

Service to continue to suspend liquidation of all entries of fresh cut roses from Colombia and Ecuador, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for

consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by

which the foreign market value of the merchandise subject to this investigation exceeds United States price as shown in the table below. The following is a list of all the final margins, including the amended final margins, in these investigations.

Manufacturer/Producer/Exporter	Margin percent
<b>Colombia</b>	
Flores Mocari S.A. (and its related farms Cultivos Miramonte and Devor Colombia) .....	2.86
Rosex (and its related farms Rosex Ltda. La Esquina and Paraiso Farms), Induflores Ltda., and Rosas Sausalito Ltda.) .....	2.44
Grupo Prisma (and its related farms Flores del Campo Ltda., Flores Prisma S.A., Flores Acuarela S.A., Flores el Pincel S.A., Rosas del Colombia Ltda., Agropecuaria Cuernavaca Ltda.) .....	0.00
Grupo Bojaca (and its related farms Agricola Bojaca Ltda., Universal Flowers, and Plantas y Flores Tropicales Ltda. (Tropifora)) ...	20.66
Caicedo Group (and its related farms Agrobosque, Productos el Rosal S.A., Productos el Zorro S.A., Exportaciones Bochia S.A. - Flora Ltda., Flores del Cauca, Aranjuez S.A., Andalucia S.A., Inverfloral S.A., and Great America Bouquet) .....	15.07
Grupo Intercontinental (and its related farms Flora Intercontinental and Flores Aguablanca) .....	3.92
All Others .....	5.53
<b>Ecuador</b>	
Arbusta-Agritab (and its related farms Agrisabe, Agritab, and Flaris) .....	4.01
Guanguilqui Agro Industrial S.A. (and its related farm Indipasisa) .....	14.29
All Others .....	5.41

These amended final determinations are published in accordance with section 751(f) of the Act and 19 CFR 353.28(c).

Dated: March 3, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-6403 Filed 3-14-95; 8:45 am]

BILLING CODE 3510-DS-P

[C-549-811]

**Final Negative Countervailing Duty Determination: Disposable Pocket Lighters From Thailand**

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

**EFFECTIVE DATE:** March 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth A. Graham, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-4105.

*Final Determination.* The Department of Commerce ("the Department") determines that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Thailand of disposable pocket lighters.

**Case History**

Since the publication of the preliminary determination in the **Federal Register**, 59 FR 40525 (August 9, 1994), the following events have occurred.

On September 13, 1994, at petitioner's request, we extended the final determination in this investigation to coincide with the final determination in the companion antidumping investigation (59 FR 46961).

On November 3, 1994, respondents requested that the Department postpone the final antidumping and countervailing duty determinations. Therefore, on November 16, 1994, the Department published in the **Federal Register** a notice postponing the final antidumping and countervailing duty determinations until no later than March 8, 1995 (59 FR 59211).

We conducted verification of the responses submitted on behalf of the Government of Thailand (GOT) and Thai Merry Co., Ltd. (Thai Merry) from October 17-18, and on October 28, 1994, respectively. We received case briefs on February 23, 1995, from petitioner and respondent, and received a rebuttal brief from respondent on March 1, 1995.

**Scope of Investigation**

The products covered by this investigation are disposable pocket lighters, whether or not refillable, whose fuel is butane, isobutane, propane, or other liquified hydrocarbon, or a mixture containing any of these, whose

vapor pressure at 75 degrees fahrenheit (24 degrees Celsius) exceeds a gauge pressure of 15 pounds per square inch. Non-refillable pocket lighters are imported under subheading 9613.10.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Refillable, disposable pocket lighters would be imported under subheading 9613.220.0000. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive.

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

References to the *Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comments*, 54 FR 23366 (May 31, 1989) (*Proposed Regulations*), which were withdrawn on January 3, 1995 (60 FR 80), are provided solely for further explanation of the Department's CVD practice. 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.

**Injury Test**

Although Thailand is not a "country under the Agreement" within the meaning of section 701(b) of the Tariff

Act of 1930, as amended ("the Act"), the merchandise being investigated is non-dutiable under the Generalized System of Preferences and Thailand is a contracting party to the General Agreement on Tariffs and Trade. Thailand, therefore, is entitled to an injury test on imports of the subject merchandise pursuant to section 303(a)(2) of the Act. On June 20, 1994, the ITC preliminarily determined that imports of the subject merchandise from Thailand materially injure, or threaten material injury to, a U.S. industry.

#### Period of Investigation

For purposes of this final determination, the period for which we are measuring bounties or grants (the period of investigation ("POI")) is calendar year 1993.

#### Analysis of Programs

Based upon our analysis of the petition, the responses to our questionnaires, verification and comments made by interested parties, we determine the following:

##### A. Programs Determined to be Countervailable

###### 1. Section 31 of the Investment Promotion Act

The Investment Promotion Act of 1977 ("IPA") provides incentives for investment to promote the development of the Thai economy. The IPA authorizes an array of tax exemptions and exclusions. The IPA is administered by the Board of Investment (BOI) through promotion certificates. These certificates list the various sections of the IPA under which a company is eligible to receive benefits.

Under section 31, companies may obtain a three-to-eight year exemption from payment of corporate income tax on profits derived from promoted activities, as well as deductions from net profits for losses incurred during the tax exemption period. The 1977 IPA Act has been amended several times and, in 1991, the GOT passed the Investment Promotion Act No. 2 of 1991. This 1991 Act was the law in effect during the POI. Section 16 of this law states that eligible activities for this exemption include " \* \* \* activities which involve production for export."

We verified that Thai Merry applied for and received section 31 income tax exemptions during the POI. The approval certificate received by Thai Merry for participation in this program states that "the company has received a promoted status in the business for production of gas lighters for export."

Because Thai Merry received these benefits for exported lighters, we

determine that this program confers an export bounty or grant. To calculate the benefit for the POI, we divided the tax savings by the total value of export sales, pursuant to 355.47(c)(1)(ii) of the *Proposed Regulations (Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comments*, 54 FR 23366 (May 31, 1989)). On this basis, we calculated a net bounty or grant of 0.23 percent *ad valorem*.

Because this is the only countervailable program and the rate is *de minimis*, pursuant to 19 CFR 355.7 (1994), we determine that no benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters of disposable pocket lighters in Thailand.

##### B. Programs Determined to be Not Used

We established at verification that the following programs were not used during the POI.

- A. *Industrial Estates/Export Processing Zones*
- B. *Preferential Short-term Loans Under the Export Packing Credit Program*
- C. *Tax and Duty Exemptions Under the Investment Promotion Act (sections 28, 33, 34, 36(1), 36(2), 36(3) and 36(4))*
- D. *Tax Certificates for Exporters*
- E. *Rediscount of Industrial Bills*
- F. *International Trade Promotion Fund*

#### Interested Party Comments

Comment 1: Petitioner asserts that the Department should countervail government subsidies provided to two plants which provide assembly services under subcontract to Thai Merry. These assembly plants are not owned by Thai Merry, although the materials processed in these facilities are the property of Thai Merry. These assembly plants were discussed in the course of the antidumping (AD) verification, not in the CVD verification. Petitioner believes that because one of these plants assembles safety-lock lighters, which are only sold in the United States, the facility may be benefitting from being located in an export processing zone. Petitioner asserts that unless respondent can provide proof that these facilities are not located in an export processing zone, the Department should presume that these plants receive subsidies and that Thai Merry benefits from such subsidies, and should apply a countervailing duty rate to Thai Merry based on BIA.

Respondent contends that petitioner's brief should be rejected due to the inclusion of arguments based on information not on the record of the

CVD investigation. (The fact that Thai Merry subcontracted some assembly operations to unrelated firms was only raised in the AD investigation.)

Respondent emphasizes that the Department verified that Thai Merry is not located in an export processing zone and that the company did not benefit from this program during the POI. Additionally, respondent asserts that since the Department chose not to verify the location of the subcontractor's assembly plants in connection with the CVD verification, it would be unfair to assign a margin to Thai Merry based on BIA.

DOC Position: We consider petitioner's allegation untimely and, therefore, have not considered its allegation in this investigation. Pursuant to § 353.31(c)(i) of the *Proposed Regulations*, "the Secretary will not consider any subsidy allegation submitted by the petitioner or other interested party, as defined in paragraph (i)(3), (i)(4), (i)(5), or (i)(6) of section 355.2, later than: (i) In an investigation, 40 days prior to the scheduled date of the Secretary's preliminary determination." Petitioner first alleged that subsidies could have been provided to Thai Merry's unrelated assembly plants in its case briefs, 13 days prior to the final determination.

We further note that section 355.39 of the *Proposed Regulations* does not apply in this case. Section 355.39 provides that if "the Secretary discovers a practice which appears to provide a subsidy with respect to the merchandise and the practice was not alleged or examined in the proceeding, the Secretary will examine the practice if the Secretary concludes that sufficient time remains before the scheduled date for the Secretary's final determination or final results of review." In the context of the companion AD investigation, the Department verified that Thai Merry subcontracts certain of its assembly operations. The Department then verified the location and function of these plants, and the fact that Thai Merry did not own these assembly plants. However, in the context of this proceeding, we did not discover "a practice which appears to provide a subsidy." Therefore, the Department would not have been obligated to conduct an examination of the situation, even had there been "sufficient time" to do so.

We agree with respondents that it is inappropriate to apply BIA to Thai Merry based on an unsupported allegation that subsidies may have been granted to the assembly plants owned by its unrelated subcontractor(s). Petitioner has not made a sufficiently

detailed allegation either that the assembly plants received countervailable benefits, or how such countervailable benefits might be accruing to Thai Merry through either of these plants.

Petitioner has acknowledged that these assembly plants are not owned by Thai Merry. Petitioner has provided no argument as to why the Department should countervail alleged subsidies provided to an unrelated subcontractor of a company under investigation. Therefore, we conclude that Thai Merry did not benefit from this program.

#### Verification

In accordance with section 776(b) of the Act, we verified the information used in making our final determination. We followed standard verification procedures, including meeting with government and company officials, examination of relevant accounting records and examination of original source documents. Our verification results are outlined in detail in the public versions of the verification reports, which are on file in the Central Records Unit (Room B-099 of the Main Commerce Building).

#### ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. Since we have determined that no bounties or grants are being provided to manufacturers, producers or exporters of disposable pocket lighters in Thailand, the investigation will be terminated upon publication of this notice in the **Federal Register**. Hence, the ITC is not required to make a final injury determination with respect to this countervailing duty proceeding.

#### Return of Destruction of Proprietary Information

This notice serves as the only reminder to parties subject to Administrative Protective Order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 355.34(d). Failure to comply is a violation of the APO.

This determination is published pursuant to section 705(d) of the Act and 19 CFR 355.20(a)(4).

Dated: March 8, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import  
Administration.

[FR Doc. 95-6400 Filed 3-14-95; 8:45 am]

BILLING CODE 3510-DS-P

#### National Oceanic and Atmospheric Administration

[Docket No. 95-0222054-5054-01; I.D. 021495A]

RIN 0648-ZA15

#### Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of funds.

**SUMMARY:** A total of \$540,000 in Fiscal Year (FY) 1995 funds is available through the NOAA/NMFS Chesapeake Bay Office to assist interested state fishery agencies, academic institutions, and other nonprofit organizations relating to cooperative research units, in carrying out research projects to provide information for Chesapeake Bay Stock Assessments through cooperative agreements. About \$180,000 of the base amount is available to initiate new projects in FY 1995, as described in this announcement. NMFS issues this notice describing the conditions under which eligible applications will be accepted and how NMFS will determine which applications will be selected for funding.

**DATES:** Applications for funding under this program will be accepted until May 1, 1995, 6 p.m. eastern standard time. Applications received after that time will not be considered for funding. No applications will be accepted by facsimile machine submission.

Successful applicants generally will be selected approximately 90 days from the date of publication in the **Federal Register** of this notice. The earliest date for awards will be approximately 180 days after the date of publication in the **Federal Register** of this notice.

**ADDRESSES:** Send applications to: M. Elizabeth Gillelan, Division Chief, NOAA Chesapeake Bay Office, NMFS, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403.

**FOR FURTHER INFORMATION CONTACT:** M. Elizabeth Gillelan, 410/267-5660.

**SUPPLEMENTARY INFORMATION:**

#### I. Introduction

A. *Authority.* The Fish and Wildlife Act of 1956, as amended, at 16 U.S.C. 753 (a), authorizes the Secretary of Commerce (Secretary), for the purpose of developing adequate, coordinated, cooperative research and training

programs for fish and wildlife resources, to continue to enter into cooperative agreements with colleges and universities, with game and fish departments of the several states, and with nonprofit organizations relating to cooperative research units. The Departments of Commerce (DOC), Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1995 makes funds available to the Secretary.

B. *Catalog of Federal assistance.* The research to be funded is in support of the Chesapeake Bay Studies (CFDA 11.457), under the Chesapeake Bay Stock Assessment Committee (CBSAC).

C. *Program description.* The CBSAC was established in 1985 to plan and review Bay-wide resource assessments, coordinate relevant actions of state and Federal agencies, report on fisheries status and trends, and determine, fund and review research projects. The program implements a Bay-wide plan for the assessment of commercially, recreationally, and selected ecologically important species in the Chesapeake Bay. In 1988, CBSAC developed a Bay-wide Stock Assessment Plan, in response to provisions in the Chesapeake Bay Agreement of 1987. The plan identified that key obstacles to assessing Bay stocks were the lack of consistent, Bay-wide, fishery-dependent and fishery-independent data. Research projects funded since 1988 have focused on developing and improving fishery-independent surveys and catch statistics for key Bay species, such as striped bass, oysters, blue crabs, and alosids. Stock assessment research is essential, given the recent declines in harvest and apparent stock condition for many of the important species of the Chesapeake Bay.

#### II. Areas of Special Emphasis

A. Proposals should exhibit familiarity with related work that is completed or ongoing. Where appropriate, proposals should be multidisciplinary. Coordinated efforts involving multiple eligible applicants or persons are encouraged. Eligible women and minority owned and operated nonprofit organizations are encouraged to apply.

Consideration for funding will be given to applications that address the following stock assessment research and management priorities for the Chesapeake Bay. These are listed in priority order:

1. Design and development of a Bay-wide recreational survey for blue crabs. This study should provide not only estimates of blue crab harvest by category (eg., hard, soft, peeler) and associated effort, but also biological