

that have been made under a "license exception." This information is shared with participating members of the Agreement.

Affected Public: Businesses or other for-profit organizations.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Dennis Marvich (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Dennis Marvich, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20230.

Dated: March 2, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-5730 Filed 3-4-98; 8:45 a.m.]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: License Exception, Humanitarian Donations.

Agency Form Number: None.

OMB Approval Number: 0694-0033.

Type of Request: Extension of a currently approved collection of information.

Burden: 10 hours.

Average Time Per Response: 5 hours.

Number of Respondents: 2.

Needs and Uses: Section 7(g) of the EAA, as amended by the Export Administration Amendments Act of 1985 (Pub. L. 99-64), exempts from foreign policy controls exports of donations to meet basic human needs. Since the re-write of the Export Administration Regulations, an exporter is permitted to ship humanitarian goods identified in Supplement 2 to Part 740, to embargoed destinations using the new License Exception procedures. This regulation reduces the regulatory

burden on these exporters by enabling them to make humanitarian donations with only minimal recordkeeping.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Dennis Marvich (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Dennis Marvich, Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20230.

Dated: March 2, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer,

[FR Doc. 98-5731 Filed 3-4-98; 8:45 a.m.]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Application for Transfer of License to Another Party.

Agency Form Number: None.

OMB Approval Number: 0694-0051.

Type of Request: Extension of a currently approved collection of information.

Burden: 11 hours.

Average Time Per Response: 66 minutes.

Number of Respondents: 10.

Needs and Uses: In certain circumstances (*i.e.*, company mergers, takeovers, etc.), it is necessary to transfer ownership of licenses to another party. The information collected is necessary to ensure that all parties are aware of and agree to the transfer, both of the ownership as well as responsibilities associated with export authorizations.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Dennis Marvich (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Dennis Marvich, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20230.

Dated: March 2, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-5732 Filed 3-4-98; 8:45 a.m.]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-409-801, C-409-802]

Initiation of Antidumping and Countervailing Duty Investigations: Butter Cookies in Tins from Denmark

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

EFFECTIVE DATE: March 5, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Copyak (antidumping investigation) or Christopher Cassel (countervailing duty investigation), Office of CVD/AD Enforcement VI, International Trade Administration, U.S. Department of Commerce, Room 40120, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-2786.

INITIATION OF INVESTIGATIONS:

The 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 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 published in the **Federal Register** on May 19, 1997 (62 FR 27296).

The Petition

On February 6, 1998, the Department of Commerce ("the Department")

received a petition filed in proper form by Hearthside Baking Company, Inc., D/B/A Maurice Lenell Cooky Co. ("the petitioner").

Petitioner alleges, in accordance with section 702(b) of the Act, that producers and/or exporters of butter cookies in tins from Denmark receive countervailable subsidies within the meaning of section 701 of the Act, and, in accordance with section 732(b) of the Act, that imports of butter cookies in tins from Denmark 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. Petitioner also alleges that imports of such butter cookies in tins are materially injuring or threaten material injury to an industry in the United States.

The Department finds that petitioner filed the petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support (see discussion below).

Scope of Investigation

For purposes of the antidumping and countervailing duty investigations, the products covered are butter cookies in tins. Butter cookies are flat baked sweet biscuits made from a mixture of ingredients which may include, but are not limited to butter, flour, eggs, and sugar. As defined by the U.S. Food and Drug Administration Compliance Policy Guide 7102.06, Chapter 5, Sec. 505.200, butter cookies are distinguishable from all other cookies in that "all of the shortening ingredient is butter." The butter cookies covered by these investigations are only those in hard containers ("tins"), which include, but are not limited to, those that are made of metal, and are round, printed with colorful decorative logos and/or pictures, and which have closeable lids.

The merchandise subject to these investigations is classifiable under subheadings 1905.30.0041 and 1905.30.0049 of the Harmonized Tariff Schedule of the United States ("HTS"). Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

Consultations

On February 20, 1998, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department held consultations with representatives of the European Union and the Government of Denmark about the countervailing duty petition. The officials expressed concerns about the definition of the like product. See Tab

B of Antidumping and Countervailing Duty Checklist ("Checklist"), dated February 26, 1998, which is on file in public version form in the public file in room B-099 of the main Commerce building. The officials also expressed concerns about the subsidy allegations made in the countervailing duty petition and, subsequently, submitted information regarding the alleged subsidy programs. See *ex parte* memorandum to file dated February 26, 1998, Consultation with European Union and Government of Denmark Representatives Regarding the Countervailing Duty Petition on Butter Cookies in Tins from Denmark, which is on file in the public file in room B-099 of the main Commerce building. We considered the concerns expressed by the representatives of the European Union and the Government of Denmark for purposes of this initiation.

Determination of Industry Support for the Petition

Sections 702(b)(1) and 732(b)(1) of the Act require that a petition be filed on behalf of the domestic industry. Sections 702(c)(4)(A) and 732(c)(4)(A) of the Act provide that a petition meets this requirement 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.

Section 771(4)(A) of the Act defines the "industry" as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for production of the domestic like product. The ITC, which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory provision regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct statutory authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render

the decision of either agency contrary to the law.¹

Section 771(10) of the Act defines domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petition is the single domestic like product defined in the "Scope of Investigation" section, above. The Department has no basis on the record to find the petition's definition of the domestic like product to be inaccurate. The Department has adopted the domestic like product definition set forth in the petition, making only minor adjustments for clarification purposes. In this case, the petitioner established industry support above the statutory requirement. See Tab B of Checklist which is on file in public version form in the public file in room B-099 of the main Commerce building. Accordingly, the Department determines that the petition is filed on behalf of the domestic industry within the meaning of sections 702(b)(1) and 732(b)(1) of the Act.

Export Price and Normal Value

The following is a description of the allegation of sales at less than fair value upon which our decision to initiate the antidumping duty investigation is based. Should the need arise to use any of this information in our preliminary or final determinations for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

The petitioner identified several exporters and producers of butter cookies in tins from Denmark. Petitioner provided allegations of sales at less than fair value based on export price ("EP") and constructed export price ("CEP"), within the meaning of sections 772(a) and 772(b) of the Act, and based on normal value ("NV"), within the meaning of section 773 of the Act. The petitioner based EP on price quotes U.S. buyers received from Danish companies. The petitioner calculated a net U.S.

¹ See *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 642-44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefor from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380-81 (July 16, 1991).

price by subtracting the freight costs in Denmark as provided in a market research report ("Foreign Market Research Report") commissioned by petitioner. We discussed the information contained in this report with the author of the report. See Tab C of Checklist which is on file in public version form in the public file in room B-099 of the main Commerce building. The petitioner subtracted the freight costs to the United States to arrive at an ex-factory price. Petitioner provided separate EP calculations using freight costs to the United States based on U.S. Census Import Statistics, and freight costs to the United States based on information contained in the Foreign Market Research Report.

In deriving the CEP, the petitioner began with the price offered to a U.S. buyer from a sales broker that was not related to the Danish producer or its U.S. subsidiary. Next, the petitioner subtracted a loyalty discount offered by Danish producers. Then, the petitioner subtracted the freight cost inside Denmark. As mentioned above, this freight cost was obtained from the Foreign Market Research Report. Next, the petitioner subtracted the freight cost to the United States using as sources both U.S. Census data as well as data contained in the Foreign Market Research Report. Finally, the petitioner subtracted the freight cost inside the United States as provided by a U.S. shipping company, to arrive at the ex-factory price.

Petitioner calculated NV based on information contained in the Foreign Market Research Report. Based on a sales receipt and personal observations provided by the foreign market researcher, petitioner obtained a range of retail prices in Denmark. Then, the petitioner derived the price to the retailer by subtracting a mark-up provided by the researcher from the retail price. Next, the petitioner calculated the price to the wholesaler by subtracting from the price to the retailer the administrative cost at the wholesale level as provided by the researcher. Finally, by subtracting value-add tax and the transportation cost provided by the researcher, the petitioner arrived at NV.

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of butter cookies in tins from Denmark are being, or are likely to be, sold in the United States at less than fair value.

Subsidy Programs

We are including in our investigation the following programs alleged in the petition to have provided subsidies to producers and/or exporters of the subject merchandise in Denmark:

European Union Program

Export Restitution Payments on Butter, Sugar and Wheat Flour

Government of Denmark Programs

1. Export Credit and Insurance Program
2. Export Training Program
3. Assistance for Export Groups

We are not including in our investigation the following program alleged to be benefitting producers and exporters of the subject merchandise in Denmark:

International Tender Program

Information provided in the petition (see Exhibit 22) indicates that this program provides assistance to Danish companies bidding on deliveries abroad of projects, consulting, services or equipment. Because the merchandise subject to this investigation does not fall within the type of items enumerated (i.e., deliveries abroad of projects, consulting, services or equipment), this program does not apply to producers of butter cookies. Therefore, we are not initiating an investigation of this program.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of imports of the subject merchandise being sold at less than fair value and benefitting from the bestowal of countervailable subsidies. The allegations of injury and causation are supported by relevant evidence including business proprietary data from the petitioner and the Danish export statistics provided in the petition. The Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are sufficiently supported by accurate and adequate evidence and meet the statutory requirements for initiation. See Tab E of the Checklist which is on file in public version form in the public file in room B-099 of the main Commerce building.

Initiation of Antidumping and Countervailing Duty Investigations

We have examined the petition on butter cookies in tins and have found that it meets the requirements of sections 702 and 732 of the Act. Therefore, we are initiating antidumping and countervailing duty investigations to determine whether imports of butter cookies in tins from Denmark are being, or are likely to be, sold in the United States at less than fair value and whether producers and/or exporters of butter cookies in tins from Denmark received subsidies. Unless extended, we will make our preliminary determinations for the countervailing duty investigation no later than May 4, 1998 and for the antidumping duty investigation no later than July 16, 1998.

Distribution of Copies of the Petitions

In accordance with sections 702(b)(4)(A)(i) and 732(b)(3)(A) of the Act, and § 351.203(c)(2) of the Department's regulations, copies of the public version of the petition have been provided to the representatives of the Government of Denmark and to representatives of the European Union. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition.

ITC Notification

We have notified the ITC of our initiations, as required by sections 702(d) and 732(d) of the Act, and § 351.203(c)(1) of the Department's regulations.

Preliminary Determinations by the ITC

The ITC will determine by March 23, 1998, whether there is a reasonable indication that imports of butter cookies in tins from Denmark are materially injuring, or threatening material injury, to a U.S. industry. Negative ITC determinations will result in the particular investigations being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

This notice is published pursuant to sections 702(c)(2) and 732(c)(2) of the Act and § 351.203(c)(1) of the Department's Regulations.

Dated: February 26, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-5741 Filed 3-4-98; 8:45 am]

BILLING CODE 3510-DS-P