

Parties to the proceeding may request disclosure within 5 days and interested parties may request a hearing not later than 10 days after publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than 7 days after the time limit for filing case briefs. Any hearing, if requested, will be held 7 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 353.38(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 any event not later than the date the case briefs, under 19 CFR 353.38(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.

Upon completion of the final results in this review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established for the last covered period in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 3.10 percent, the adjusted "all others" rate from the fair value

investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations (19 CFR 353.22(c)(5)).

Dated: May 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-14074 Filed 6-7-95; 8:45 am]

BILLING CODE 3510-DS-P

[C-475-819, C-489-806]

Notice of Initiation of Countervailing Duty Investigations: Certain Pasta ("Pasta") From Italy and Turkey

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

EFFECTIVE DATE: June 8, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Yeske (Italy) and Elizabeth Graham (Turkey), Office of Countervailing Investigations, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-0189 and (202) 482-4105, respectively.

Initiation of Investigations

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act effective January 1, 1995 (the Act).

The Petition

On May 12, 1995, the Department of Commerce (the Department) received a petition filed in proper form by Borden Inc., Hershey Foods Corp., and Gooch Foods, Inc. (the petitioners), three U.S. producers of pasta. Supplements to the

petition were filed on May 26, 1995, and May 31, 1995.

In accordance with section 701(a) of the Act, petitioners allege that manufacturers, producers, or exporters of the subject merchandise in Italy and Turkey receive countervailable subsidies.

The petitioners state that they have standing to file the petition because they are interested parties, as defined under section 771(9)(C) of the Act.

Determination of Industry Support for the Petition

Section 702(c) of the Act requires the Department to determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports a countervailing duty petition. A petition meets this requirement if (1) domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product; and (2) those domestic producers or workers who support the petition account for 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.

A review of the production data provided in the petition and other information readily available to the Department indicates that the petitioners account for more than 25 percent of the total production of the domestic like product and for more than 50 percent of that produced by companies expressing support for, or opposition to, the petition. The Department received no expressions of opposition to the petition from any interested party. Accordingly, the Department determines that this petition is supported by the domestic industry.

Injury Test

Because Italy and Turkey are "Subsidies Agreement Countries" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation. Accordingly, the U.S. International Trade Commission ("ITC") must determine whether imports of the subject merchandise from Italy and Turkey materially injure, or threaten material injury to, a U.S. industry.

Scope of the Investigation

The Department has inherent authority to redefine and clarify the scope of an investigation, as set forth in a petition, whenever it determines that the petition language is overly broad, or insufficiently specific to allow proper

investigation, or in any other way defective. See *NTN Bearing Corp. v. United States*, 747 F. Supp. 726 (CIT 1990). We revised the petitioners' proposed scope to eliminate channel of trade as a scope criterion in order to ensure that it would be clear and administrable.

The scope of these investigations consists of certain non-egg dry pasta in packages of five pounds (or 2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market in fiberboard or cardboard cartons or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the scope of these investigations are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise under investigation is currently classifiable under subheading 1902.19.20 of the *Harmonized Tariff Schedule of the United States* (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Allegation of Subsidies

Section 702(b) of the Act requires the Department to initiate a countervailing duty proceeding whenever an interested party files a petition, on behalf of an industry, that (1) alleges the elements necessary for an imposition of a duty under section 701(a), and (2) is accompanied by information reasonably available to petitioners supporting the allegations.

Initiation of Countervailing Duty Investigations

The Department has examined the petition on pasta from Italy and Turkey and found that it complies with the requirements of section 702(b) of the Act. Therefore, in accordance with section 702(b) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters of pasta from Italy and Turkey receive subsidies.

A. Italy

We are including in our investigation the following programs alleged in the petition to have provided subsidies to

producers of the subject merchandise in Italy:

1. *Law 675/77—Capital Grants*
2. *Law 675/77—VAT Reductions*
3. *Laws 227/77, 394/81, and 304/90—Preferential Export Financing and Export Promotion*
4. *Law 64/86—Industrial Investment Development Assistance*
5. *ILOR & IRPEG Tax Exemptions*
6. *Law 345/92—Social Security Exemptions*
7. *Law 1329/65—Interest Contributions Under the Sabatini Law*
8. *Law 181—Urban Redevelopment Packages*
9. *Pasta Export Restitution Program*
10. *European Regional Development Fund ("ERDF") Aid*
11. *European Social Fund ("ESF") Aid*
12. *Miscellaneous EU Subsidies*

We are not including in our investigation the following programs alleged to be benefitting producers of the subject merchandise in Italy:

1. *Law 675/77—Interest Contributions on Bank Loans, Interest Grants for Loans Financed by IRI Bond Issues, Ministry of Industry Mortgage Loans, and Personnel Retraining Grants*

Law 675 has been investigated and found countervailable in prior investigations, i.e., *Final Affirmative Countervailing Duty Determination: Certain Steel from Italy* (58 FR 37327, July 9, 1993 ("Certain Steel")) and *Final Affirmative Countervailing Duty Determination: Grain-Oriented Electrical Steel from Italy* (59 FR 18357, April 18, 1994) ("GOES"). However, the determination of countervailability in those cases was based on a finding that the automobile and steel industries were dominant users of Law 675 benefits. In *Certain Steel*, the Department verified that the steel and automobile industries together accounted for 66 percent of the total assistance provided under Law 675. The remaining portion of the benefits provided under this law were spread among nine other industries.

Petitioners have noted that the agro-food industry is one of the other nine industries which received benefits. However, petitioners have not provided any basis to believe or suspect that the pasta industry, in particular, was a dominant user; nor have they provided any other basis to believe that benefits under this program are specific to the pasta industry. For these reasons, we are not including the above-named portions of Law 675 in our investigation.¹

2. Law 796/76—Exchange Rate Guarantee Program

Law 796 provides exchange rate guarantees on foreign currency loans obtained under ECSC Article 54 and/or the Council of European Resettlement ("CER") Fund. This program has been investigated in the past and has been found countervailable on the basis of dominant use by the steel industry (see, *Preliminary Affirmative Countervailing Duty Determination: Oil Country Tubular Goods From Italy*, (59 FR 61870)). In that case, the information provided by the GOI showed that the steel industry received 25 percent of the benefits under this program. Petitioners have alleged that because CER loans are available to agriculture, tourism, and handicraft, pasta producers may have received benefits under this program. However, petitioners have not provided any basis to believe or suspect that the pasta industry, in particular, was a dominant user; nor have they provided any other bases to believe that benefits under this program are specific to the pasta industry. Moreover, in accordance with section 355.43(b)(8) of our *Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comments*, 54 FR 23366 (May 31, 1989) (*Proposed Regulations*), a program cannot be found specific solely on the basis of being limited to agriculture. Therefore, we are not including this program in our investigation.

Although the Department has withdrawn the *Proposed Regulations*, references to the *Proposed Regulations* are provided for further explanation of the Department's CVD practice.

3. Council of Europe Resettlement ("CER") Loans

In their discussion of the Exchange Rate Guarantee program, petitioners request that the Department initiate an investigation of CER loans independent of the Exchange Rate Guarantee program to determine whether CER funds are provided at preferential rates or otherwise provide a benefit to recipient companies. However, petitioners have neither provided evidence that CER loans are provided at preferential rates nor provided evidence that these loans are specific to the pasta industry. For these reasons, we are not including CER loans in our investigation.

4. Law 46/82—Research and Development Grants

This program was found to be not countervailable in *GOES*, because benefits under the program are not

¹ Two types of benefits under this program, (i.e., Capital Grants and VAT Reductions) were found in *GOES* to be available only in the Mezzogiorno region of Italy, making them regionally specific.

Therefore, we have included those benefits under Law 675 in our investigation, as indicated above.

limited to a specific enterprise or industry or group of enterprises or industries. Petitioners acknowledge this finding, but argue that there is no indication that the Department considered a 1985 amendment to Law 46/82. Specifically, Article 14 of the law was amended at that time to authorize government assistance for several additional agricultural and/or industrial purposes. Innovations in pasta production is one of the newly enumerated purposes. Petitioners also claim that under Article 14 pasta may have received a disproportionate share of the benefits.

Petitioners have not provided a sufficient basis to believe that the program has changed since the determination of non-countervailability in *GOES*. Because the period of investigation for *GOES* was 1992, the Department's specificity analysis did take into account any changes to Law 46/82 made in 1985. In addition, petitioners have not provided a sufficient basis to believe that pasta received a disproportionate share of the benefits under this program. Therefore, we are not including Law 46/82 grants in our investigation.

5. Miscellaneous Italian Government Subsidies

Petitioners have reviewed the annual reports of four Italian pasta producers and noted numerous references to items such as "subsidies" which petitioners were unable to link to any alleged programs. Petitioners recognize that many of these items might be covered by programs which have been alleged; however, they request that we investigate them under a separate program of Miscellaneous Italian Government Subsidies.

The allegation does not provide a basis for investigating these as subsidy programs. However, to the extent that our investigation includes the four relevant producers as respondents, we will make appropriate inquiries about the items in question.

6. European Investment Bank ("EIB") Loans

Petitioners allege that Italian pasta producers may have received countervailable loans from the EIB.

These loans have been investigated in past investigations and, most recently, were found not countervailable in the *Final Affirmative Countervailing Duty Determinations: Certain Steel Products From Belgium* (58 FR 37273, 37285, July 9, 1993). In that case the Department found at verification that the EIB provides loans to numerous sectors in all parts of the various EU countries.

However, petitioners have not addressed this finding. Petitioners have neither alleged that the circumstances have changed nor that pasta producers may have received a disproportionate share of the benefits provided by this program. For these reasons, we are not including EIB loans in our investigation.

7. European Agriculture Fund ("EAGGF") Aid

The EAGGF is a Structural Fund initiative similar to the ERDF and the ESF. However, while the ERDF and ESF have been investigated previously, the EAGGF has not. Petitioners allege that because these funds are allocated specifically to agriculture, pasta producers may have received benefits.

However, petitioners have provided no information regarding the types of benefits available under this program. In addition, section 355.43(b)(8) of our Proposed Regulations, which reflects our past practice, states that a program cannot be found specific solely on the basis of being limited to agriculture. For these reasons, we are not including EAGGF aid in our investigation.

B. Turkey

We are including in our investigation the following programs alleged in the petition to have provided subsidies to producers of the subject merchandise in Turkey:

1. *The Support and Price Stabilization Fund*
2. *Payments for Exports Shipped on Turkish Ships*
3. *Export Promotion Program*
4. *Pre-Shipment Export Loans*
5. *Export Credit Program*
6. *Tax Exemption for Export Earnings/ Advance Refunds of Tax Savings*
7. *Export Credit Through Foreign Trade Corporate Companies Rediscount Credit Facility*
8. *Normal Foreign Currency Export Loans*
9. *Performance Foreign Currency Export Loans*
10. *Export Credit Insurance*
11. *Regional Subsidy Programs*
 - a. *Investment Allowances*
 - b. *Mass Housing Fund Levy Exemptions*
 - c. *Customs Duty Exemption*
 - d. *Rebate of VAT on Domestic Goods*
 - e. *Postponement of VAT on Imported Goods*
 - f. *Additional Refunds of VAT*
 - g. *Other Tax Exemptions*
 - h. *Payment of Certain Obligations of Firms Undertaking Large Investments*
 - i. *Corporate Tax Deferral*
 - j. *Subsidized Turkish Lira Credit Facilities*

k. Subsidized Credit for Proportion of Fixed Expenditures

l. Subsidized Credit in Foreign Currency

m. Land Allocation

12. General Incentives Program

- a. *Exemptions from Customs Duties*
- b. *Investment Allowances*
- c. *Employee Tax Exemptions*
- d. *Investment Financing Fund*
- e. *Building Construction Licensing Charge Immunity*
- f. *Tax, Duty and Charge Exemptions*
- g. *Foreign-Exchange Allocation*
- h. *Other Tax, Duty and Charge Exemptions*

i. Interest Spread Return

j. Deferment of VAT on Machinery and Equipment

k. Incentive Premium on Domestically Obtained Goods

l. Incentive Credit for Investment Goods Manufacturers

m. Wharfage Exemption

n. Authorization to Seek Foreign Financing

o. Interest Rebates on Export Financing

13. Exemption from Mass Housing Fund Levy (Duty Exemptions)

We are not including in our investigation the following programs alleged to be benefitting producers of the subject merchandise in Turkey:

1. Direct Payments to Exporters of Wheat Products to Compensate for High Domestic Input Prices; Resource Utilization Support Fund; Preferential Export Financing

Petitioners have asked the Department to investigate three programs which, based on all evidence, were terminated prior to 1994. Petitioners argue that the Government of Turkey ('GOT') has a practice of revoking and reinstituting programs, and as such, the Department should investigate whether these programs were available in 1994.

Petitioners' assertion that the GOT revokes and reinstates programs is based solely on the revision of the Export Tax Rebate and Supplemental Tax Rebate Programs described in *Final Affirmative Countervailing Duty Determination: Acetylsalicylic Acid (Aspirin) from Turkey* (52 FR 24404, July 1, 1987) ('Aspirin'). We do not believe this action provides a sufficient basis for us to conclude that the Turkish government has reinstated the programs at issue here. Therefore, we are not including these three programs in our investigation.

2. Direct Payments to Exporters of Wheat Products Based on Tonnage Exported

Petitioners allege that in December 1994, the GOT introduced a program to

encourage exports of wheat flour. This program provides exporters of wheat flour \$35 per ton, for up to 20 percent of the total value of the exports.

Petitioners assert that because the program is available for one wheat product, wheat flour, it is likely to be provided also for other wheat-based products.

Petitioners based their allegation on information contained in the *1995 Annual Report of Grain and Feed*, prepared by the American Embassy in Ankara. This publication provides no evidence that pasta producers are eligible for benefits under this program. Therefore, we are not including this program in our investigation.

3. Rebates of Various Taxes Upon Exportation

Petitioners allege that the GOT imposes a three percent customs duty on imported durum wheat, a raw material used in the production of pasta. Manufacturers are allowed to claim duty drawback from the Customs and Excise Authority for customs duties levied on raw materials which are used in the manufacture of exported goods and packaging materials. Petitioners allege that this drawback may be the same program that was found countervailable in both *Aspirin* and *Pipe and Tube*.

Petitioners acknowledge that during the 1980's the GOT reduced the rebate rates in line with current economic policies. However, petitioners assert that there is a lack of correlation between the taxes actually paid and amounts rebated, and therefore, the Department should investigate this program.

Although petitioners' public summary of its market research describes this program as a duty drawback program, petitioners' other sources refer to an export tax rebate program. To the extent that this is an export tax rebate, we note that one of the publications petitioners used to support their allegation indicates that tax rebate rates for exports were reduced during the 1980's, and in 1989 the rates were reduced to zero. In fact, we determined the export tax rebate program to be terminated for exports of aspirin to the United States in *Aspirin*. Moreover, because the *Pipe and Tube* and *Aspirin* investigations involved tax rebates, not duty drawback, we have no reason to believe or suspect that these programs are related.

Finally, to the extent that this is a duty drawback program, we do not consider duty drawback on inputs consumed in production of the exported product to be countervailable subsidies unless excessive. We have no basis to believe or suspect that the duty drawback is excessive. For the foregoing

reasons, we are not including this program in our investigation.

4. Supplemental Tax Rebates

Petitioners allege that the GOT provides supplemental tax rebates to exporters that have annual exports of more than \$2 million, with the rate of rebate increasing as the value of a company's annual exports increases. These supplemental tax rebates are provided in addition to the export tax rebates described in 3. above.

This program was found countervailable in *Aspirin*. However, we also determined in *Aspirin* that the program had been terminated for exports of aspirin to the United States. Further, as indicated above, one of petitioners' sources indicates that tax rebate rates for exports were reduced to zero in 1989. Given these circumstances, and given that we treated the Supplemental Tax Rebate program as related to the Export Tax Rebate program (discussed immediately above), petitioners have not provided a sufficient basis to believe that the Supplemental Tax Rebate program remains in existence. On this basis, we are not including this program in our investigation.

5. Foreign Exchange Risk Insurance Scheme

Petitioners allege that in 1984 the GOT established the Foreign Exchange Risk Insurance Scheme to encourage domestic producers to obtain financing for the importation of capital goods. This scheme allegedly provided insurance against foreign exchange losses which was not otherwise available in the market.

Because the program is aimed at importation of capital equipment, it does not appear to be limited to exporters or any industry or group of industries in particular. Since petitioners have provided no information which indicates that this program provides benefits to a specific enterprise or industry or group of enterprises or industries, we are not including this program in our investigation.

6. Provision of Wheat to Beslen

Petitioners assert that the GOT, through the Soil Crops Corporation ("TMO"), became a joint venture partner in pasta producer Beslen Makarna Gida Sanayi ve Ticaret ("Beslen"). In return for providing the company with a quantity of its durum wheat, TMO was given a 45 percent equity stake in the company. Petitioners request that the Department investigate this arrangement to determine whether

the provision of durum wheat by TMO constitutes an equity infusion into an unequityworthy company. If the Department treats Beslen as equityworthy, petitioners request that the Department investigate whether the equity stake obtained by TMO was adequate remuneration for the quantity of wheat provided under the arrangement.

Petitioners have provided no basis for considering this transaction to involve a subsidy. Petitioners have simply asked the Department to investigate whether TMO made an equity infusion into an unequityworthy company, without providing any evidence that the government's investment was inconsistent with the usual investment practices of private investors, including the practice regarding the provision of risk capital in Turkey. Similarly, petitioners have asked the Department to investigate whether TMO paid adequate remuneration, without providing any evidence regarding this matter. Because petitioners have not provided sufficient evidence to support their allegations, we are not including the provision of wheat to Beslen in our investigation.

7. Aid From the European Union

Petitioners assert that Turkey is an associate member of the EU, and as such, is eligible for aid from the EU. Petitioners have provided the 1993 European Investment Bank Annual Report which lists amounts for loans and grant aid going to Turkey (as well as Syria, Egypt, Lebanon, and other Mediterranean countries).

We have established that Turkey is an associate member of the EU. However, associate members of the EU are not part of the customs union known as the EU. Benefits conferred upon Turkish products from entities outside Turkey do not constitute subsidies within the meaning of sections 701(a) and 771(3) of the Act (see also General Issues Appendix to *Final Affirmative Countervailing Duty Determination: Certain Steel Products from Austria* (58 FR 37217, 37233, July 9, 1993) ("General Issues Appendix")). On this basis, we are not including EU aid in our investigation.

8. Exemption From Mass Housing Fund Levy (Duty Drawback)

The GOT imposes a Mass Housing Fund levy on the importation of certain raw materials and finished or semifinished goods. For wheat, this levy amounted to \$100 per metric ton. Petitioners have analyzed this part of the program as a duty drawback scheme.

Duty drawback on inputs consumed in the production process of exported products is not a subsidy, unless excessive. (See Agreement on Subsidies and Countervailing Measures, Annex I, item i of the Illustrative List). Because petitioners have not alleged that the duty drawback is excessive, we are not including the Mass Housing Fund Duty Drawback in our investigation. As noted earlier, however, we are initiating an investigation of the Mass Housing Fund Levy program which provides duty exemptions for pasta producers when importing durum wheat, regardless of whether the pasta is sold domestically or exported.

9. Employee Wage and Salary Tax Exemption (GIP/Regional Subsidies Programs)

Employees working in facilities constructed in First or Second Priority areas or in priority industries are partially exempt from income tax on their wages and salaries.

Section 355.44(j) of our Proposed Regulations (see also *General Issues Appendix*) states that the provision by a government of financial assistance to workers confers a countervailable benefit to the extent that such assistance relieves a firm of an obligation which it would normally incur. Since there is no indication that this program provides benefits to the employer and not the employee, we are not including this program in our investigation.

Creditworthiness

Petitioners assert that the Department should investigate whether the pasta producers in Turkey are creditworthy. Petitioners claim there is a lack of financial information available about the producers but that their analysis shows that Turkish producers are selling below cost in their home market. The existence of dumping margins based on a comparison of U.S. prices with the producers' cost of production shows that they are also not covering their costs in their largest export market.

The Department does not consider the creditworthiness of a firm absent a specific allegation by the petitioner which is supported by information establishing a reasonable basis to believe or suspect that the firm is uncreditworthy. This information would normally cover three years prior to the year in which the company is alleged to be uncreditworthy. Because petitioners have not provided sufficient evidence of the Turkish pasta producers' uncreditworthiness, we are not including a creditworthiness analysis in our investigation at this time.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act, copies of the public version of the petition have been provided to the representatives of Italy and Turkey. We will attempt to provide copies of the public version of the petition to all the exporters named in the petition.

ITC Notification

Pursuant to section 702(d) of the Act, we have notified the ITC of these initiations.

Preliminary Determination by the ITC

The ITC will determine by June 26, 1995, whether there is a reasonable indication that an industry in the United States is being materially injured, or is threatened with material injury, by reason of imports from Italy and Turkey of pasta. Any ITC determination which is negative will result in the investigations being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

This notice is published pursuant to 702(c)(2) of the Act.

Dated: June 1, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-13984 Filed 6-7-95; 8:45 am]

BILLING CODE 3510-DS-P

[C-549-501]

Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand: 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 certain circular welded carbon steel pipe and tubes from Thailand. We preliminarily determine the net subsidy to be 0.23 percent *ad valorem* for Saha Thai Pipe and Tube Company (Saha Thai) and all other companies for the period January 1, 1993, through December 31, 1993. Because the net subsidy is *de minimis*, if the final results are the same as these preliminary results of administrative review, we will instruct U.S. customs to liquidate entries without regard to countervailing duties. Interested parties

are invited to comment on these preliminary results.

EFFECTIVE DATE: June 8, 1995.

FOR FURTHER INFORMATION CONTACT: Stephen Lebowitz and Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-1503 or 482-4126, respectively.

SUPPLEMENTARY INFORMATION

Background

On August 14, 1985, the Department published in the **Federal Register** (50 FR 32751) the countervailing duty order on certain circular welded carbon steel pipes and tubes from Thailand. On August 3, 1994, the Department published a notice of "Opportunity to Request an Administrative Review" (59 FR 39543) of this countervailing duty order. We received a timely request from Saha Thai.

We initiated the review, covering the period January 1, 1993, through December 31, 1993, on September 16, 1994 (59 FR 47609). The review covers one manufacturer/exporter of the subject merchandise and nine programs. The final results of the last administrative review in this case were published October 9, 1991 (56 FR 50852).

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 provisions as they existed on December 31, 1994.

Scope of Review

On March 29, 1994, the Department clarified the Harmonized Tariff Schedule (HTS) numbers that were applicable to the subject merchandise (see *Memorandum to Susan Esserman from Susan Kuhbach*, available in the Central Records Unit, Room B099, Main Commerce Building). This clarification was necessary because of annual changes in the HTS. The scope now reads:

Imports covered in this review are shipments of circular welded carbon steel pipes and tubes (pipes and tubes) with an outside diameter of 0.375 inch or more but not over 16 inches, of any wall thickness. These products, commonly referred to in the industry as standard pipe or structural tubing, are