effective resource allocation, and other means; (3) cooperation between USDA and State inspection programs; and (4) government and private sector roles in consumer education regarding safe food handling practices. Suggestions for additional topics should be submitted to FSIS no later than November 1, 1995.

Those who wish to express their views on these or other food safety reform issues, but are unable to attend the Forum, are encouraged to provide written comments to FSIS by Monday, November 13, 1995.

Persons who wish to attend the Forum should contact Ms. Lisa Parks at (202) 501–7138; fax (202) 720–7642. Please contact Ms. Parks to make arrangements for sign language and oral interpreters.

Done at Washington, DC, on: October 20, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95–26613 Filed 10–23–95; 1:39 pm]

BILLING CODE 3410–DM–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Hawaii Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Hawaii Advisory Committee to the Commission will convene at 2 p.m. and adjourn at 5 p.m. on Wednesday, November 29, 1995, at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Hawaii 96814. The purpose of the meeting is to orient newly appointed members and plan future projects and activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Oswald Stender, 808–523–6203, or Thomas V. Pilla, Acting Director of the Western Regional Office, 213–894–3437 (TDD 213–894–0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, October 18, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95–26538 Filed 10–25–95; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–821, A–588–837]

Notice of Postponement of Preliminary Determinations: Antidumping Investigations of Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany and Japan

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

FOR FURTHER INFORMATION CONTACT: William H. Crow II or V. Irene Darzenta, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–0116 or (202) 482–6230, respectively.

The Applicable Statute:

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

Postponement of Preliminary Determinations

On October 16, 1995, Rockwell International Corporation, the petitioner, requested that the Department postpone the preliminary determinations of these investigations by 50 days. Pursuant to section 773 (c)(1)(A) of the Act, we are postponing the date of the preliminary determinations as to whether sales of large newspaper printing presses from Germany and Japan have been made at less than fair value until no later than January 26, 1996.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: October 20, 1995.

Richard W. Moreland,

Acting Deputy Assistant Secretary for Investigations, Import Administration.

[FR Doc. 95–26627 Filed 10–25–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–412–811]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On May 10, 1995, the Department of Commerce (the Department) published in the Federal Register its preliminary results of administrative review of the countervailing duty order on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom for the period September 17, 1992, through December 31, 1993. We have completed this review and determine the net subsidy to be 20.33 percent *ad valorem* for Allied Steel and Wire Limited (ASW Limited), and 7.03 percent *ad valorem* for all other companies for the period September 17, 1992, through December 31, 1992; we further determine the net subsidy to be 20.33 percent *ad valorem* for ASW Limited, 2.68 percent *ad valorem* for United Engineering Steels (UES), and 9.76 percent *ad valorem* for all other companies for the periods January 1, 1993, through January 14, 1993, and March 22, 1993, through December 31, 1993. We will instruct the U.S. Customs Service to assess countervailing duties as indicated above.

EFFECTIVE DATE: October 26, 1995.

FOR FURTHER INFORMATION CONTACT: Melanie Brown or Christopher Cassel, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4406; (202) 482–4847.

SUPPLEMENTARY INFORMATION:

Background

On May 10, 1995, the Department published in the Federal Register (60 FR 24833) the preliminary results of its administrative review of the countervailing duty order on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

We invited interested parties to comment on the preliminary results. On

June 9, 1995, case briefs were submitted by the Government of the United Kingdom (UKG) and UES, a producer of the subject merchandise which exported hot-rolled lead and bismuth carbon steel products to the United States during the review period (respondents), and Inland Steel Bar Co. and USS/Kobe Steel Co. (petitioners). On June 16, 1995, rebuttal comments were submitted by UES and by petitioners.

On July 28, 1995, UES presented an additional argument with respect to the preliminary results. Although it was made after the deadline for submission of briefs and rebuttal briefs in this review, UES' submission was prompted by an event which occurred after those deadlines, and' which according to UES, allegedly affects the results of this review. That event was the Department's remand determination, filed with the Court of International Trade (CIT) on July 17, 1995, in a related case. *See Remand Determination on the General Issue of Privatization: Certain Carbon Steel Products from the United Kingdom* (July 17, 1995) (*Privatization Remand Determination*). Thus, the Department determined that it was appropriate to consider UES' argument and allow interested parties to respond to it. Petitioners submitted their rebuttal argument on August 18, 1995.

The review covers the period September 17, 1992, through December 31, 1993. The review involves two companies accounting for virtually all shipments to the United States of the subject merchandise during the review period, and fifteen programs.

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. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments*, 54 FR 23366 (May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, 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. *See* 60 FR 80 (Jan. 3, 1995).

Scope of the Review

Imports covered by this review are hot-rolled bars and rods of non-alloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent or more of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope of this review are other alloy steels (as defined by the *Harmonized Tariff Schedule of the United States* (HTSUS) Chapter 72, note 1 (f)), except steels classified as other alloy steels by reason of containing by weight 0.4 percent or more of lead or 0.1 percent or more of bismuth, tellurium, or selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings 7213.20.00.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00, 60.00; 7213.39.00.30, 00.60, 00.90; 7214.40.00.10, 00.30, 00.50; 7214.50.00.10, 00.30, 00.50; 7214.60.00.10, 00.30, 00.50; and 7228.30.80. Although the HTSUS subheadings are provided for convenience and for Customs purposes, our written description of the scope of this proceeding is dispositive.

Best Information Available for ASW Limited

Section 776(c) of the Act requires the Department to use best information available (BIA) ''whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation''.

In determining what rate to use as BIA, the Department follows a two-tiered methodology. The Department normally assigns lower BIA rates for those respondents who cooperated in an administrative review and rates based on more adverse assumptions for respondents who did not. *See Final Affirmative Countervailing Duty Determinations; Certain Steel Products from Mexico*, 58 FR 37352, 37361 (July 9, 1993).

In this review ASW Limited did not respond to the Department's two requests for information; therefore, we are assigning ASW Limited a rate based on BIA. The rate we are applying is 20.33 percent *ad valorem*. This rate reflects the rate ASW Limited received in the investigation (*see Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*, 58 FR 6237, 6243 (January 27, 1993)) (*Lead Bar*). To this rate we added the weighted average rate calculated in this review for the Inner Urban Areas Act, since this program was not examined by the Department during the investigation.

Calculation Methodology for Assessment and Cash Deposit Purposes

We calculated the net subsidy on a country-wide basis by first calculating the subsidy rate for each company subject to the administrative review. We then weight-averaged the rate received by each company using as the weight its share of total UK exports to the United States of subject merchandise. To determine the value of the exports of ASW Limited based on BIA (*see Best Information Available for ASW Limited*, above), we subtracted the value of UES' exports of subject merchandise to the United States from the total value of merchandise imported under the HTSUS numbers which cover the merchandise subject to this order, as reported in the U.S. IM–146 import statistics.

We then summed the individual companies' weight-averaged rates to determine the subsidy rate from all programs benefitting exports of subject merchandise to the United States. Since the country-wide rate calculated using this methodology was above *de minimis*, as defined by 19 CFR § 355.7 (1994), for both 1992 and 1993, we proceeded to the next step, and examined the net subsidy rate calculated for each company to determine whether individual company rates differed significantly from the weighted-average country-wide rate, pursuant to 19 CFR § 355.22(d)(3).

For 1992, ASW Limited had a significantly different net subsidy rate pursuant to 19 CFR § 355.22(d)(3). This company is treated separately for assessment purposes for the 1992 period. All other companies are assigned the country-wide rate for this period. For 1993, both ASW Limited and UES had significantly different net subsidy rates pursuant to 19 CFR § 355.22(d)(3). These companies are both treated separately for assessment and cash deposit purposes for the 1993 period. All other companies are assigned the country-wide rate for this period.

Analysis of Programs

Based upon analysis of the questionnaire responses, verification, and written comments from the interested parties we determine the following:

I. Programs Conferring Subsidies

A. Allocation of Subsidies From British Steel Corporation to UES

UES is a joint venture company formed in 1986 by British Steel Corporation (BSC) and Guest, Keen & Nettlefolds (GKN). In return for shares in UES, BSC contributed a major portion of its Special Steels Business and GKN contributed its Brymbo Steel Works and its forging business. BSC was wholly owned by the UKG at the time the joint venture was formed; BSC was privatized in 1988 and now bears the name British Steel plc (BS plc).

In the preliminary results of this review, we allocated to UES a portion of the subsidies previously bestowed on BSC under the following programs:

1. Equity Infusions
2. Regional Development Grant Program
3. National Loan Finds Loan Cancellation
4. European Coal and Steel Community (ECSC) Article 54 Loans/Interest Rebates

For a complete explanation of the methodology used to allocate subsidies from BSC to UES, *see Preliminary Results of Administrative Review: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom*, 60 FR 24833, 24834–35 (May 10, 1995). Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change our findings in the preliminary results.

B. Inner Urban Areas Act

In the preliminary results of this review, we found the Inner Urban Areas Act to be countervailable. Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change this finding.

II. Program Found Not to Confer Subsidies

In the preliminary results of this review, we found ECSC Article 55 Assistance to be non-countervailable. Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change these findings.

III. Programs Found Not to be Used

In the preliminary results of this review, we found that respondents did not apply for or receive benefits under the following programs during the period of review:

A. New Community Instrument Loans
B. ECSC Article 54 Loan Guarantees
C. NLF Loans
D. ECSC Conversion Loans
E. European Regional Development Fund Aid
F. Article 56 Rebates
G. Regional Selective Assistance
H. ECSC Article 56(b)(2) Redeployment Aid
I. BRITE/EuRAM II

Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change our findings.

Analysis of Comments

Comment 1: Petitioners argue that the Department should calculate the rate of cash deposit of estimated countervailing duties based on UES' current status as a wholly owned subsidiary of BS plc. Because BS plc purchased all shares in UES previously owned by GKN on March 6, 1995, UES' cash deposit rate should be adjusted to reflect the purchase and should be applied to both UES and BS plc.

Petitioners claim that revising the cash deposit rate as suggested is within the Department's authority. They claim that the Department could accurately estimate the cash deposit rate either by (1) allocating all of the subsidies given to BSC over the combined production of UES and BS plc, and using the result as the cash deposit rate for the BS plc-UES pairing; or, (2) setting the cash deposit rate for the BS plc-UES pairing at the rate found in the *Final Affirmative Countervailing Duty Determination: Certain Steel Products From the United Kingdom*, 58 FR 37393 (July 9, 1993); or, (3) estimating the countervailing duty rate by calculating the 1992 subsidy benefit and adding back the adjustment for repayment of subsidies.

Petitioners argue that unlike antidumping duty reviews, the statute does not require use of the rate established in the review as the deposit rate. This suggests that the Department may adjust the deposit rate as necessary to estimate the countervailing duty most likely to be assessed in future periods. Petitioners further argue that the need for an accurate estimation of the 1995 deposit rate in this proceeding is not obviated by the fact that a subsequent administrative review will determine an exact assessment rate for 1995, taking into account the purchase in question.

UES argues that the countervailing duty deposit rate for UES may not be increased over the net subsidy found in this administrative review. They maintain that the Department's practice (as specified in the *Proposed Regulations*) calls for establishing a different cash deposit rate only when ''program-wide changes'' have occurred subsequent to the review period and before the preliminary results of review are published. Moreover, UES argues, the *Proposed Regulations* specify that program-wide changes may not be limited to an individual firm or firms, and must be ''effectuated by an official act, such as the enactment of a statute, regulation or decree.'' BS plc's acquisition of GKN's shares does not meet any of these requirements, according to UES.

UES also notes that in the investigation of lead and bismuth bar from Brazil, the Department specifically rejected arguments made by respondents that a change in the ownership of a company should be considered as a program-wide change that should affect the cash deposit rate. If the privatization of a company is not a program-wide change, then surely the purchase of shares also is not a program-wide change that requires the adjustment of the cash deposit rate. According to UES, petitioners fail to show that the mere acquisition of shares in UES by BS plc changes the liability for countervailing duties that would otherwise attach to the production of lead bar by UES. Finally, UES maintains that the Department cannot establish a cash deposit rate for BS plc because BS plc has not had the opportunity to participate in this proceeding or to submit comments on this issue as required by both U.S. international obligations and the Department's regulations.

Department's Position: Contrary to petitioners' arguments, the Department has no basis in this review to adjust UES' cash deposit rate to account for BS plc's acquisition. First, because this event occurred well after the review period, the Department did not seek to examine it during the review. Thus, there is no information in the record from which the Department could determine whether or how to adjust the cash deposit rate. Second, while a cash deposit rate may differ from the assessment rate, the regulations provide for establishing a different cash deposit rate only in particular circumstances. Specifically, section 355.50(a) of the Department's *Proposed Regulations* mandates consideration only when a change is program-wide and measurable. Section 355.50(b) of the *Proposed Regulations* defines ''program-wide change'' as a change ''[n]ot limited to an individual firm or firms'' and ''[e]ffectuated by an official act, such as the enactment of a statute, regulation, or decree, or contained in the schedule of an existing statute, regulation or decree.'' BS plc's acquisition of GKN's shares in UES is limited to an individual firm or firms, namely BS plc, UES and GKN.

In the *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From Brazil,* 58 FR 6213, 6220 (January 27, 1995), the Department stated: ''[w]e do not consider that privatization, in and of itself constitutes a program-wide change, or that a privatization program is the type of program contemplated for consideration under . . . the Proposed Regulations.'' BS plc's acquisition of GKN's shares in UES does not represent a privatization; it is only a sale of shares. Such a transaction does not constitute a program-wide change. Because the event in question does not constitute a program-wide change, the question of whether the change can be measured (the second criteria delineated in the *Proposed Regulations*) becomes a moot issue. Moreover, the position argued by petitioners that the new rate should apply to the UES and BS plc ''pairing'' becomes moot as well.

Comment 2: Petitioners argue that the Department should calculate the countervailing duty rate without adjusting for the repayment of subsidies. Petitioners take issue with the repayment methodology arguing that it leads to absurd results. Namely, because BSC (a subsidized company) and GKN (an unsubsidized company) contributed the same value of assets for each share of UES they received, it would be illogical to assert that the amount received by BSC includes repayment for past subsidies while the amount received by GKN for assets of the same value does not. Moreover, if the repayment is included, then BSC did overpay for its UES shares, and the overpayment constitutes a subsidy.

Petitioners note that the only available alternative, to consider the subsidies as part of the value of the Special Steels division, has already been rejected by the Department in the *Certain Steel* cases. At that time, the Department stated that treating the assets themselves as the subsidy violates the longstanding principle that the subsidy is measured upon the receipt of the benefit, not upon the use of the benefit.

UES argues that the Department has properly determined that a subsidy repayment occurred when UES acquired productive facilities from BSC. As the Department explained in its remand determination, ''the Department used the term 'repayment' in *Certain Steel* in a broader context to include situations where subsidies are 'allocated' between the seller and the entity being sold.'' *Remand Determination: Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom* (October 12, 1993) (*Lead Bar Remand Determination*) at 4–6.

Department's Position: We disagree with petitioners' reasoning. Petitioners appear to imply that repayment of subsidies is in addition to the agreed-upon value of the assets. The Department has never stated or implied that. Instead, the Department's repayment methodology is intended to determine the portion of the sales price of the productive unit (in this case, the Specialty Steels Division) which represents repayment of prior subsidies bestowed on the seller of the productive unit (in this case, BSC), when that seller has been found to have received subsidies. *See General Issues Appendix* appended to the *Final Countervailing Duty Determination: Certain Steel Products from Austria,* 58 FR 37217, 37259 (July 9, 1993) (*General Issues Appendix*).

According to the Department's methodology, when the productive unit is sold, a portion of the sales price is deemed to repay a portion of the outstanding subsidies, which remain with the seller. This methodology is simply used to allocate the subsidies between the seller and the buyer. As the Department explained in its remand determination, ''[w]hen a productive unit is sold by a company which continues to operate (such as BSC), the potentially allocable subsidies which could have traveled with the productive unit, but did not because they were accounted for as part of the purchase price, simply stay with the selling company.'' *Lead Bar Remand Determination* at 5. To the extent that GKN received the same ''payment'' for the assets it contributed to UES, the Department has not applied its repayment methodology because there were no allegations during the investigation or in this review that GKN had received subsidies prior to the formation of UES.

Comment 3: Petitioners refer the Department to the arguments they made with respect to the underlying investigation of *Lead Bar* before the CIT in *Inland Steel Bar Co.* v. *United States* (*Inland Steel*) by submitting their December 6, 1993, Brief in Support of Plaintiffs' Rule 56.2 Motion for Judgment on the Agency Record and their March 15, 1994, Reply Brief. Petitioners allege in these court briefs that the Department improperly reallocated back to BSC a portion of the subsidies properly chargeable to UES. The briefs also allege that the statute requires the use of sales ratios rather than asset ratios in allocating subsidies, and the Department's use of asset ratios was an improper exercise of Departmental discretion.

Department's Position: The arguments presented in the briefs have already been considered and rejected by the Department in the *Lead Bar Remand Determination*. In this proceeding, petitioners have not submitted any new evidence or arguments which would warrant reconsideration of these issues.

Comment 4: UES argues that since the Department has published notice of the CIT's decision in *Inland Steel,* 858 F. Supp. 179 (Ct. Int'l Trade 1994), the Department is legally prohibited from taking action inconsistent with that decision. In *Inland Steel,* the CIT found that ''[w]ith no countervailable benefit surviving the arm's length transaction between BSC and UES, there is no benefit conferred to UES and, therefore, no countervailable subsidy within the meaning of 19 U.S.C. 1677(5).'' Therefore, UES argues that there is no basis for the Department's determination that UES, an independent company that paid fair market value for its assets, is subsidized as a result of funds provided to BSC. Moreover, the CIT found in *Aimcor et al.* v. *United States,* 871 F. Supp. 447, 451 (Ct. Intl. Trade 1994) (*Aimcor*) that in order for the Department to find a countervailable subsidy, it must be demonstrated that the bounty or grant ''went to the manufacture, production, or export of the merchandise in question.'' According to UES, this decision also makes it clear that the countervailing duty statute does not permit the Department simply to presume that one company's production benefits from funds received by another company, absent substantial evidence that the benefit was ''passed through'' to the company under investigation.

Petitioners argue that Federal Circuit and CIT holdings support the Department's practice of waiting for a conclusive court decision before changing the rate of cash deposit of estimated duties. They note that Federal Circuit cases (*e.g., Timken*) have authorized the Department to wait until issuance of a ''conclusive'' decision (one that ends all chance of appeal, *e.g.,* a final decision by the Federal Circuit or final decisions by the CIT that are not appealed) before liquidating entries or changing the rate of cash deposit of estimated countervailing duties.

Moreover, petitioners argue that rather than supporting the CIT's decision in *Inland Steel, Aimcor* supports the Department's conclusion that changes in ownership do not affect countervailability. Petitioners further maintain that in this case, unlike the situation in *Aimcor,* at the time the

subsidies were bestowed on BSC, the Specialty Steels Division was part of BSC, rather than a partially owned subsidiary.

Department's Position: The Department is not required to follow a CIT opinion that is before the U.S. Court of Appeals for the Federal Circuit. According to the Federal Circuit's opinion in *Timken Co.* v *United States*, 893 F.2d 337, 339 (Fed. Cir. 1990) (*Timken*), an appealed CIT decision is not a ''final court decision'' within the meaning of 19 U.S.C. 1516a(e). Further, under *Melamine Chemicals, Inc.* v. *United States*, 732 F. 2d 924 (Fed. Cir. 1984) and *NTN Bearing Corp.* v. *United States*, 892 F.2d 1004 (Fed. Cir. 1989), the administrative handling of entries (including collection of estimated duties), should not be altered by court decisions, except for suspension of liquidation, until the issuance of such a final court decision. Because the appeal of the final countervailing duty determination on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom is still pending before the Federal Circuit, there is not yet a final court decision which the Department is required to follow.

With respect to respondents'' privatization argument that there is no basis for determining that UES is subsidized as a result of funds provided to BSC, they have presented no new evidence that would warrant reconsideration of the Department's determination that past subsidies bestowed upon BSC passed-through to UES. The arguments presented by UES have been previously and thoroughly addressed by the Department. *See e.g., Lead Bar* 58 FR at 6238; *General Issues Appendix* 58 FR at 37259 and *Lead Bar Remand Determination*. Thus, the Department's preliminary results remain unchanged with respect to this issue.

Comment 5: UES argues that the Department has improperly allocated the benefit of alleged subsidies over a period representing the average useful life (AUL) of assets in the steel industry; the Department's amortization of subsidies using the AUL method is contrary to law and unsupported by substantial evidence. UES further argues that the CIT has found that the AUL methodology is arbitrary and bears no necessary relationship to the benefit from the subsidy funds (*see British Steel plc* v. *United States*, 879 F. Supp. 1254, 1293–99 (Ct. Int'l Trade 1995) *British Steel*)). Thus, the Department should abandon this approach.

Petitioners note that *British Steel* is pending and that the Department should not decide the appropriate allocation period in this case until this issue has been resolved by the CIT. Moreover, petitioners note that UES suggests no alternative to the 15-year allocation period.

Department's Position: The Department has already considered and rejected respondent's arguments in prior determinations. *See e.g., Lead Bar* 58 FR at 6245 and *General Issues Appendix* 58 FR at 37225. UES has not submitted new arguments or evidence that would lead us to reconsider the AUL method. It is the Department's position that although the actual duration of the benefit is not identifiable, the Department must nevertheless choose a reasonable period over which to allocate grants and equity infusions. The competitive position of any company ultimately depends upon its productive activity; without production, there are no other commercial and competitive factors that are relevant for a manufacturing enterprise. Further, the statute focuses on benefits to production of the subject merchandise. A company's renewable physical assets are absolutely essential to production; and renewable physical assets have a determinable average useful life. The AUL has competitive significance because the renewal of physical assets is essential to production. The Department therefore concludes that the AUL of the renewable physical assets provides a reasonable approximation of the commercial and competitive benefits for all non-recurring subsidies, not just subsidies spent on acquiring renewable physical assets.

In addition, we agree with petitioners with respect to *British Steel.* There has not been a final and conclusive court ruling on the general issue of allocation. Therefore, absent new facts, the Department is applying the AUL methodology.

Comment 6: The UKG argues that the Department should reverse its preliminary finding concerning the grants under the Inner Urban Areas Act (IUAA). The UKG argues that the aid granted under the IUAA is assistance ''to be used for environmental improvement (*i.e.*, beautification of industrial areas).'' Thus, the UKG concludes, such assistance is not a subsidy ''provided with respect to the manufacture, production or exportation of merchandise,'' within the meaning of *Aimcor*, and therefore should not be treated as a countervailable subsidy. Moreover, according to the UKG, such assistance does not confer a benefit that gives rise to a competitive advantage as required by *Cabot Corp.* v. *United States*, 9 CIT 389, 494–495, 620 F. Supp. 722, 729 (1985) (*Cabot*) and *British Steel Corp.* v. *United States*, 9 CIT 85, 95, 605 F. Supp. 286, 194 (1985) (*1985 British Steel*).

Department's Position: The statute and the Department's regulations require the Department to countervail a subsidy that is limited in law to an enterprise or industry or group thereof located in a particular region. In the case of a program conferring a grant, such as the IUAA, a countervailable benefit exists in the amount of the grant. See section 771(5) of the Act and sections 355.43(b)(3) and 355.44(a) of the *Proposed Regulations.* In the preliminary results of review, we determined that aid under the IUAA was limited to enterprises located in selected regions of the United Kingdom. We also determined that the grant was bestowed upon UES Ltd., a manufacturer and exporter of the subject merchandise.

The UKG appears to be arguing that the assistance is tied specifically to beautification and not to the production or exportation of merchandise. We disagree with this analysis. The IUAA provides assistance for environmental improvement (*i.e.* beautification of industrial areas) and economic regeneration. In the grant approval notification documents to UES, the UKG specified that the 1988 funds were for recladding the Templeborough plant buildings and the 1992 funds were for repairing, cleaning, and painting a service gantry which is part of the plant facility. Thus, the stated purpose of these grants was for maintenance of production facilities. The grants benefit the entire operation of the company and are appropriately allocated to total sales of the company. Just because a benefit is not tied directly to production does not mean that it does not provide a benefit to the company's operations and thus to all merchandise produced by that company, including subject merchandise. Accordingly, we disagree with the UKG's contention that the grant in question does not confer a benefit that gives rise to a competitive advantage per the court's decision in *Cabot* and *1985 British Steel.*

In addition, the fact that the grant received by UES Ltd. under this program was ''to be used for environmental beautification'' is not dispositive for purposes of our analysis. ''[T]he statute requires the Department to countervail an allocated share of the subsidies received by producers, regardless of their effect.'' *General Issues Appendix* 58 FR at 37260. The statute does not direct the Department to consider the use to which subsidies are put or to measure their effect on the recipient's subsequent performance. *See*

General Issues Appendix 58 FR at 37260–61.

The UKG incorrectly relies on *Aimcor* in support of its proposition that the aid granted under the IUAA ''should not be treated as a countervailable subsidy.'' In *Aimcor*, the Department found, and the CIT affirmed, that the purchase of FESILVEN's stock by CVG, the parent company of FESILVEN, did not constitute a countervailable subsidy. FESILVEN was the sole producer and exporter of the subject merchandise, ferrosilicon. The Department found ''an insufficient identity of interests to warrant treating CVG and FESILVEN as a single entity,'' and thus determined that CVG's purchase of FESILVEN's stock ''did not result in a bounty or grant because no benefit inured to FESILVEN in the transaction.'' 871 F. Supp. at 450. Thus, the issue before the Court in *Aimcor* was not the purpose or use of the subsidy at hand, but whether any benefit was ''attributable'' (*i.e.*, assigned or allotted) to a related producer/exporter of the subject merchandise. If so, the Department must countervail such subsidies.

Comment 7: UES argues that the Department's preliminary determination is inconsistent with the Department's recent remand determination in *British Steel.* In the preliminary results, the Department determined that a portion of the countervailable subsidies previously bestowed on BSC traveled with its Specialty Steels Division when this division was spun-off to form UES. In the remand determination, the Department found that the Specialty Steels Division was not a corporate entity capable of receiving a subsidy and thus no subsidies could have followed it to UES. *See Privatization Remand Determination* at 41. Thus, UES argues, the Department is double-counting these subsidies and countervailing them both with respect to the merchandise covered by the countervailing duty order on Certain Carbon Steel Products from the United Kingdom and the merchandise covered by the instant countervailing duty order.

Petitioners argue that respondents misread the Department's remand determination, and note that the Department did not concede that UES received no subsidies, but rather the Department's findings were based on best information available. As explained in the *Privatization Remand Determination,* British Steel's failure to provide the information necessary to determine the portion of BSC's subsidies allocable to UES resulted in the Department's finding that all of BSC's subsidies remained with BSC. On the issue of double-counting of subsidies, petitioners argue that both British Steel and UES should properly deposit estimated countervailing duties until the courts decide which company is liable. Furthermore, petitioners note that the general issue of compliance with CIT decisions that are on appeal has been addressed and disposed of by the CIT in *Inland Steel,* and by the Federal Circuit, which has held that ''an appealed CIT decision is not a 'final court decision' within the plain meaning of 19 U.S.C. 1516a(e).'' *Timken.*

Department's Position: During the remand proceedings in *British Steel,* the Department noted that the Court's decision and its instructions for analyzing the spin-off of the Specialty Steels Division resulted in a remand determination which was inconsistent with other determinations in related cases, specifically, the instant case. The Department stated that ''[t]o the extent that the Department's implementation of the Court's opinion leads to ''inconsistent determinations,'' we note that we have registered our disagreement with the Court's opinion and that the general issue of privatization and pre-privatization spin-offs, including the UES spin-off, is on appeal to the United States Court of Appeal for the Federal Circuit.'' (*Privatization Remand Determination* at 41). The *Privatization Remand Determination* is currently pending before the CIT. Furthermore, the appeal of *Inland Steel Bar Co.* v. *the United States* is pending before the Court of Appeals for the Federal Circuit. In accordance with the Federal Circuit's reasoning in *Timken,* since there is no ''final'' court decision, we are not instituting any changes in the privatization and spin-off methodology.

Final Results of Review

In accordance with 19 CFR 355.22(b)(1), an administrative review ''normally will cover entries or exports of merchandise during the most recently completed reporting year of the government of the affected country.'' However, because this is the first administrative review of this countervailing duty order, in accordance with 19 CF 355.22(b)(2), it covers the period, and the corresponding entries, ''from the date of suspension of liquidation * * * to the end of the most recently completed reporting year of the government of the affected country.'' This period is September 17, 1992 through December 31, 1993. Because the reporting year of the UKG is the calendar year, we calculated a separate net subsidy for each year, 1992 and 1993.

Further, during the 1993 calendar year, certain entries were not subject to suspension of liquidation. The Department issued its preliminary affirmative countervailing duty determination on September 17, 1992 (57 FR 42974). Pursuant to section 705 of the Act and Article 5.3 of the GATT Subsidies Code, the Department cannot require suspension of liquidation for more than 120 days without the issuance of a countervailing duty order. Accordingly, the Department instructed Customs to terminate the suspension of liquidation of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 15, 1993. The Department reinstated suspension of liquidation and the cash deposit requirement for entries made on or after March 22, 1993, the date of publication of the countervailing duty order. Thus, merchandise entered on or after January 15, 1993, and before March 22, 1993, is to be liquidated without regard to countervailing duties.

For the period September 17, 1992, through December 31, 1992, we determine the net subsidy to be 20.33 percent *ad valorem* for ASW Limited and 7.03 percent *ad valorem* for all other companies. For the periods January 1, 1993, through January 14, 1993, and March 22, 1993, through December 31, 1993, we determine the net subsidy to be 20.33 percent *ad valorem* for ASW Limited, 2.68 percent *ad valorem* for UES, and 9.76 percent *ad valorem* for all other companies.

Thus, the Department will instruct the U.S. Customs Service to assess the following countervailing duties:

Period	Manufacturer/exporter	Rate (percent)
September 17, 1992–December 31, 1992	ASW Limited	20.33
	All other companies	7.03

Period	Manufacturer/exporter	Rate (percent)
January 1, 1993–January 14, 1993	ASW Limited	20.33
	UES	2.68
	All other companies	9.76
March 22, 1993–December 31, 1993	ASW Limited	20.33
	UES	2.68
	All other companies	9.76

The Department will also instruct the U.S. Customs Service to collect a cash deposit of estimated countervailing duties of 20.33 percent of the f.o.b. invoice price on all shipments of the subject merchandise from ASW Limited, 2.68 percent of the f.o.b. invoice price on all shipments of the subject merchandise from UES, and 9.76 percent of the f.o.b. invoice price on all shipments of the subject merchandise from all other companies, except Glynwed (which was excluded from the order during the original investigation), entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: October 19, 1995.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 95–26629 Filed 10–25–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–475–819, C–489–806]

Alignment of the Final Countervailing Duty Determinations With the Final Antidumping Duty Determinations: Certain Pasta (''Pasta'') From Italy and Turkey

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

EFFECTIVE DATE: October 26, 1995.

FOR FURTHER INFORMATION CONTACT: Vincent Kane (Italy) or Elizabeth Graham (Turkey), Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 482–2815 and 482–4105, respectively.

APPLICABLE STATUTE AND REGULATIONS: 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).

SUPPLEMENTARY INFORMATION: On October 17, 1995, we published preliminary affirmative countervailing duty determinations pertaining to Pasta from Italy and Turkey (60 FR 53739 and 53747).

On October 19, 1995, we received a request from petitioners to postpone the final determinations in these investigations until the date of the final antidumping determinations in the companion antidumping investigations of Pasta from Italy and Turkey, in accordance with 19 CFR 355.20(c)(1). Therefore, pursuant to petitioners' request and the Department's Regulations, we are postponing the final countervailing duty determinations in these investigations until February 21, 1996, the date of the final antidumping duty determinations in the companion antidumping investigations of Pasta from Italy and Turkey.

This notice is published in accordance with Section 705(a)(1) of the Act and 19 CFR 355.20(c)(3)(1994).

Barbara R. Stafford,

Deputy Assistant Secretary for Investigations.

[FR Doc. 95–26628 Filed 10–25–95; 8:45 am]

BILLING CODE 3510–DS–M

THE COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts' next meeting is scheduled for 16 November 1995 at 10:00 AM in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001 to discuss various projects affecting the appearance of Washington, D.C., including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C. October 19, 1995.

Charles H. Atherton,

Secretary.

[FR Doc. 95–26610 Filed 10–25–95; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh

October 20, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 23, 1995.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, by recrediting unused carryforward and unused special carryforward and special shift. In a previous directive, the limit for Categories 645/646 was reduced for