not directly related to production. We disallowed these deductions because it is our practice not to reduce the COP by income not directly related to production of the subject merchandise.

(3) Andina calculated the plant general services (PGS) costs for each cost center by allocating (a) one portion of its total PGS costs to each cost center based on the tons of raw material and intermediate products going into each cost center, (b) another portion of its total PGS costs to its cost centers based on tons of intermediate and final products coming from each cost center, and (c) a third portion of its total PGS costs to its cost centers based on salaries incurred for each cost center. We rejected Andina's methodology because it determined arbitrarily the portions of PGS costs allocated using the bases noted above without demonstrating that these portions are the appropriate amounts.

We determined that labor hours are a reasonable measure of the degree to which a cost center benefits from plant general services. Moreover, Andina indicated that it used labor hours to allocate plant general services in cost reports prepared in the normal course of business. Therefore, we reallocated plant general services to Andina's cost centers using labor hours as the allocation base.

(4) Andina did not allocate depreciation related to a furnace, while it was idle during part of the POR, to the subject merchandise because non-subject merchandise was produced in that furnace after it had been reactivated. We recalculated depreciation related to that furnace to all of Andina's products including the subject merchandise because this furnace could have been used to produce any of Andina's products had it not been idle.

(5) Andina failed to use the interest expenses reflected in its consolidated financial statement as a basis for calculating the interested expenses included in the COP. Furthermore, Andina deducted incorrectly from its interest expenses interest income from long-term investments. We recalculated the interest expenses using the interest expenses in Andina's consolidated financial statement. Furthermore, consistent with the Department's practice, we did not reduce interest expenses by income from long-term investments.

(6) Andina classified incorrectly plant property taxes, plant insurance, and rejected VAT tax credits as general and administrative expenses. We reclassified these expenses as factory overhead.

(7) Andina deducted from the COP indirect taxes rebated or duties refunded by reason of exportation. We disallowed those deductions, which are related to exported merchandise, because the COP is based on costs related to home market sales.

If over 90 percent of Andina's sales of a given product were at prices above the COP, we did not disregard any below-cost sales because we determined that such sales were not made in substantial quantities. If between ten and 90 percent of Andina's sales of a given product were at prices below the COP, and such sales were over an extended period of time, we discarded only the below-cost sales. Where we found that more than 90 percent of Andina's sales were at prices below the COP, and such sales were over an extended period of time, we disregarded all sales for that product and calculated FMV based on CV.

Section 773(b) of the Act requires us to examine whether below-cost sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices that would permit recovery of all costs within a reasonable period of time in the normal course of trade. In order to establish that below cost sales were made over an extended period of time, we performed the following analysis on a product-specific basis: (1) if a respondent sold a product in only one month of the POR and there were sales in that month below the COP, or (2) if a respondent sold a product during two months or more of the POR and there were sales below the COP during two or more of those months, then below-cost sales were considered to have been made over an extended period of time. Andina provided no evidence to indicate that below COP prices would permit recovery of all costs within a reasonable period of time in the normal course of trade.

Based on our analysis, we found that all of Andina's home market sales during the POR were below cost. Therefore, we disregarded all home market sales and based FMV on constructed value.

In accordance with section 773(e), we calculated CV based on the sum of the cost of materials, fabrication, general expenses, U.S. packing costs and profit. The cost of materials included import duties paid on imported electrodes used to produce silicon metal. In accordance with section 773(e)(1)(B) (i) and (ii) of the Act we used: (1) Andina's reported general expenses because such expenses were greater than the statutory minimum of ten percent of the COM; and (2) the statutory minimum of eight percent of the sum of COM and general expenses for profit because actual profit was less than the statutory minimum. The adjustments noted above in our discussion of the COP were also applied to the CV calculation. Given the fact that Andina failed to provide information related to indirect taxes as described above, as BIA, we did not reduce CV by indirect taxes reimbursed upon exportation. We disallowed deductions from CV for duty drawback because we made an upward adjustment to the USP for such duties. Finally, in addition to the interest expense adjustments to the COP noted above, we adjusted the interest expense Andina included in CV because Andina improperly reduced the reported interest expense by interest expenses associated with inventories. Where applicable, we made adjustments for differences in credit expenses. Also, because Andina failed to provide sufficient information on the record with respect to its short-term borrowings, we used, as BIA, the only information available to us, which was the average bank lending rates applicable to short- and medium-term financing in Argentina for the POR, published in the International Financial Statistics by the International Monetary Fund, in calculating home market credit.

Currency Conversion

We made currency conversions based on the official monthly exchange rates in effect on the dates of the U.S. sales as published by the International Monetary Fund.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margin exists for the period September 1, 1992 through August 31, 1993:

Manufacturer/exporter	Review period	Margin (Percent)
Andina	9/01/92–8/31/93	8.52
Silarsa	9/01/92–8/31/93	24.62

Interested parties may request a disclosure within five 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 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication. 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 analysis of issues raised in any such case briefs.

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 percentages stated above. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of silicon metal from Argentina entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this AR, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for Silarsa and Andina will be the rates established in the final results of this review, except if the rate is less than 0.5 percent and, therefore, *de minimis* within the meaning of 19 CFR 353.6, the cash deposit will be zero; (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 LTFV 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 conducted by the Department, the cash deposit rate will be the ‘‘all others’’ rate, as set forth below.

On March 25, 1993, the U.S. Court of International Trade (CIT), in *Floral Trade Council* v. *United States,* 822 F.Supp. 766 (CIT 1993), and *Federal-Mogul Corporation* 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 this decision, it is appropriate to reinstate the original ‘‘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 original investigation, the Department has determined that it is appropriate to adopt the ‘‘new shipper’’ 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) as the ‘‘all others’’ rate for the purposes of establishing cash deposits in all current and future administrative reviews. Because this proceeding is governed by an antidumping duty order, the ‘‘all others’’ rate for the purposes of this review will be 17.87 percent, the ‘‘all others’’ rate established in the LTFV investigation.

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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 of double antidumping duties.

This 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: July 18, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–18937 Filed 7–24–96; 8:45 am]

BILLING CODE 3510–DP–P

[Docket No. 960719198–6198–01]

RIN 0625.XX08

Announcement of Best Global Practices Award

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This Notice announces the implementation of the Best Global Practices Award by the International Trade Administration (ITA) of the Department of Commerce to recognize the programs and practices of U.S. companies that have exhibited extraordinary leadership and accomplishment in corporate citizenship in overseas activities. This notice sets forth the criteria for the award, who may apply, how companies may apply, the procedures by which the Secretary of Commerce will decide on who will receive the award, and the expected timetable.

DATES: The closing date for applications is October 11, 1996. The Department of Commerce expects to announce the winner or winners of the award in the fall of 1996.

ADDRESSES: Request for Applications: Application forms will be available from ITA starting on the day this notice is published. To obtain a copy of the application form please telephone (202) 482–4501, or facsimile (202) 482–1999 (these are not toll free numbers); or send a written request with two self-addressed mailing labels to the Office of Export Promotion Coordination, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 2003, Washington, D.C. 20230. You may call 1–800–USA–TRADE and follow the voice prompt to have the application faxed directly to you. You also may go to the International Trade Administration Internet Home Page http://www.ita.doc.gov/itahome.html, click on Best Global Practices and down load the application form. You can use any of these methods to access sample codes of conduct donated by international companies and organizations interested in furthering good corporate citizenship worldwide.