

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before October 30, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, DOC Paperwork Clearance Officer, (202) 482-3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230, or via e-mail at [mclayton@doc.gov](mailto:mclayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dawnielle Battle, BXA ICB Liaison, Department of Commerce, Room 6883, 14th and Constitution Avenue, NW., Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION**

##### **I. Abstract**

Section 906 of the TSRA requires that exports of agricultural commodities, medicine or medical devices to Cuba or to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, or to any other entity in such a country, are made pursuant to one-year licenses issued by the U.S. Government, while further providing that the requirements of one-year licenses shall be no more restrictive than license exceptions administered by the Department of Commerce, except that procedures shall be in place to deny licenses for exports to any entity within such country promoting international terrorism. To meet the requirements of TSRA, BXA is imposing a prior notification procedure under new License Exception Agricultural Commodities (AGR). Exports and certain reexports of agricultural commodities will be authorized under License Exception AGR to Cuba.

##### **II. Method of Collection**

Submitted on forms.

##### **III. Data**

*OMB Number:* 0694-0123.

*Form Number:* BXA-748P.

*Type of Review:* Regular submission for extension of a currently approved collection.

*Affected Public:* Individuals, businesses or other for-profit and not-for-profit institutions.

*Estimated Number of Respondents:* 250.

*Estimated Time Per Response:* 52-57 minutes per response.

*Estimated Total Annual Burden Hours:* 926 hours.

*Estimated Total Annual Cost:* No start-up capital expenditures.

#### **IV. Request for Comments**

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: August 27, 2001.

**Madeleine Clayton,**

*Departmental Paperwork Clearance Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-21992 Filed 8-30-01; 8:45 am]

**BILLING CODE 3510-33-P**

#### **DEPARTMENT OF COMMERCE**

##### **Bureau of Export Administration**

##### **National Defense Authorization Act**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before October 30, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, DOC Paperwork

Clearance Officer, (202) 482-3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230, or via e-mail at [mclayton@doc.gov](mailto:mclayton@doc.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dawnielle Battle, BXA ICB Liaison, Department of Commerce, Room 6883, 14th & Constitution Avenue, NW, Washington, DC, 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

This collection of information is required as the result of the amending of the Export Administration Regulations (15 CFR parts 730-799) (EAR) by revising the (EAR) requirements for exports and reexports contained in Sections 1211-1215 of the National Defense Authorization Act (NDAA) for fiscal year 1998 (P.L. 105-85, 111 Stat. 1629), signed by the President on November 18, 1997. There is one component of this information collection authorization, a *post-shipment report* on the export of high performance computers, as well as exports of items used to enhance previously exported or reexported computers, to Tier 3 countries, where the CTP is greater than 85,000 MTOPS for commodities shipped on or after March 20, 2001. (For commodities shipped prior to that date, lower reporting thresholds apply, per 15 CFR parts 740.7 and 742.12.) Exporters are required to provide a written report to BXA no later than the last day of the month following the month in which the export takes place. To simplify this process, BXA is developing an electronic form that will incorporate the relevant data elements and replace the written report, thereby standardizing the data format for the applicant, and enabling the use of information technology in the processing of the data.

##### **II. Method of Collection**

Submitted on forms.

##### **III. Data**

*OMB Number:* 0694-0107.

*Form Number:* BXA 742R, BXA 742S.

*Type of Review:* Regular submission for extension of a currently approved collection.

*Affected Public:* Individuals, businesses or other for-profit and not-for-profit institutions.

*Estimated Number of Respondents:* 5.

*Estimated Time Per Response:* 15 minutes per response.

*Estimated Total Annual Burden Hours:* 6 hours.

*Estimated Total Annual Cost:* No start-up capital expenditures.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the public is encouraged to provide suggestions on how to reduce and/or consolidate the current frequency of reporting.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: August 27, 2001.

**Madeleine Clayton,**

*Departmental Paperwork Clearance Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-21993 Filed 8-30-01; 8:45 am]

BILLING CODE 3510-DT-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-862]

#### **Notice of Amended Final Determination of Sales at Less Than Fair Value: Foundry Coke From the People's Republic of China**

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

**ACTION:** Amended Final Determination of Antidumping Duty Investigation.

**EFFECTIVE DATE:** August 31, 2001.

#### **FOR FURTHER INFORMATION CONTACT:**

Doreen Chen, Alex Villanueva, Marlene Hewitt or James Doyle, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0193, (202) 482-6412, (202) 482-1385 or (202) 482-0159, respectively.

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

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

#### **Scope of the Investigation**

For purposes of this investigation, the product covered is coke larger than 100 mm (4 inches) in maximum diameter and at least 50 percent of which is retained on a 100-mm (4 inch) sieve, of a kind used in foundries.

The foundry coke products subject to this investigation were classifiable under subheading 2704.00.00.10 (as of Jan 1, 2000) and are currently classifiable under subheading 2704.00.00.11 (as of July 1, 2000) of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this investigation is dispositive.

#### **Amendment to the Final Determination**

On July 23, 2001, the Department determined that foundry coke from the People's Republic of China ("PRC") is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 735(a) of the Tariff Act. See *Notice of Final Determination of Sales at Less Than Fair Value: Foundry Coke from the People's Republic of China*, 66 FR 39487 (July 31, 2001).

On July 30, 2001, respondents, CITIC Trading Co., Ltd. ("CITIC"), Shanxi Dajin International (Group) Co., Ltd. ("Dajin"), Minmetals Townlord Technology Co. ("Minmetals"), and Sinochem International Co., Ltd. ("Sinochem") timely filed an allegation that the Department made ministerial errors in the final determination. On August 6, 2001, petitioners, ABC Coke, Citizens Gas and Coke Utility, Erie Coke Corporation, Sloss Industries Corporation, and Tonawanda Coke Corporation, timely filed comments in rebuttal to respondents' alleged errors.

*Comment 1:* Respondents collectively argue that the Department verified, and the respondents correctly reported, the freight distance from the factory to the port. Respondents argue that it is clear that the rail schedule submitted by respondents (See Respondents' May 1, 2001 Submission at Exhibit 6)

established the rail rates for specific distances on a per metric ton basis, not on a per metric ton per kilometer basis, as the Department has used to calculate margins for all respondents. Respondents conclude that the Department erred, by first, using an incorrect transportation distance to select the appropriate rail rate, notwithstanding the fact that the rail schedule from the Indian Railway Conference Association contains specific rates for different ranges of transportation distances; and, second, by multiplying the incorrectly selected rail rate by the distances of the transport. Respondents allege that the Department's current methodology grossly overstates the freight by the factor of the distance used and should be corrected to reach an accurate margin calculation for each of the respondents. Respondents argue that the Department should revise its normal value programs to reflect the correct freight by basing its calculation on the Indian Railway Conference Association rate schedule for the appropriate (and accurate) supplier distance that was submitted and verified as part of the record.

Respondents claim that in the normal value programs, the Department universally used a freight distance of 741-750 kilometers to calculate freight for the transport of coking coal from the suppliers to the producers. Respondents argue that the Department should revise its normal value programs to reflect the correct freight using the rail schedule from the Indian Railway Conference Association.

Petitioners assert that the Department correctly calculated freight rates and achieved the correct result because the Department applied the rate on a per kilometer basis.

*Department's Position:* We agree with petitioners in part and respondents in part. The rail schedule does establish rail rates for specific distance ranges on a per metric ton basis. In the rail freight calculation, the Department used the rail rate that corresponded to the distance from the coke manufacturer to the nearest port. The Department did not use the rate corresponding to the distance between the suppliers of coal and the producer. Because the distance range used by the Department is greater, the corresponding rate per ton is also greater. However, the Department divided the rate by the largest number of kilometers in the distance range used.

We agree with respondents that we should have used the rail rates per ton that corresponded to the distance between the suppliers of coal and the producer. We have revised the margin calculation program using the