

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 Capital District Regional Planning Commission, grantee of Foreign-Trade Zone 121, for authority to establish special-purpose subzone status at the chemical pigment/dye manufacturing facility of BASF Corporation in the Rensselaer, New York area, was filed by the Board on March 11, 1994, and notice inviting public comment was given in the Federal Register (FTZ Docket 11-94, 59 FR 13697, 3-23-94); and,

Whereas, the Board has found that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 121B) at the plant site of BASF Corporation in Rensselaer, New York, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28. The scope of authority does not include authority for the election of nonprivileged foreign status (19 CFR § 146.42) on foreign items used in manufacturing and processing activity which results in articles subject to a lower (actual or effective) duty rate than any of their foreign components.

Signed at Washington, DC, this 12th day of December 1995.

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

Attest:

John J. Da Ponte, Jr.,  
Executive Secretary.  
[FR Doc. 96-460 Filed 1-18-96; 8:45 am]  
BILLING CODE 3510-DS-P

#### [Docket 79-95]

#### **Foreign-Trade Zone 84, Houston, Texas, Proposed Foreign-Trade Subzone, Exxon Corporation (Oil Refinery Complex) Harris County, Texas**

An application has been submitted to the Foreign-Trade Zones Board (the

Board) by the Port of Houston Authority, grantee of FTZ 84, requesting special-purpose subzone status for the oil refinery complex of Exxon Corporation, located in Harris County, Texas. 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 December 12, 1995.

The refinery and petrochemical complex (3,500 acres) is located on the Houston Ship Channel at 2800 Decker Drive, Harris County (Baytown area), Texas, some 25 miles east of Houston. The refinery (400,000 barrels per day; 4,000 employees) is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, distillates, residual fuels, and naphthas. Petrochemicals include resins, epichlorohydrin, methyl ethyl ketone, allyl chloride, secondary butyl alcohol, polypropylene, methane, ethane, propane, butane, butylene, ethylene, propylene and butadiene. Refinery by-products include sulfur and petroleum coke. Some 60 percent of the crude oil (85 percent of inputs), and some feedstocks and motor fuel blendstocks used in producing fuel products are sourced abroad.

Zone procedures would exempt the refinery 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. Foreign merchandise would also be exempt from state and local *ad valorem* taxes. The application indicates that the savings from zone procedures would help improve the refinery'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 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 March 19, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 3, 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, #1 Allen Center, Suite 1160, 500 Dallas, Houston, Texas 77002  
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: December 14, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96-624 Filed 1-18-96; 8:45 am]

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#### **International Trade Administration**

[A-428-801]

#### **Ball Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany; Extension of Time Limit for New Shipper Antidumping Duty Administrative Review**

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

**ACTION:** Notice of Extension of Time Limit for Antidumping Duty Administrative Review.

**SUMMARY:** The Department of Commerce (the Department) is extending the time limit for preliminary results in the new shipper administrative review of the antidumping duty order on ball bearings (other than tapered roller bearings) and parts thereof from Germany, covering the period December 1, 1994, through May 31, 1995, since the Department has concluded that the case is extraordinarily complicated.

**EFFECTIVE DATE:** January 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Barlow or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4733.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Department received a request from Roulements Miniatures SA (RMB) and Miniaturkugellager GmbH (MKL), to conduct a new shipper administrative review of the antidumping duty order on ball bearings (other than tapered roller bearings) and parts thereof from Germany. On June 14, 1995, the Department initiated a new shipper review of MKL, a manufacturer and exporter of ball bearings to the United States, for the period December 1, 1994 through May 31, 1995 (60 FR 32503).

Because this is one of the first new shipper reviews, the Department finds this case to be extraordinarily complicated. Therefore, we are unable to complete this review within the time limits mandated by section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (the Tariff Act). Therefore, in accordance with that section, the Department is extending the time limit for the preliminary results to January 31, 1996.

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 353.34(b).

This extension is in accordance with section 751(a)(2)(B)(iv) of the Tariff Act (19 U.S.C. 1675(a)).

Dated: December 15, 1995.

Joseph A. Spetrini,  
Deputy Assistant Secretary for Compliance.  
[FR Doc. 96-462 Filed 1-18-96; 8:45 am]  
BILLING CODE 3510-DS-P

#### [A-421-701]

#### **Brass Sheet and Strip From The Netherlands; Final Results of Antidumping Duty Administrative Review**

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

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

**SUMMARY:** On December 28, 1994, the Department of Commerce (the Department) published the preliminary results of its 1990-91 administrative review of the antidumping duty order on brass sheet and strip from the Netherlands. The review covers exports of this merchandise to the United States by one manufacturer/exporter, Outokumpu Copper Rolled Products AB (OBV), during the period August 1, 1990 through July 31, 1991. The review indicates the existence of dumping margins for this period.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received and as a result of a change in the treatment of home market consumption taxes, we have adjusted OBV's margin for these final results.

**EFFECTIVE DATE:** January 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Thomas Killiam or John Kugelmann, 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) 482-5253.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On December 28, 1994 (59 FR 66892), the Department published in the Federal Register the preliminary results of its 1990-91 administrative review of the antidumping duty order on brass sheet and strip from the Netherlands (53 FR 30455, August 12, 1988).

##### **Applicable Statute and Regulations**

The Department has completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). 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 sales or entries of brass sheet and strip, other than leaded and tinned brass sheet and strip, from the Netherlands. The chemical composition of the products under review is currently defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C20000 series. This review does not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. The merchandise is currently classified under Harmonized Tariff Schedule (HTS) item numbers 7409.21.00 and 7409.29.20. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review period is August 1, 1990 through July 31, 1991. The review involves one manufacturer/exporter, OBV.

##### **Analysis of Comments Received**

We gave interested parties an opportunity to comment on the preliminary results. At the request of OBV, we held a hearing on February 10, 1995. We received case and rebuttal briefs from OBV and from the petitioners, Hussey Copper, Ltd., The Miller Company, Olin Corporation, Revere Copper Products, Inc., International Association of Machinists and Aerospace Workers, the International Union, Allied Industrial Workers of America (AFL-CIO), Mechanics Educational Society of America (Local 56), and the United Steelworkers of America (AFL-CIO/CLC).

*Comment 1:* The respondent alleges that in the preliminary results of review the Department incorrectly treated certain payments made by OBV to its U.S. affiliate, Outokumpu Copper Inc. (OCUSA), as commissions and adjusted for them as direct selling expenses. The respondent explains that its purchase price data list reports three different types of transactions in the commissions column, and that only one of the three types of transactions thus reported should be adjusted for as a direct selling expense.

The only true commissions on U.S. sales, according to the respondent, are those which were paid to Global Metals Corporation (Global), an independent agent. These commissions, the respondent explains, are all labeled "U" (unrelated) on the sales list.

The second type of transaction reflected in the commissions field, the respondent states, is an intra-corporate transfer of funds from the parent to the U.S. affiliate, and can be identified by both the label "R" (related party) and by the fixed per-pound amount of the charge involved.

In support of its position concerning this second type of payment, the respondent cites the Department's practice as expressed in *Color Picture Tubes from Korea* (56 FR 5385, 5386, February 11, 1991) (*Color Picture Tubes*), where the Department stated: "[I]n general the Department regards payments to related parties as intracompany transfers of funds . . . ." The respondent also cites *Television Receivers, Monochrome and Color, from Japan*, 53 FR 4050, 4053 (February 11, 1988), in which the Department stated: "We consider payments to related parties to be mere intra-corporate transfers of funds rather than commissions." The respondent also cites similar language in *Porcelain-on-Steel Cooking Ware from Mexico*, 51 FR 36435 (October 10, 1986).

The respondent further argues that the Department is permitted to make an adjustment for related-party commissions only if (1) the record demonstrates that the commissions are directly related to the sales subject to review and (2) the payments reflect an arm's length rate. As authority for this point the respondent cites *Outokumpu Copper Rolled Products AB v. United States*, 850 F. Supp. 16 (CIT 1994) (*Outokumpu/Sweden*), *LMI Industriale S.p.A. v. United States*, 912 F.2d 455 (Fed. Cir. 1990) (*LMI*), *Color Picture Tubes*, and *Brass Sheet & Strip from the Netherlands; Final Results of Antidumping Administrative Reviews*, 57 FR 9534 (March 19, 1992). With regard to the payments at issue, the