

consumption during the period of review. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:**

David Genovese or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-5254.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 28, 1968, the Department of the Treasury published an antidumping finding on titanium sponge from the Union of Soviet Socialist Republics (USSR) (33 FR 12138). In December 1991, the USSR divided into 15 independent states. To conform to these changes, the Department changed the original antidumping finding into 15 findings applicable to the Baltic states and the former Republics of the Soviet Union (57 FR 36070, August 12, 1992).

On August 3, 1993, the Department published a notice of "Opportunity to Request an Administrative Review" (58 FR 41239) of the antidumping finding on titanium sponge from Ukraine. Both OREMET and TIMET requested that an administrative review be conducted. The Department initiated the review on September 30, 1993 (58 FR 51053), covering the period August 1, 1992, through July 31, 1993. The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Review**

The merchandise covered by this review is all imports of titanium sponge from Ukraine. Titanium sponge is chiefly used for aerospace vehicles, specifically in the construction of compressor blades and wheels, stator blades, rotors, and other parts in aircraft gas turbine engines.

Imports of titanium sponge are currently classifiable under the harmonized tariff schedule (HTS) item number 8108.10.50.10. The HTS item number is provided for convenience and Customs purposes; our written description of the scope of this finding is dispositive.

This review covers sales and entries by Ukrainian exporters, producers, sellers, and resellers of the subject merchandise during the period August 1, 1992, through July 31, 1993.

**Preliminary Results of Review**

Information maintained by the U.S. Customs Service established that titanium sponge from Ukraine for the period of review was only entered under temporary importation bond (TIB) procedures. See U.S. Note 1 of subchapter XIII, Chapter 98, Harmonized Tariff Schedule of the United States (HTSUS) (1994). Merchandise entered under TIB is not entered for consumption, and the AD/CVD laws restrict the assessment of duties and the collection of cash deposits to merchandise that is "entered, or withdrawn from warehouse, for consumption." *Titanium Metals Corp. v. United States*, Slip Op. 95-153 (CIT, Aug. 30, 1995).

Because TIB entries are not entries for consumption, they cannot be considered merchandise subject to the antidumping duty order and included within a determination resulting from a 751(a) administrative review. The statute provides that a determination in an administrative review must be based on the "United States price of each entry of merchandise subject to the antidumping duty order and included within that determination." Section 751(a)(2)(A). TIB entries do not satisfy this standard for inclusion in a review. Moreover, a review of TIB entries cannot serve as the "basis for the assessment of antidumping duties on entries of the merchandise included within the determination and for deposits of estimated duties," which is the purpose of an administrative review. Section 751(a)(2) of the Act. For these reasons, we have determined that there is no basis for conducting an administrative review of the Ukrainian respondent's TIB entries.

Accordingly, we have preliminarily determined to maintain the cash deposit rate at 83.96 percent, which is the rate established in the final results of the last review of the antidumping finding on titanium sponge from the USSR (52 FR 9323, March 24, 1987).

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will

publish the final results of this administrative review, including the results of its analysis of any such written comments or hearing.

Furthermore, the cash deposit rate for entries of titanium sponge from Ukraine will be that rate established in the final results of this administrative review. This rate 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 by section 751(a)(1) of the Act. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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 353.22.

Dated: November 8, 1995.

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

[FR Doc. 95-28456 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DS-P

**[C-549-804]**

**Carbon Steel Butt-Weld Pipe Fittings 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 carbon steel butt-weld pipe fittings from Thailand. We preliminarily determine the net subsidy to be 0.22 percent *ad valorem* for all companies for the period January 1, 1992 through December 31, 1992. In accordance with 19 CFR 355.7, any net subsidy less than 0.5 percent *ad valorem* is *de minimis*. If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Thailand exported on or after January 1, 1992, and on or before December 31, 1992. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** November 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Brian Albright or Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 19, 1990, the Department published in the Federal Register (55 FR 1695) the countervailing duty order on carbon steel butt-weld pipe fittings from Thailand. On January 13, 1993, the Department published a notice of "Opportunity to Request an Administrative Review" (58 FR 4148) of this countervailing duty order. We received a timely request for review from the petitioner, the U.S. Fittings Group.

We initiated the review, covering the period January 1, 1992 through December 31, 1992, on March 8, 1993 (58 FR 12931). We conducted a verification of the questionnaire responses on July 20 through 27, 1995. The review covers two producers/exporters of the subject merchandise, Awaji Sangyo (Thailand) Co. (AST), and TTU Industrial Corp. (TTU), which account for virtually all exports of the subject merchandise from Thailand, and 15 programs.

**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. 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**

The merchandise subject to this review (hereinafter subject merchandise) is certain carbon steel butt-weld pipe fittings, having an inside diameter of less than 360 millimeters (fourteen inches), imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (e.g., threaded, grooved, or bolted fittings), as currently classifiable under the Harmonized Tariff Schedule (HTS). The products covered in this review are provided for under item number 7307.93.30 of the HTS. The HTS subheadings are provided for convenience and Customs purposes; our written description of the scope of this proceeding is dispositive.

**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 Thai exports to the United States of subject merchandise, including all companies, even those with *de minimis* and zero rates. 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 *de minimis*, as defined by 19 CFR 355.7(1994), no further calculations were necessary.

**Analysis of Programs**

**I. Program Preliminarily Found To Confer Subsidies**

**Tax Exemptions Under Section 31 of the 1977 Investment Promotions Act (IPA)**

In the investigation (55 FR 1695, January 18, 1990) and the first review of this order (57 FR 5248, February 13, 1992), section 31 of the IPA was found not to have been used. In its questionnaire response for this review, AST indicated that it claimed an exemption under this program on its tax return filed during the review period. TTU did not claim a section 31 exemption on its tax return filed during the review period.

The Thai Board of Investment (BOI) provides certain investment incentives to companies through the IPA in order

to promote economic development in Thailand. Under section 31 of the IPA, companies can apply to receive a three to eight-year exemption from payment of corporate income tax on profits derived from promoted activities, as well as deductions from net profits for losses incurred during the tax exempt period. AST was approved for a five-year exemption, from 1987-1991, on income earned from all export sales of butt-weld pipe fittings, including both subject and non-subject merchandise.

On its tax return filed during the review period, AST claimed a tax exemption under section 31. Because benefits under this program are contingent upon export performance, we preliminarily determine that such benefits are countervailable. See § 355.43(a)(1), Proposed Regulations and Final Negative Countervailing Duty Determination; Disposable Pocket Lighters from Thailand, 60 FR 13961 (March 15, 1995).

To calculate the benefit received under section 31, we used as a numerator the value of the tax exemption claimed by AST during the review period. AST did not provide the Department with the value of total exports sales of pipe fittings during the review period. Therefore, to calculate the subsidy rate, we used as a denominator the value of AST's total export sales of subject merchandise during the same period. We then weight-averaged AST's and TTU's rates for this program, using as the weights each company's share of total Thai exports to the United States of subject merchandise, and summed the individual companies' weight-averaged rates to determine the subsidy rate for this program. On this basis, we preliminarily determine the subsidy from this program to be 0.22 percent *ad valorem* for the period January 1, 1992 through December 31, 1992.

**II. Program Preliminarily Found Not To Confer Subsidies**

**Duty Drawback**

The Thai duty drawback program was established by Section 19 bis of the Thai Customs Act. Under Section 19 bis, companies that import raw materials used in the production, mixing, assembling, or packaging of an exported product are eligible to receive a drawback of import duties and taxes on those materials. Upon importation of the materials, companies either pay a cash deposit or post a bank guarantee to cover the import duties and taxes. If the company subsequently provides documentation showing that the imported materials were used in the

production, mixing, assembling, or packaging of a finished good that was exported within one year of the date of importation of the raw materials, the company's cash deposit is refunded or its bank guarantee released.

During the antidumping duty investigation of butt-weld pipe fittings from Thailand, petitioners alleged in their comments on the Department's preliminary determination that AST received excess duty drawbacks on imports of steel pipe that is physically incorporated into the subject merchandise, and that this constituted a countervailable subsidy. See Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand (Pipe Fittings AD Final), 57 FR 21065, 21069 (May 18, 1992). Based on petitioners' allegation, the Department examined the duty drawback program in this review, the first administrative review of the countervailing duty order since Pipe Fittings AD Final, to determine whether producers of the subject merchandise received a countervailable benefit during the review period. (For a more detailed explanation of the Department's decision to examine the duty drawback program, see the January 19, 1995 Memorandum to Barbara E. Tillman Regarding 1992 CVD Administrative Review—Subsidy Allegation, on file in the public file of the Central Records Unit, Room B-099 of the Department of Commerce.)

During the antidumping investigation, AST acknowledged that the average yield ratio for its production of pipe fittings from imported pipe, calculated by the Thai Government to determine the amount of drawback on imported pipe, overstated the actual yield ratio in AST's favor. In this review, we examined the issue of the average yield calculated by the Thai Government. We verified that, during the review period, separate production formulas approved by Thai Customs were in effect for each type of pipe fittings sold by AST and TTU. Utilizing these production formulas, AST and TTU did not receive drawback of import duties and taxes in excess of the amount due on imported raw materials. Moreover, we confirmed that no drawback was received on materials incorporated into finished goods that were not exported within one year. (See October 3, 1995 Memorandum to Barbara E. Tillman Regarding Verification of Questionnaire Responses—1992 Administrative Review of the Countervailing Duty Order on Carbon Steel Butt-Weld Pipe Fittings from Thailand (Public Version) for Government of Thailand, AST, and TTU, which are on file in the public file

of the Central Records Unit, Room B-099 of the Department of Commerce). In accordance with Annex A (Illustrative List) to the 1979 Agreement of Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade, the remission or drawback of import charges is a countervailable subsidy only to the extent that such remission or drawback is in excess of the import charges that are levied on imported goods that are physically incorporated in the exported product. See also 19 U.S.C. 1677(5)(A) and section 355.44 of the *Proposed Regulations*. Because producers of butt-weld pipe fittings did not receive excess drawback of import duties and taxes, we preliminarily determine that the duty drawback program did not confer countervailable benefits on exports of the subject merchandise to the United States during the review period.

### III. Programs Preliminarily Found Not To Be Used

- A. Tax Certificates for Exporters
- B. Export Packing Credits
- C. Tax and Duty Exemptions Under Section 28 of the (IPA)
- D. Electricity Discounts for Exporters
- E. Rediscout of Industrial Bills
- F. International Trade Promotion Fund
- G. Export Processing Zones
- H. Reduced Business Taxes for Producers of Intermediate Goods for Export Industries
- I. Additional Incentives under the IPA
  1. Goodwill and Royalties Tax Exemption
  2. Tax Deduction of Foreign Marketing Expenses and Foreign Taxes
  3. Exemption of Sales Taxes for Promoted Industries
  4. Exemption on Export Duties and Business Taxes on Products Produced or Assembled by Promoted Firms
  5. Deduction from Assessable Income of an Amount Equal to Five Percent of the Increase over the Previous Year of Income Derived from Exports

### Preliminary Results of Review

For the period January 1, 1992 through December 31, 1992, we preliminarily determine the net subsidy to be 0.22 percent *ad valorem* for all companies. In accordance with 19 CFR 355.7, any net subsidy less than 0.5 percent *ad valorem* is *de minimis*.

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service to liquidate, without regard to

countervailing duties, all shipments of the subject merchandise from Thailand exported on or after January 1, 1992, and on or before December 31, 1992.

This countervailing duty order was determined to be subject to section 753 of the Act (as amended by the Uruguay Round Agreements Act of 1994). Countervailing Duty Order; Opportunity to Request a Section 753 Injury Investigation, 60 FR 27,963 (May 26, 1995). Because no domestic interested parties exercised their right under section 753(a) of the Act to request an injury investigation, the International Trade Commission made a negative injury determination with respect to this order, pursuant to section 753(b)(4) of the Act. As a result, the Department has revoked this countervailing duty order, effective January 1, 1995, pursuant to section 753(b)(3)(B) of the Act. Revocation of Countervailing Duty Orders, 60 FR 40,568 (August 9, 1995). Accordingly, the Department intends to order Customs to liquidate shipments exported during the period of review in accordance with the final results of this review and does not intend to issue further cash deposit instructions.

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. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. Any hearing, if requested, will be held seven 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 355.38(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 no event later than the date the case briefs, under § 355.38(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.

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: November 6, 1995.

Susan G. Esserman,  
Assistant Secretary for Import  
Administration.

[FR Doc. 95-28457 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DS-P

**COMMITTEE FOR THE  
IMPLEMENTATION OF TEXTILE  
AGREEMENTS**

**Adjustment of Import Limits for Certain  
Wool and Man-Made Fiber Textile  
Products Produced or Manufactured in  
Colombia**

November 13, 1995.

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

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

**EFFECTIVE DATE:** November 14, 1995.

**FOR FURTHER INFORMATION CONTACT:**  
Jennifer Aldrich, 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 limit for Category 443 is  
being increased by application of swing,  
reducing the limit for Category 315.

A description of the textile and  
apparel categories in terms of HTS  
numbers is available in the  
CORRELATION: Textile and Apparel  
Categories with the Harmonized Tariff  
Schedule of the United States (see  
Federal Register notice 59 FR 65531,  
published on December 20, 1994). Also  
see 60 FR 17319, published on April 5,  
1995; and 60 FR 45145, published on  
August 30, 1995.

The letter to the Commissioner of  
Customs and the actions taken pursuant  
to it are not designed to implement all  
of the provisions of the Uruguay Round  
Agreements Act and the Uruguay Round  
Agreement on Textiles and Clothing, but  
are designed to assist only in the

implementation of certain of their  
provisions.

D. Michael Hutchinson,  
Acting Chairman, Committee for the  
Implementation of Textile Agreements.

Committee for the Implementation of Textile  
Agreements  
November 13, 1995.

Commissioner of Customs,  
Department of the Treasury, Washington, DC  
20229.

Dear Commissioner: This directive  
amends, but does not cancel, the directive  
issued to you on March 30, 1995, as  
amended, by the Chairman, Committee for  
the Implementation of Textile Agreements.  
That directive concerns imports of certain  
cotton, wool and man-made fiber textile  
products, produced or manufactured in  
Colombia and exported during the twelve-  
month period which began on January 1,  
1995 and extends through December 31,  
1995.

Effective on November 14, 1995, you are  
directed to adjust the limits for the following  
categories, as provided for under the Uruguay  
Round Agreements Act and the Uruguay  
Round Agreement on Textiles and Clothing:

| Category  | Adjusted twelve-month<br>limit <sup>1</sup> |
|-----------|---|
| 315 ..... | 18,689,687 square<br>meters.                |
| 443 ..... | 131,305 numbers.                            |

<sup>1</sup>The limits have not been adjusted to ac-  
count for any imports exported after December  
31, 1994.

The Committee for the Implementation of  
Textile Agreements has determined that  
these actions fall within the foreign affairs  
exception to the rulemaking provisions of 5  
U.S.C. 553(a)(1).

Sincerely,  
D. Michael Hutchinson,

Acting Chairman, Committee for the  
Implementation of Textile Agreements.

[FR Doc. 95-28454 Filed 11-21-95; 8:45 am]

BILLING CODE 3510-DR-F

**Adjustment of Import Limits and  
Guaranteed Access Levels for Certain  
Cotton, Wool and Man-Made Fiber  
Textile Products Produced or  
Manufactured in the Dominican  
Republic**

November 13, 1995.

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

**ACTION:** Issuing a directive to the  
Commissioner of Customs adjusting  
import limits and guaranteed access  
levels.

**EFFECTIVE DATE:** November 14, 1995.

**FOR FURTHER INFORMATION CONTACT:**  
Naomi Freeman, 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).

On the request of the Government of  
the Dominican Republic, the U.S.  
Government agreed to increase the 1995  
Guaranteed Access Levels for Categories  
338/638 and 339/639. Also, the current  
limits for certain categories are being  
adjusted for swing.

A description of the textile and  
apparel categories in terms of HTS  
numbers is available in the  
CORRELATION: Textile and Apparel  
Categories with the Harmonized Tariff  
Schedule of the United States (see  
Federal Register notice 59 FR 65531,  
published on December 20, 1994). Also  
see 60 FR 17321, published on April 5,  
1995.

The letter to the Commissioner of  
Customs and the actions taken pursuant  
to it are not designed to implement all  
of the provisions of the Uruguay Round  
Agreements Act and the Uruguay Round  
Agreement on Textiles and Clothing, but  
are designed to assist only in the  
implementation of certain of their  
provisions.

D. Michael Hutchinson,  
Acting Chairman, Committee for the  
Implementation of Textile Agreements.

Committee for the Implementation of Textile  
Agreements  
November 13, 1995.

Commissioner of Customs,  
Department of the Treasury, Washington, DC  
20229.

Dear Commissioner: This directive  
amends, but does not cancel, the directive  
issued to you on March 30, 1995, by the  
Chairman, Committee for the Implementation  
of Textile Agreements. That directive  
concerns imports of certain cotton, wool and  
man-made fiber textile products, produced or  
manufactured in the Dominican Republic  
and exported during the twelve-month  
period which began on January 1, 1995 and  
extends through December 31, 1995.

Effective on November 14, 1995, you are  
directed to adjust the limits for the following  
categories, as provided for under the Uruguay  
Round Agreements Act and the Uruguay  
Round Agreement on Textiles and Clothing:

| Category      | Adjusted twelve-month<br>limit <sup>1</sup> |
|---------------|---|
| 338/638 ..... | 802,864 dozen.                              |
| 339/639 ..... | 802,938 dozen.                              |