

## Facts Available

Shanghai Lansheng (Shanghai), an exporter and a named respondent in this review, and a respondent in the LTFV investigation, did not respond to the questionnaire issued in this review. Because of Shanghai's failure to provide a questionnaire response, the administrative record in this proceeding lacks information necessary to make an informed determination regarding Shanghai's separate rate status, and we preliminarily determine that Shanghai is no longer entitled to a separate rate. Further, because Shanghai and other named respondents did not respond to our questionnaire in this review, as adverse facts available, imports of subject merchandise from Shanghai and all other producers/exporters who have not qualified for a separate rate will be subject to the PRC rate of 44.66 percent, the highest rate established in the LTFV investigation.

Section 776(a)(1) of the Act mandates that the Department use the facts available if necessary information is not available on the record of an antidumping proceeding. In addition, section 776(a)(2) of the Act mandates that the Department use the facts available where an interested party or any other person: (A) Withholds information requested by the Department; (B) fails to provide requested information by the requested date or in the form and manner requested; (C) significantly impedes an antidumping proceeding; or (D) provides information that cannot be verified. In this case, Shanghai and other named respondents failed to respond to the Department's questionnaire. Where the Department must base the entire dumping margin for a respondent in an administrative review on the facts available because that respondent failed to cooperate, section 776(b) authorizes the Department to use an inference adverse to the interests of that respondent in choosing the facts available. Section 776(b) also authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. Because information from prior proceedings constitutes secondary information, section 776(c) provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) (H. Doc. 316, 103d Cong., 2nd Sess. 870) provides that "corroborate"

means that the Department will satisfy itself that the secondary information to be used has probative value.

The SAA, at page 870, clarifies that the petition is "secondary information," and that "corroborate" means to determine that the information has probative value. *Id.* During our analysis of the petition in the LTFV investigation, we reviewed all of the data submitted and the assumptions that petitioners had made when calculating estimated dumping margins. US purchase price (now export price) was based on multiple price quotes. The factors values for calculation of the foreign market value (now normal value) were based on public data, where available. However, as a result of our analysis, we recalculated the petition rates due to errors made by the petitioner in the calculation of paint costs, profit, and depreciation expenses. (See concurrence memorandum to file dated November 29, 1993.) We also rejected petitioner's methodology of using the cost of a finished core in our factors analysis, as this would have resulted in double counting of certain expenses included in the cost of a finished core. (See initiation notice, (58 FR 64548, December 8, 1993).) Thus, because we reviewed the petitioners assumptions and calculations from which the petition rates were derived, and made appropriate corrections, we determine that the petition rates, as corrected, have probative value.

The weighted-average dumping margins are as follows:

Manufacturer/Producer/Exporter	Weighted Average Margin Percentage
PRC Rate .....	44.66

Parties to this proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. See § 353.38 of the Department's regulations. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments. The Department shall determine, and the Customs Service shall assess,

antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service. Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of pencils from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for all Chinese exporters, will be the rate established in the final results of this review; and (2) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate of its supplier, *i.e.*, the PRC rate. 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 preliminary reminder to importers of their responsibility under § 353.26 of the Department's regulations 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 Act and § 353.22 of the Department's regulations.

Dated: January 2, 1997.

Robert S. La Russa,  
*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-750 Filed 1-10-97; 8:45 am]

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## [A-580-807]

**Polyethylene Terephthalate Film, Sheet, and Strip From the Republic of Korea; Amendment of Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of amendment of final results of antidumping duty administrative review.

**SUMMARY:** On November 14, 1996, the Department of Commerce (the Department) published the final results of its administrative review of and notice of revocation in part of the antidumping duty order on

polyethylene terephthalate (PET) film, sheet, and strip from the Republic of Korea. The review covered three manufacturers/exporters of the subject merchandise to the United States and the period June 1, 1994 through May 31, 1995. Based on the correction of a ministerial error made in those final results for one manufacturer/exporter, we are publishing this amendment to the final results in accordance with 19 CFR 353.28(c).

**EFFECTIVE DATE:** January 13, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Michael J. Heaney or Linda Ludwig, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-4475 or 3833, respectively.

**Applicable Statute and Regulations**

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 Tariff Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 1, 1995 (60 FR 25130).

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 14, 1996 (61 FR 58374), the Department published the final results of review and notice of revocation in part of the antidumping duty order on PET film from the Republic of Korea (56 FR 25669, June 5, 1991). On November 20, 1996, we received a timely allegation from STC Corporation (STC) that the Department made a ministerial error in its final results.

STC contended that in its margin calculations the Department incorrectly matched U.S. sales to constructed value rather than to identical sales within the contemporaneous 90/60 day period. We agree with STC that we made this ministerial error, and have corrected that ministerial error in these amended results.

**Amended Final Results of Review**

As a result of our correction of a ministerial error, we have determined the margin to be:

Company	Margin (Percent)
STC .....	1.68

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. Price and Normal Value may vary from the percentages stated above. The Department will issue appraisal instructions concerning each respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these amended final results of administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for STC will be the rate indicated above, (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 in 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 review conducted by the Department, the cash deposit rate will be 4.82 percent, the all-others rate established in the LTFV investigation.

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

This notice serves as the 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 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 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 or conversion to judicial protective order is hereby requested. Failure to comply with the regulations

and the terms of the APO is a sanctionable violation.

These amended final results of 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 353.28(c).

Dated: January 7, 1997.

Robert S. LaRussa,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-749 Filed 1-10-97; 8:45 am]

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## COMMODITY FUTURES TRADING COMMISSION

### Public Information Collection Requirement

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of intent to renew information collection #3038-0035—rules relating to the offer and sale of foreign futures and foreign options.

**SUMMARY:** The Commodity Futures Trading Commission is planning to renew information collection 3038-0035, Rules Relating to the Offer and Sale of foreign Futures and Foreign Options which is due to expire on April 30, 1997. The information collected pursuant to this rule is intended to detect fraud in the offer and sale of foreign futures and foreign options to people located in the United States. In compliance with the Paperwork Reduction Act of 1995, the Commission solicits comments to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including the validity of the methodology and assumptions used; (2) evaluate the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**DATES:** Comments must be received on or before March 14, 1997.

**ADDRESSES:** Persons wishing to comment on this information collection should contact the CFTC Clearance Officer, 1155 21st Street NW., Washington, DC 20581, (202) 418-5160.

**Title:** Rules Relating to the Offer and Sale of Foreign Futures and Foreign Options.