

Dated: July 11, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-17499 Filed 7-17-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-549-801]

**Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Thailand; Amendment to Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of amendment to final results of antidumping duty administrative review.

**SUMMARY:** On October 8, 1993, the United States Court of International Trade (CIT), in *The Torrington Company v. United States (Torrington)*, Slip Op. 93-198, entered its final judgment concerning the final results of the first administrative review of the antidumping duty order on antifriction bearings from Thailand (56 FR 11195, July 11, 1991). In so doing, the CIT ordered the Department of Commerce (the Department) to apply Thailand's indirect business and municipal tax rates to the United States price (USP) calculated at the same point in the stream of commerce as where Thailand's tax authorities apply these rates on home market sales and add the resulting amount to the United States price. The CIT then dismissed the case. The CIT's opinion has not been appealed. Therefore, in accordance with the CIT's decision, we have amended the final results of this review. The results cover the period from November 9, 1988, through April 30, 1990.

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

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla or Michael R. Rill, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482-4733.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 11, 1991, the Department published in the **Federal Register** the final results of the first administrative review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs) from Thailand (56 FR 31765). The period of review (POR) was

November 9, 1988, through April 30, 1990.

In August 1991, the Torrington Company, the petitioner in the case, initiated an action in the CIT contesting the Department's final results. Among other issues, Torrington challenged the Department's adjustment to foreign market value (FMV) and USP for taxes rebated or not collected on export.

On June 8, 1993, the CIT remanded the final results to the Department. The CIT instructed the Department to add the full amount of value added tax (VAT) paid on each sale in the home market to FMV without adjustment.

The Department issued its final results of redetermination pursuant to court remand on July 22, 1993. In the final results of redetermination, the Department explained that, although there was no VAT in Thailand during the POR, there were business and municipal taxes which were not collected by reason of the export of the subject merchandise to the United States. The Department indicated that it would add the amount of these indirect taxes to FMV for sales in the home market without adjustment and also add the exact amount to the USP. However, because this would not change the calculated duty assessment rates or the cash deposit rate then in effect, no recalculations were necessary.

On October 8, 1993, the CIT, in *Torrington*, Slip Op. 93-198, entered its final judgment concerning the final results of the first administrative review of the antidumping duty order on antifriction bearings from Thailand. In rendering final judgment, the CIT ordered the Department to apply Thailand's indirect business and municipal tax rates to the USP calculated at the same point in the stream of commerce as where Thailand's tax authorities apply these rates on home market sales and add the resulting amount to the USP. The CIT dismissed the case. No party appealed this CIT decision.

In accordance with the CIT's instructions, we have changed our calculation of the adjustments for taxes made to FMV and USP. We have applied our current methodology as described in *Silicomanganese from Venezuela; Preliminary Determination of Sales at Less Than Fair Value*, 59 FR 31204 (June 17, 1994).

**Amended Final Results of Review**

These changes resulted in no change in NMB Pelmec's weighted-average dumping margin for ball bearings, which remains at 0.54 percent.

Because the CIT's decision has not been appealed, the Department will

order the immediate lifting of the suspension of liquidation of, and instruct the U.S. Customs Service to assess antidumping duties on, entries subject to this review, as appropriate. Individual differences between FMV and USP may vary from the percentage stated above. We will adjust the antidumping duty liability to account for countervailing duties imposed to offset export subsidies. Because there was no suspension of liquidation for countervailing duty purposes from January 4, 1989, through May 2, 1989, no such adjustment will be required for entries during this period. The Department will issue appraisal instructions concerning these entries directly to the Customs Service.

This notice is published in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(1)), and 19 CFR 353.22(c)(8).

Dated: July 5, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-17497 Filed 7-17-95; 8:45 am]

BILLING CODE 3510-DS-P

[C-549-401]

**Certain Textile Mill Products From Thailand; Preliminary Results of Countervailing Duty Administrative Review**

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

**ACTION:** Notice of preliminary results of the countervailing duty administrative review on noncontinuous noncellulosic yarns (NCNC Yarns) covered under the suspended investigation on certain textile mill products from Thailand.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of NCNC Yarns covered under the suspended countervailing duty investigation on Certain Textile Mill Products from Thailand ("suspension agreement"). We have preliminarily determined that for the period January 1, 1993, through December 31, 1993, the signatories were not in violation of the suspension agreement. Interested parties are invited to comment on these preliminary results.

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

**FOR FURTHER INFORMATION CONTACT:** Lisa Yarbrough or Jackie Wallace, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of

Commerce, Washington, D.C. 20230, telephone (202) 482-3793.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 26, 1990, the Department published in the **Federal Register** (55 FR 6669) a notice stating its intent to terminate the suspension agreement on certain textile mill products from Thailand (50 FR 9837, March 12, 1985). On March 26, 1990, the American Yarn Spinners Association (AYSA), a trade association, objected to the Department's intent to terminate the suspension agreement. As a result, on November 23, 1990, the Department terminated the suspension agreement with regard to all non-yarn products covered by the suspension agreement (55 FR 48885).

Subsequent to publication of the November 23, 1990 notice, counsel for the Royal Thai Government (RTG) filed a lawsuit in the United States Court of International Trade (CIT) challenging the Department's determination that AYSA had standing to oppose the termination of the suspension agreement. On May 17, 1991, the CIT remanded the determination to the Department for reconsideration of AYSA's standing to oppose the termination. On July 3, 1991, the Department issued remand results finding that AYSA had standing to oppose the termination vis-a-vis only one like product covered by the suspension agreement, i.e., NCNC yarns. The CIT affirmed the remand determination in its entirety on August 5, 1991. *The Royal Thai Government, et al., v. United States*, Slip Op. 91-68 (August 5, 1991).

On March 16, 1994, the Department published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (59 FR 12240) of the suspension agreement for the period January 1, 1993 to December 31, 1993. The Department received requests for an administrative review of NCNC yarns on March 31, 1994, from AYSA and certain individual producers. On April 15, 1994, the Department initiated a countervailing duty administrative review on NCNC yarns for the period January 1, 1993 to December 31, 1993 (59 FR 18099, April 15, 1994). The review covers nine programs and seven producers/exporters: Saha Union, Venus Thread, Union Thread, Union Spinning, Union Knitting, Union Industries, and Thai Melon.

##### 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

Imports covered by this review are shipments of NCNC Yarns from Thailand. During the period of review (POR), such merchandise was classifiable under the Harmonized Tariff Schedule (HTS) item numbers 5508.10.0000, 5509.21.0000, 5509.22.0010, 5509.22.0090, 5509.32.0000, 5509.51.3000, 5509.51.6000, 5509.69.4000, 5511.10.0030, 5511.10.0060, and 5511.20.0000.

##### Analysis of Programs

###### 1. Electricity Discounts

Under Section II (b) of the suspension agreement, the producers and exporters are not to apply for, or receive, any discount on electricity rates provided by the electricity authorities of Thailand (the Electricity Generating Authority of Thailand (EGAT), Metropolitan Electricity Authority (MEA) or the Provincial Electricity Authority (PEA)) for exports of subject merchandise.

EGAT is the general producing authority of electricity in Thailand selling to regional authorities such as MEA and PEA. PEA and MEA in turn sell electricity to companies in their jurisdiction. This program was terminated effective January 1, 1990. However, producers and exporters who applied for discounts on exports prior to January 1, 1990, are still eligible to receive residual benefits on those exports.

Based on our verification, we found that neither EGAT, MEA, or PEA provided residual benefits during the POR on exports of subject merchandise to the United States. See verification report dated June 1, 1995.

###### 2. Repurchase of Industrial Bills

Under Section II (f) of the suspension agreement, the producers and exporters are not to apply for, or receive, any promissory notes from the Bank of Thailand (BOT) for exports of subject merchandise to the United States.

In 1988, this program was changed from "Rediscount of Industrial Bills" to "Repurchase of Industrial Bills" (see "Notification of the Bank of Thailand #2531 re: Repurchase of Industrial Bills 1988"). Under this program, companies can receive discounted financing for working capital on industrial bills for a

period of 120 days. This program operates similarly to the Export Packing Credit Program where companies can receive financing from a commercial bank or the Industrial Finance Corporation at interest rates of 10% or less. The BOT will then repurchase 50% of the bills from the commercial bank or Industrial Finance Corporation.

Based on our verification, we found the signatories subject to this review were not among those that applied for, or received, industrial bills for exports of subject merchandise to the United States during the POR. See verification report dated June 1, 1995.

###### 3. Investment Promotion Act: Section 28, 31, 35, and 36

Under Section II (i) of the suspension agreement, the producers and exporters are to notify the Department in writing prior to applying for, or receiving, benefits under the Investment Promotion Act on shipments exported to the United States.

The Investment Promotion Act of 1977 (IPA) is a general act, administered by the Board of Investment (BOI), that allows for the promotion of different industries selected for development assistance by the BOI. Under this program, producers and exporters must be granted a BOI license which enables them to receive various IPA benefits. Such benefits include the following:

*Section 28*—IPA Section 28 provides an exemption from payment of import duties on imported machinery.

*Section 31*—IPA Section 31 provides an exemption of juristic person income tax on the net profit derived from the promoted activity.

*Section 35*—IPA Section 35 provides certain income tax benefits to firms located in investment promotion zones.

*Section 36*—(1) IPA Section 36(1) allows companies an exemption from import duties on raw and essential materials used to produce goods for export.

*Section 36*—(4) IPA Section 36(4) grants companies permission to deduct from taxable income an amount equal to 5% of the increase in export earnings over the previous year.

Based on our verification, we found no indication of signatories receiving benefits under these programs during the POR. See verification report dated June 1, 1995.

###### 4. International Trade Promotion Fund

Under Section II (h) of the suspension agreement, the producers and exporters are to notify the Department in writing prior to applying for or accepting any new benefit which is, or is likely to be, a countervailable bounty or grant on

shipments of subject merchandise exported, directly or indirectly, to the United States. Although the Department has never determined this program to be countervailable, we reviewed this program in the administrative review.

This program, governed by the "Rule on Administration of the International Trade Promotion Fund (ITPF), B.E. 2532 (1989)," promotes and develops Thai exports worldwide through incoming and outgoing trade missions. The ITPF provides training and seminars for exporters, and publicity through public advertisements.

Based on our verification, we confirmed that Saha Union and its relateds (Union Spinning, Union Thread, and Venus Thread) participated in a trade fair promoting subject merchandise. Saha Union and its related companies paid their own expenses to participate in the trade fair. See verification report dated June 1, 1995.

#### 5. Export Processing Zones

Under Section II (i) of the suspension agreement, producers and exporters shall notify the Department in writing prior to making an application to locate in an Export Processing Zone.

This program is governed by the "Industrial Estates Authority of Thailand Act, B.E. 2522, 1979." Under this program, a company must apply to the Industrial Estate Authority of Thailand (IEAT) for permission to locate in an export processing zone (EPZ). All EPZ's are located inside an industrial estate. Companies located within an EPZ can receive import duty exemptions on equipment and raw materials, and exemption of export duties on exported goods.

Based on our verification, we found no use of this program by signatories to the suspension agreement. See verification report dated June 1, 1995.

#### 6. Duty Drawback

Under Section II (c) of the suspension agreement, exporters and producers are not to apply for, or receive, rebates on shipments of subject merchandise in excess of the import duties paid on items that are physically incorporated into exported products.

Under this program, Thai Customs will refund import duties paid on imported goods used in the production of an exported product. In order to qualify for duty drawback, the goods must be exported through an authorized port, the exports must be shipped within one year of the date of importation of the goods on which drawback is claimed, and the producer/exporter must request drawback within

six months of the date of exportation of the goods.

During the POR, Saha Union, Union Spinning, Union Thread, Venus Thread, and Thai Melon used duty drawback on exported goods of subject merchandise to the United States. Based on our verification, we found that the amount of drawback received was not in excess of the items physically incorporated into the exported product. See verification report dated June 1, 1995.

#### 7. Double Deduction for Foreign Marketing Expenses

Under Section II (e) of the suspension agreement, the producers and exporters are not to apply for, or receive, the double deduction of foreign marketing expenses for income tax purposes or financing on concessionary terms from the BOT on exports of subject merchandise.

From 1978 through 1981, the BOI granted trading companies a benefit on the double deduction of foreign marketing expenses from taxable income. In order to receive this benefit, a company had to be promoted through the BOI. This program was terminated in 1981 "BOI Announcement No. 1/2524."

Based on our verification, we found no use of this benefit. See verification report dated June 1, 1995.

#### 8. Tax Certificates

Under Section II (c) of the suspension agreement, the producers and exporters can apply for or receive tax certificates on shipments of subject merchandise exported directly or indirectly to the United States for import duties paid on items that are physically incorporated into exported products. If the producers and exporters apply for tax certificates in excess of the items physically incorporated, the suspension agreement requires that the producers and exporters repay to the RTG, in an annual adjustment, the amount in which the tax certificates exceed the import duties on physically incorporated inputs.

Tax certificate applications are made on a shipment by shipment basis after the producer/exporter receives payment for its shipment. The application can include up to 10 shipments and must be submitted within one year of the shipment date. Exporters can apply for an extension if they do not meet the one year deadline.

The law governing this program is the "Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act, B.E. 2524 (1981)." Effective January 1, 1992, new nominal rebate rates were established for all products by the Committee on Tax and

Duty Rebates for Exported Goods Produced in the Kingdom. The new nominal rates applicable to signatories are categorized by the following sectors: spinning, weaving, made-up textile goods, and knitting. Because nominal rates are in excess of the physically incorporated inputs, the Department has calculated, and requested that the RTG implement, non-excessive rates. See verification report dated September 15, 1994, and letter from Roland L. MacDonald to Arthur J. Lafave III dated November 15, 1994.

Thai Melon applied for one tax certificate at a nominal rate during the POR. The Department will require that Thai Melon repay the RTG, in an annual adjustment, the amount in which the tax certificate exceeds the import duties paid on physically incorporated inputs. See verification report dated June 1, 1995.

#### 9. Export Packing Credits

Under Section II (a) of the suspension agreement, the producers and exporters are not to apply for, or receive, Export Packing Credits (EPCs) from the BOT that permit the rediscounting of promissory notes arising from shipments of subject merchandise to the United States.

EPCs are pre-shipment short-term loans available to exporters for a maximum of 180 days from the date of issuance. Under the EPC program, commercial banks issue loans based on promissory notes from creditworthy exporters. Such notes have to be supported by an irrevocable letter of credit, a sales contract, a purchase order, or a warehouse receipt. The commercial bank will then resell 50% of the promissory note to the BOT at a lower interest rate. The maximum interest rate a commercial bank can charge the exporter is 10% per annum.

If an exporter does not fulfill the contract by the due date of the EPC, the BOT will automatically charge the commercial bank a penalty interest rate. The commercial bank will then pass this penalty on to the exporter. The penalty interest rate is 6.5% per annum calculated over the full term of the loan. However, penalties can be refunded if the exporter ships the merchandise within 60 days after the due date. If only a portion of the goods is shipped by the due date, the exporter receives a partial refund in proportion to the value of the goods shipped.

Based on our verification, we found that this program was not used by the signatories during the POR. See verification report dated June 1, 1995.

*Preliminary Results of Review*

As a result of our review, we preliminarily determine that for the period January 1, 1993 through December 31, 1993, the signatories are not in violation of the suspension agreement within the meaning of 19 CFR Section 355.19(1994). However, we will require that Thai Melon repay to the RTG, in an annual adjustment, the amount by which the tax certificate on NCNC yarns exceeds the amount of import duties paid on physically incorporated inputs. The annual adjustment will be calculated in accordance with Section II c(i)(ii) of the suspension agreement.

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.

Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication, in accordance with 19 CFR 355.38(c)(ii)(1994). Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief, in accordance with 19 CFR 355.38(d)(1994). Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs (19 CFR 355.38(f)(1994)). Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e)(1994). 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 19 CFR 355.38(c)(1994), 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 Tariff Act (19 U.S.C. 1675(a)(1)(1994)) and 19 CFR 355.22(1994).

Dated: July 6, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-17496 Filed 7-17-95; 8:45 am]

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**Environmental Technologies Trade Advisory Committee (ETTAC)**

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

**ACTION:** Notice of open meeting.

**SUMMARY:** The Environmental Technologies Trade Advisory Committee will hold its third plenary meeting to discuss future projects and current issues which influence the export of U.S. environmental technologies. The ETTAC was created on May 31, 1994, to promote a close working-relationship between government and industry and to expand export growth in priority and emerging markets for environmental products and services.

**DATES:** July 31, 1995 from 9 a.m. to 3 p.m.

**ADDRESSES:** Hyatt Regency, 17900 Jamboree Blvd., Irvine, California 92714. This program is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jane Siegel, Department of Commerce, Room 1002, Washington DC 20230. Seating is limited and will be on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** The Office of Environmental Technologies Exports, Room 1003, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, phone (202) 482-5225, facsimile (202) 482-5665, TDD 1-800-833-8723.

Dated: July 11, 1995.

**Anne Alonzo,**

*Deputy Assistant Secretary for Environmental Technologies Exports.*

[FR Doc. 95-17630 Filed 7-17-95; 8:45 am]

BILLING CODE 3510-DR-P

**Notice of Scope Rulings**

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

**ACTION:** Notice of scope rulings and anticircumvention inquiries.

**SUMMARY:** The Department of Commerce (the Department) hereby publishes a list of scope rulings and anticircumvention inquiries completed between April 1, 1995, and June 30, 1995. In conjunction with this list, the Department is also publishing a list of pending requests for scope clarifications and anticircumvention inquiries. The Department intends to publish future lists within 30 days of the end of each quarter.

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

**FOR FURTHER INFORMATION CONTACT:**

Ronald M. Trentham, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 482-3931.

**Background**

The Department's regulations (19 CFR 353.29(d)(8) and 355.29(d)(8)) provide that on a quarterly basis the Secretary will publish in the **Federal Register** a list of scope rulings completed within the last three months.

This notice lists scope rulings and anticircumvention inquiries completed between April 1, 1995, and June 30, 1995, and pending scope clarification and anticircumvention inquiry requests. The Department intends to publish in October 1995 a notice of scope rulings and anticircumvention inquiries completed between July 1, 1995, and September 30, 1995, as well as pending scope clarification and anticircumvention inquiry requests.

The following lists provide the country, case reference number, requester(s), and a brief description of either the ruling or product subject to the request.

**I. Scope Rulings Completed Between April 1, 1995, and June 30, 1995**

Country: Canada

A-201-805 *Steel Jacks from Canada*  
Whiting Equipment Canada Inc.—  
Whiting's rail vehicle electric jacks are outside the scope of the finding. 6/22/95.

Country: Brazil

A-351-503 *Iron Construction Castings*  
C-351-504 Southland Marketing—  
DGO700 frame and DG0641 grate are outside the scope of the order. 4/28/95.

Country: People's Republic of China

A-570-504 *Petroleum Wax Candles*  
Sun It Corporation (Sun)—Sun's candles, model 271ND (Flag Lites), model 259NDA (Porch Torch) and model 281N (Gigantic fruit), are outside the scope of the order. 5/16/95.

A-570-804 *Sparklers*

Fritz Companies, Inc.—Fritz's 14 inch Morning Glories are outside the scope of the order. 5/19/95.

Country: Japan

A-588-405 *Cellular Mobile Telephones and Subassemblies*  
Fujitsu Ltd., Fujitsu America, Inc., and Fujitsu Network Transmission Systems, Inc. (Fujitsu)—Fujitsu