FTZ Subzone 199A at the refinery complex of Amoco Oil Company, Texas City, Texas (Board Order 731, 60 FR 13118, 3/10/95); and,

*Whereas*, the request has been reviewed and the Assistant Secretary for Import Administration, acting for the Board pursuant to § 400.32(b)(1), concurs in the recommendation of the Executive Secretary, and approves the request;

*Now Therefore*, the Board hereby orders that, subject to the Act and the Board's regulations, including § 400.28, Board Order 668 is revised to replace the three conditions currently listed in the Order with 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 (FTZ staff report, Appendix B);
—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 9th day of May 1995.

**Paul L. Joffe,**

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

Attest:

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95–12198 Filed 5–17–95; 8:45 am]

**BILLING CODE 3510–DS–P**

## International Trade Administration

**[C–201–003]**

## Ceramic Tile From Mexico; Preliminary Results of Countervailing Duty Administrative Review

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

**ACTION:** Notice of preliminary results of countervailing duty administrative review.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on ceramic tile from Mexico. We have preliminarily determined the total bounty or grant to be 0.48 percent *ad valorem* for all companies during the period January 1, 1993, through December 31, 1993. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem is de minimis.* If the final results remain the same as these preliminary results of administrative review, we will instruct the U.S. Customs Service to liquidate, without regard to countervailing duties as indicated above.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** May 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gayle Longest or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2786.

**SUPPLEMENTARY INFORMATION:**

### Background

On May 10, 1982, the Department published in the **Federal Register** (47 FR 20012) the countervailing duty order on ceramic tile from Mexico. On May 4, 1994, the Department published a notice of ''Opportunity to Request Administrative Review'' (59 FR 23051) of this duty order. We received a timely request for review from the Government of Mexico (GOM) and Ceramica Regiomontana, S.A., (Ceramica).

On June 15, 1994, we initiated the review, covering the period January 1, 1993, through December 31, 1993 (59 FR 30770). The review covers 40 manufacturers/exporters of the subject merchandise and four programs.

### Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) 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 provision as they existed on December 31, 1994. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments,* 54 FR 23366 (May 31, 1989) (Proposed Regulations), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the Proposed Regulations were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. *See* 60 FR 80 (Jan. 3, 1995).

### Partial Revocation

On May 31, 1994, in its request for administrative review, the GOM submitted a request for partial revocation for 14 companies which included only the agreements required under 19 CFR 355.25(b)(3)(iii). On November 14, 1995, in its submission of the questionnaire response, the GOM submitted company and government certifications as required under 19 CFR 355.25(b)(3)(i) and (ii) to complete its request for partial revocation. After examining the record for each of the 14 companies identified in the requests for revocation, the Department has determined that none of them have met the minimum threshold requirements to be considered for revocation under 19 CFR 355.25(a)(3)(i). These companies did not participate in five consecutive administrative reviews in which they were found not to have received any net subsidy, including the review in which they are requesting revocation, and with no intervening period in which a review of the company was not conducted.

Moreover, under 19 CFR 355.25(b)(3), a company must request revocation in writing and, with its request, submit (1) government and company certifications that the company neither applied for nor received any net subsidy during the period of review and will not apply for or receive any net subsidy in the future; and (2) the agreement concerning revocation described in 19 CFR 355.25(a)(3)(iii). (According to 19 CFR 355.25(a)(3)(iii), producers or exporters must agree in writing to their immediate reinstatement in the order, as long as any producer or exporter is subject to the order, if the Secretary concludes that the producer or exporter, subsequent to the revocation, has received any net subsidy on the merchandise.) In this case, although the companies filed the agreements required under 19 CFR 355.25(a)(3)(iii) at the time of the revocation request, they did not submit government and company certifications required under 19 CFR 355.25(b)(3)(i) and (ii) until November 14, 1995, the deadline for submission of the questionnaire response.

All of the requirements for revocation are fully discussed in *Ceramic Tile From Mexico; Preliminary Results of Countervailing Duty Administrative Review and Intent To Revoke in Part Countervailing Duty Order* (58 FR 31505; June 3, 1993) and *Ceramic Tile From Mexico; Final Results of Countervailing Duty Administrative*

*Review and Revocation in Part of the Countervailing Duty Order* (59 FR 2823; January 19, 1994). For the reasons stated above, these 14 companies did not meet those requirements and are therefore, not eligible for revocation in this administrative review.

**Scope of Review**

Imports covered by this review are shipments of Mexican ceramic tile, including non-mosaic, glazed, and unglazed ceramic floor and wall tile. During the review period, such merchandise was classifiable under the *Harmonized Tariff Schedule* (HTS) item numbers 6907.10.0000, 6907.90.0000, 6908.10.0000, and 6908.90.0000. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

**Calculation Methodology for Assessment and Cash Deposit Purposes**

We calculated the bounty or grant on a country-wide basis by first calculating the bounty or grant for each company subject to the administrative review. We then weight-averaged the rate received by each company, even those with de minimis and zero rates, using as the weight its share of total Mexican exports to the United States of subject merchandise. We then summed the individual companies' weight-averaged rates to determine the bounty or grant from all programs benefitting exports of subject merchandise to the United States. Since the country-wide rate calculated using this methodology was de minimis, as defined by 19 CFR 355.7, no further calculations were necessary.

**Analysis of Programs**

*I. Programs Conferring Subsidies*

A. Programs Previously Found to Confer Subsidies BANCOMEXT Financing for Exporters

Effective January 1, 1990, the Mexican Treasury Department eliminated the Fondo para el Fomento de las Exportaciones de Productos Manufacturados (FOMEX) loan program and transferred the FOMEX trust to the Banco Nacional de Comercio Exterior, S.N.C. (BANCOMEXT). BANCOMEXT offers short-term financing to producers or trading companies engaged in export activities; any company generating foreign currency through exports is eligible for financing under this program. The BANCOMEXT program operates much like its predecessor, FOMEX. BANCOMEXT provides two types of financing, both in U.S. dollars, to exporters: working capital loans (pre-export loans), and loans for export sales (export loans). In addition, BANCOMEXT may provide financing to foreign buyers of Mexican goods and services.

The Department has previously found this program to confer an export subsidy to the extent that the loans are provided at preferential terms (*See Ceramic Tile From Mexico; Preliminary Results of Countervailing Duty Review* (57 FR 5997, February 19, 1992) and *Ceramic Tile From Mexico; Final Results of Countervailing Duty Review* (57 FR 24247, June 8, 1992). In this review the GOM provided no new information or evidence of changed circumstances that would lead the Department to alter that determination.

We found that the annual interest rates BANCOMEXT charged to borrowers for certain loans on which interest payments were due during the review period were lower than commercial rates. The BANCOMEXT dollar-denominated loans under review were granted at annual interest rates ranging from 5.9 percent to 10.0 percent. As discussed in *Certain Steel Products from Mexico; Final Countervailing Duty Determination* (58 FR 37357, July 9, 1993), because loans are funded by BANCOMEXT through commercial banks in dollars and indexed to dollars for repayment, we used a dollar benchmark. As the benchmark for BANCOMEXT pre-export and export dollar-denominated loans granted in 1993, we used the average of the quarterly weighted-average effective interest rates published in the *Federal Reserve Bulletin*, which resulted in an annual benchmark of 7.03 percent in 1993.

We consider the benefits from short-term loans to occur at the time the interest is paid. Because interest on BANCOMEXT pre-export loans is paid at maturity, we calculated benefits based on loans that matured during the review period; these were obtained between August 1992 and October 1993. Interest on BANCOMEXT export loans is paid in advance; we therefore calculated benefits based on BANCOMEXT loans received during the review period.

Three exporters of ceramic tile products used BANCOMEXT pre-export financing and one company used BANCOMEXT export financing. Because we found that the exporters were able to tie their BANCOMEXT loans to specific sales, we measured the benefit only from the BANCOMEXT loans tied to sales of the subject merchandise to the United States. To determine the benefit for each exporter, we multiplied the difference between the interest rate charged to exporters for these loans and the benchmark interest rate by the outstanding principal and then multiplied this amount by the term of the loan divided by 365. We then weight-averaged the benefit received by each company using as the weight its share of total Mexican exports to the United States of the subject merchandise. On this basis, we preliminarily determine the benefit from this program to be 0.0002 percent *ad valorem* for all companies.

**PITEX**

The Program for Temporary Importation of Products used in the Production of Exports (PITEX) was established by a decree published in the *Diario Oficial* on May 9, 1985, and amended in the *Diario Oficial* on September 19, 1986, and May 3, 1990. The program is jointly administered by the Ministry of Commerce and Industrial Development (SECOFI) and the Customs Administration. Under PITEX, exporters with a proven export record may receive authorization to temporarily import products to be used in the production of exports for up to five years without having to pay the import duties normally imposed on those imports. PITEX allows for the exemption of import duties for the following categories of merchandise used in export production: raw materials, packing materials, fuels and lubricants, machinery used to manufacture products for export, and spare parts and other machinery. The importer must post a bond or other security to guarantee the reexportation of the temporary imports. Because it is only available to exporters, the Department previously found in *Certain Textile Mill Products From Mexico; Final Results of Countervailing Duty Administrative Review* (56 FR 50859, October 9, 1991) and *Ceramic Tile From Mexico; Final Results of Countervailing Duty Administrative Review* (57 FR 24247, June 8, 1992) that PITEX provides countervailable benefits to the extent that it provides duty exemptions on imports of merchandise not physically incorporated into exported products. The GOM provided no new information or evidence of changed circumstances that would lead the Department to alter that determination.

During the review period, four companies used the PITEX program for imports of machinery and spare parts which are not physically incorporated into exported products. To determine the benefit for each exporter, we calculated the duties that should have been paid on the non-physically incorporated items that were imported under the PITEX program during the

review period. We then divided that amount by each company's total exports and weight-averaged the benefit received by each company using as the weight its share of total Mexican exports to the United States of the subject merchandise. On this basis, we preliminarily determine the benefit from this program to be 0.47 percent *ad valorem* for all companies.

**NAFINSA Long-Term Loans**

Two companies received long-term financing from NAFINSA loans (Nacional Finciera Sociedad Anonima). Until December 31, 1988, NAFINSA operated as a first-tier bank, which is defined as a commercial bank that provides financing directly to the public. Since December 31, 1988, NAFINSA has operated as ''second-tier'' bank granting financing to companies indirectly through the commercial bank, (i.e., first-tier banks). NAFINSA long-term loans have been found to be specific in past proceedings because availability was limited to specific geographical regions of Mexico. *See Bars and Shapes from Mexico Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders* 49 FR 161 (August 17, 1984). The GOM has provided no new information or evidence of changed circumstances to lead us to conclude that this program is not limited to companies in specific regions. Therefore, we preliminarily determine that NAFINSA long-term loans are specific.

Since the GOM did not provide any information on long-term interest rates, we are using a short-term CPP based rate as our benchmark rate in accordance with our practices as set forth in section 355.49(b)(iii) of the Department's regulations. *See Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments,* 54 FR 23366, 23384 (May 31, 1989). In past Mexican cases, we have used the *Costo Porcentual Promedio* (CPP), a short-term interest rate, as the basis for our benchmark. We have converted the CPP rate into a benchmark rate using a standard formula that has been used consistently in past Mexican cases. *See Porcelain-on-Steel Cookingware from Mexico; Final Results of Countervailing Duty Administrative Review,* 57 FR 562 (January 7, 1982). Using this methodology, we calculated an annual average benchmark of 29.79 percent for the peso-denominated loans. A comparison between the benchmark rate and the NAFINSA loan rates indicates that these loans are inconsistent with commercial considerations.

To calculate the benefit, we multiplied the difference between the benchmark rate and the interest rate in effect for the NAFINSA loan by the principal outstanding during the review period. We divided the benefit by the firm's total sales during the review period and then weight-averaged the benefit received by each company using as the weight its share of total Mexican exports to the United States of the subject merchandise. On this basis, we preliminarily determine the benefit from this program to be 0.01 percent *ad valorem* for all companies.

*II. Programs Preliminarily Found To Be Not Used*

We also examined the following programs and preliminarily determined that exporters of the subject merchandise did not apply for or receive benefits under these programs during the review period:

(A) Other BANCOMEXT preferential financing;

(B) Other Dollar-Denominated Financing Programs;

(C) Fiscal Promotion Certificates (CEPROFI);

(D) Import duty reductions and exemptions;

(E) State tax incentives;

(F) Article 15 Loans;

(G) NAFINSA FONEI-type financing; and

(H) NAFINSA FOGAIN-type financing.

Preliminary Results of Review

For the period January 1, 1993, through December 31, 1993, we preliminarily determined the total bounty or grant to be 0.48 percent *ad valorem* for all companies. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis.*

If the final results remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Mexico exported on or after January 1, 1993, and on or before December 31, 1993.

The Department also intends to instruct the U.S. Customs Service to collect a cash deposit of estimated countervailing duties of zero percent of the f.o.b. invoice price on all shipments of the subject merchandise from all companies, entered or withdrawn from warehouse, for consumption on or after the date of publication of the final date of the publication of the final result of this review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Pursuant to 19 CFR 355.38(c), interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under § 355.38(c), are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief, or at a hearing. 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 355.22.

Dated: May 10, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95–12199 Filed 5–17–95; 8:45 am]

BILLING CODE 3510–DS–P

## Export Trade Certificate of Review

**ACTION:** Notice of Application for an Amendment to an Export Trade Certificate of Review, Application No. 90–5A007.

**SUMMARY:** The Department of Commerce has received an application to amend an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the amended Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–482–5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal