

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-307-701, C-307-702]

**Certain Electrical Conductor Aluminum Redraw Rod From Venezuela; Notice of Final Court Decision and Revocation of Antidumping and Countervailing Duty Orders**

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

**ACTION:** Notice of final court decision and revocation of antidumping and countervailing duty orders.

**SUMMARY:** On February 17, 1995, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) affirmed the International Trade Commission's (ITC) determination on remand that an industry in the United States was not threatened with material injury by reason of imports of certain electrical conductor aluminum redraw rod (EC rod). On March 1, 1995, the ITC published notice in the **Federal Register** of the final Federal Circuit decision affirming its negative remand determination (60 FR 11110). Therefore, we are revoking the antidumping and countervailing duty orders on EC rod from Venezuela.

**EFFECTIVE DATE:** April 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Brian Albright 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) 482-5253.

**SUPPLEMENTARY INFORMATION:****Background**

On June 30, 1988, the Department of Commerce (the Department) determined that EC rod from Venezuela was being subsidized and sold at less than fair value (53 FR 24755, 24763). On August 17, 1988, the ITC determined that a U.S. industry was threatened with material injury by reason of imports of EC rod from Venezuela (53 FR 31111). On August 22, 1988, the Department published in the **Federal Register** the antidumping and countervailing duty orders on EC rod from Venezuela (53 FR 31903, 31904).

Suramerica de Aleaciones Laminadas, C.A., a Venezuelan exporter of EC rod, and others, appealed the ITC determination in the Court of International Trade (CIT). On March 15, 1993, the CIT reversed and remanded the ITC's original determination. On

June 2, 1993, the ITC determined on remand that there was no threat of material injury to a U.S. industry. This remand was affirmed by the CIT on August 4, 1993. *Suramerica de Aleaciones Laminadas, C.A. v. United States*, 841 F. Supp. 1220 (CIT 1993).

The ITC and petitioner Southwire, Inc., appealed the CIT's decision to the Federal Circuit. On December 30, 1994, the CIT's decision was affirmed by the Federal Circuit. *Suramerica v. United States*, Nos. 93-1579 and 94-1021 (Fed. Cir. Dec. 30, 1994). Southwire filed in the Federal Circuit a petition for rehearing and suggestion for rehearing *in banc*. On February 13, 1995, the Federal Circuit denied Southwire's petition for rehearing and declined the suggestion for a rehearing *in banc*. On March 1, 1995, the ITC published notice in the **Federal Register** of the final Federal Circuit decision affirming its negative remand determination.

As a result of the ITC notification that there is no threat of material injury to the U.S. industry, the Department is revoking the antidumping and countervailing duty orders on EC rod from Venezuela. On October 12, 1993 (58 FR 52744), in accordance with *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department stated that, effective August 14, 1993, it would continue the suspension of liquidation on the subject merchandise until the Federal Circuit issued a conclusive decision in this lawsuit. Therefore, revocation of these orders is effective August 14, 1993, for all unliquidated entries.

**Scope of Order**

Imports covered by these orders are shipments of certain electrical conductor aluminum redraw rod from Venezuela, which is wrought rod of aluminum that is electrically conductive and contains not less than 99 percent aluminum by weight. This merchandise is currently classifiable under item numbers 7604.10.3010, 7604.10.3050, 7604.29.3010, 7604.29.3050, 7605.11.0030, 7605.11.0090, 7605.19.0000, 7605.21.0030, 7605.21.0090 and 7605.29.0000 of the *Harmonized Tariff Schedule* (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

**Termination of Suspension of Liquidation**

Pursuant to section 516(e)(2) of the Tariff Act of 1930, as amended, the Department will instruct the U.S. Customs service to terminate the suspension of liquidation of EC rod

from Venezuela and proceed with liquidation of the subject merchandise, which entered the United States on or after August 14, 1993, without regard to antidumping or countervailing duties.

Dated: April 19, 1995.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Compliance.*

[FR Doc. 95-10264 Filed 4-25-95; 8:45 am]

BILLING CODE 3510-DS-P

[C-351-029]

**Final Results of Countervailing Duty Administrative Review: Certain Castor Oil Products From Brazil**

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

**EFFECTIVE DATE:** April 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Vincent Kane or Cynthia Thirumalai, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-2815 and (202) 482-4087, respectively.

**Final Determination****Background**

On November 7, 1994, the Department of Commerce (the Department) published in the **Federal Register** (59 FR 55443) the preliminary results of its administrative review of the countervailing duty order on certain castor oil products from Brazil (Preliminary Determination). See 41 FR 11018 (March 16, 1976). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Applicable Statute and Regulations**

The Department is conducting this administrative review in accordance with section 751(a) of the Act. Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

**Scope of Review**

The merchandise subject to this review is hydrogenated castor oil and 12-hydroxystearic acid. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule ("HTS") subheadings: 1516.20.90 and 1519.19.40. Although the HTS subheadings are provided for convenience and customs purposes, our

written description of the scope of this proceeding is dispositive.

This review covers the period January 1, 1992 through December 31, 1992, six companies, and the following 12 programs: (1) Preferential Export Financing under Resolution 950/1009; (2) Income Tax Exemption for Export Earnings; (3) Preferential Export Financing Under CIC-OPCRE 6-2-6; (4) Preferential Financing for industrial Enterprises by the Bank of Brazil; (5) Reduction of Industrial Products Tax (IPI) and Import Duties Under Decreto No. 77.065 through BEFIEEX; (6) Preferential Financing for National Trading Companies under Resolution 883 of the Banco Central do Brasil; (7) Accelerated Depreciation for Brazilian-Made Capital Goods; (8) Preferential Financing under Resolution 68 through FINEX; (9) Preferential Financing under Resolution 578/83 through FUNPAR; (10) Preferential Financing under Resolution 579/83 through PROEX and PROSIM; (11) Preferential Financing for the Storage of Merchandise Destined for Export under Resolution 330/Portaria 130 of the Banco Central do Brasil; and (12) Green Yellow Drawback (Portaria 68/83).

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

We calculated the total subsidy on a country-wide basis by first calculating the subsidy for each company subject to the administrative review. We then weight-averaged the rate received by each company by its share of total Brazilian exports of the subject merchandise to the United States, including all companies, even those with *de minimis* and zero rates. Using this methodology we calculated a country-wide rate of 0.03 percent, which is *de minimis*.

#### Analysis of Program

##### Income Tax Exemption for Export Earnings

Although this program was eliminated on April 12, 1990, by Decree Law 8,034, Boley was authorized to use the income tax exemption on export earnings under the terms of a contract with the Commission for the Granting of Fiscal Benefits to Special Export Programs (BEFIEEX) until its contract expired. Therefore, despite the fact that the income tax exemption for export earnings was eliminated, Boley received residual benefits from the program during the review period. No other company under review used this program.

#### Programs Found To Be Terminated

We find the following programs to be terminated and find that the respondents did not receive any residual benefits under them during the period of review.

a. Preferential Export Financing under Resolution 950/1009 through CACEX (Carteira de Comercio Exterior) of the Bank of Brazil.

We verified that this program was terminated on August 30, 1990, by Banco Central Bank do Brasil Resolution No. 1,744. See also *Final Negative Countervailing Duty Determination: Silicon Metal from Brasil*, 56 FR 26988, 26989 (June 12, 1991).

b. Preferential Export Financing under CIC-OPCRE 6-2-6.

We verified that, on May 10, 1990, the functions of CACEX of the Bank of Brazil, which administered these export financing loans, were absorbed by the Secretariat of Foreign Trade (SECEX). SECEX was not empowered to perform banking operations and the export financing was discontinued.

c. Reduction of Industrial Products Tax (IPI) and Import Duties under Decreto No. 77.065 through BEFIEEX (Comissao par a Concessao de Beneficios a Programas Especiais de Exportacao) and CIEEX (Comissao para Incentivos a Exportacao).

We verified, that, on April 12, 1990, Decree Law 8,032 limited this program exclusively to imports made by the federal, state, and municipal governments, territories, other political entities, and scientific institutions, thereby eliminating the benefit to commercial enterprises.

d. Preferential Financing for National Trading Companies under Resolution 883 of the Banco Central do Brasil.

We verified that Banco Central do Brasil Resolution 1,744 revoked Resolution 883 on August 30, 1990, thereby terminating this program. (See also, *Certain Round-Shaped Agricultural Tillage Tools from Brazil: Preliminary Results of Countervailing Duty Administration Review*, 57 FR 10885, 10886 (March 31, 1992).)

e. Preferential Financing under Resolution 68 through FINEX.

We verified that this program was terminated on April 5, 1990, after it failed to be reenacted within two years of April 5, 1988, the date on which Brazil's new constitution came into effect. Article 4 of the new constitution provided that all programs requiring funding from the national treasury had to be reenacted within a two-year period or cease to exist. Legislation to reenact preferential financing through FINEX was not passed and the program ceased to exist.

f. Preferential Financing under Resolution 579/83 through PROSIM and PROEX (BNDES).

We verified that preferential financing through PROSIM was terminated on February 4, 1985, by BNDES Resolution 607, and that preferential financing through PROEX (BNDES) was terminated on September 2, 1991 by BNDES Resolution 762.

g. Preferential Financing for the Storage of Merchandise Destined for Export under Resolution 330/Portaria 130 of the Banco Central do Brasil.

We verified that this program was terminated on August 21, 1984, by Central Bank Resolution 950.

#### Programs Found To Be Not Used

We find that respondents did not use following programs during the review period:

- a. Preferential Financing for Industrial Enterprises by the Bank of Brazil
- b. Preferential Financing under Resolution 578/83 through FUNPAR
- c. Accelerated Depreciation for Brazilian Made Capital Goods
- d. Green Yellow Drawback (Portaria 68/83)

#### Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

#### Final Results of Review

As a result of our review, we determine the net subsidy to be 0.03 percent *ad valorem* for all firms during the period January 1, 1992 through December 31, 1992. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1992 and on or before December 31, 1992.

The Department will instruct the Customs Service to continue to suspend liquidation on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the net subsidy is *de minimis*, however, the cash deposit on shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** will be zero. These instructions shall remain in effect until publication of the final results of the next administrative review.

### Return or 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 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 355.22.

Dated: April 19, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-10265 Filed 4-25-95; 8:45 am]

BILLING CODE 3510-DS-M

### National Oceanic and Atmospheric Administration

[I.D. 041895B]

#### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will hold meetings on May 8 through May 12, 1995, at the Holiday Inn Crowne Plaza, 700 North Westshore Boulevard, Tampa, FL; telephone: (813) 289-8200.

**ADDRESSES:** Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609; telephone: (813) 228-2815.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director; telephone: 813-228-2815.

**SUPPLEMENTARY INFORMATION:**

#### Council Meetings

The agenda is as follows:

*May 10, 1995*

The Council will convene at 8:30 a.m. and recess at 5:30 p.m.

8:45 a.m. to 4:00 p.m.—Receive public testimony on the king mackerel, Spanish mackerel and cobia total allowable catch (TAC) for the 1995-96 season, including recreational bag limits, size limits and commercial trip limits and quotas; and receive final public testimony on Draft Reef Fish Amendment 8 and Draft Reef Fish Amendment 11 (NOTE: Testimony

cards must be turned in to staff before the start of public testimony);

4:00 p.m. to 5:30 p.m.—Receive a report of the Mackerel Management Committee and set TAC for the mackerel and cobia stocks for the 1995-96 season, including recreational bag limits, size limits and commercial trip limits and quotas.

*May 11, 1995*

8:30 a.m. to 5:00 p.m.—Receive a report of the Reef Fish Management Committee.

*May 12, 1995*

8:30 a.m. to 8:45 a.m.—Receive report of the Budget Committee;

8:45 a.m. to 9:00 a.m.—Receive report of the Shrimp Management Committee;

9:00 a.m. to 9:15 a.m.—Receive report of the Habitat Protection Committee;

9:15 a.m. to 9:30 a.m.—Receive report of the Stone Crab Management Committee;

9:30 a.m. to 10:00 a.m.—Receive report of the Administrative Policy Committee;

10:00 a.m. to 12:00 p.m.—Receive the South Atlantic Fishery Management Council Liaison Report, Bycatch Workshop Report, review Stock Assessment Protocol, Golden Crab Fishery Report, Enforcement Report, Director's Reports and Other Business.

#### Committee Meetings

*May 8, 1995*

10:00 a.m. to 12:00 p.m.—Convene meetings of the Stone Crab Management Committee, the Administrative Policy Committee, and the Mackerel Management Committee.

*May 9, 1995*

8:00 a.m. to 5:30 p.m.—Convene meetings of the Budget Committee, the Shrimp Management Committee, the Habitat Protection Committee, and the Reef Fish Management Committee.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Julie Krebs at the address above by May 1, 1995.

Dated: April 20, 1995.

**Richard W. Surdi,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-10266 Filed 4-25-95; 8:45 am]

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[I.D. 041895A]

### Endangered Species; Permits

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

**ACTION:** Notice of receipt of a request to modify permit 825 (P513).

**SUMMARY:** Notice is hereby given that the Columbia River Inter-Tribal Fish Commission has requested a modification to permit 825 to take additional listed salmon species for the purpose of scientific research.

**DATES:** Written comments or requests for a public hearing on this modification request must be received on or before May 26, 1995.

**ADDRESSES:** The modification request, permit, and related documents are available for review upon written request or by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910-3226 (301-713-1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5424).

Written comments, or requests for a public hearing on this modification request should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

**SUPPLEMENTARY INFORMATION:** This modification to Permit 825 (P513) is requested under the authority of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-227). The applicant requests authorization for non-lethal take of 1,046 listed juvenile spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and two listed juvenile sockeye salmon (*Oncorhynchus nerka*), to study the occurrence of gas bubble trauma symptoms. The applicant requests a .2% mortality rate.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on this particular modification request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in this modification request summary are those of the Applicant and do not necessarily reflect the views of NMFS.