

certain home market wholesalers/distributors because Rautaruukki's computer tape reported these rebates to a different number of home market wholesalers/distributors than were identified in the narrative response. Respondent argues that part of this discrepancy is explained by the fact that certain companies merged. Respondent also argues that although certain home market wholesalers/distributors were not specifically identified in the narrative response, Rautaruukki did submit the relevant information in the home market sales database. Accordingly respondent argues the Department should allow the adjustment.

The petitioners argue that the denial of these rebates was correct. Petitioners note that the Department verified the number of companies that received this rebate as reported in the narrative response, not as reported in the home market sales tape. Accordingly, petitioners maintain Rautaruukki's argument adds nothing new to this issue—their brief cites to no evidence on the record that one of the companies received the rebate, and Rautaruukki admits that it never specifically identified another company in its narrative response. Therefore, petitioners argue the Department should continue to exclude the rebate amounts on sales to certain companies in the final results.

Department's Position: We agree with respondent that the Department should allow all rebates. Although Rautaruukki did not specifically address all rebates in its narrative, they did report all the rebates in their database. After further examination of the verification exhibits, we have determined that all rebates were accurately reported and verified by the Department and that all these parties did receive the rebates as reported.

Final Results of Review

As a result of our review, we have determined that no margin exists for Rautaruukki Oy for the period February 4, 1993, through July 31, 1994.

The Department shall determine, and the Customs service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of plate from Finland entered, or withdrawn from warehouse, for consumption on or after

the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed company will be the rate for that firm as stated above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, the cash rate will be 32.25 percent. This is the "all others" rate from the LTFV investigation. See Final Determination of Sales at Less Than Fair Value: Certain Cut-To-Length Carbon Steel Plate from Finland, 58 FR 37122 (July 9, 1993). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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

This notice also 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 section 353.34(d) of the Department's regulations. Timely 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 this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: January 19, 1996.

Susan G. Esserman,
Assistant Secretary for Import Administration.

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[C-549-401]

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

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

ACTION: Notice of Final Results of the Countervailing Duty Administrative Review on Certain Yarn Products covered under the Suspended Investigation on Certain Textile Mill Products from Thailand.

SUMMARY: On August 2, 1995, the Department of Commerce (the Department) published in the Federal Register its preliminary results of administrative review of Certain Yarn Products covered under the agreement suspending the countervailing duty investigation on Certain Textile Mill Products from Thailand for the period May 18, 1992 through December 31, 1993 (suspension agreement). We have completed this review and have determined that the signatories were not in violation of the suspension agreement. However, we note that the Department will require that four signatories repay the Royal Thai Government (RTG), in an annual adjustment, the amount by which all tax certificates received exceeded the import duties on physically incorporated inputs.

EFFECTIVE DATE: January 29, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa Yarbrough or Jim Doyle, 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 November 23, 1990, the Department published in the Federal Register (55 FR 48885) a notice terminating in part the suspension agreement on Certain Textile Mill Products from Thailand (50 FR 9837, March 12, 1985). On May 9, 1992, the Court of International Trade (CIT) held that the Department's termination was not in accordance with the law because the Department failed to strictly follow 19 CFR 355.25(d)(4). The Court of Appeals for the Federal Circuit (CAFC) affirmed the decision of the CIT on October 12, 1993, and instructed the Department to reinstate the suspension agreement. Subsequently, on October 22, 1993, the Department reinstated the suspension agreement, effective May 18,

1992, the date the Department published notice of the CIT decision (58 FR 54552).

On March 4, 1994, the Department published in the Federal Register a notice of "Opportunity to Request Administrative Review" (59 FR 10368) of the suspended investigation for the period May 18, 1992 to December 31, 1993. The Department received requests for an administrative review of certain yarn products on March 31, 1994, from the American Yarn Spinners Association (AYSA) and certain individual yarn producers. On April 15, 1994, the Department initiated a countervailing duty administrative review on Certain Yarn Products for the period May 18, 1992 to December 31, 1993 (59 FR 18099, April 15, 1994). The Department verified the responses of the RTG and the Thai Textile Manufacturers Association (TTMA) from January 16 through January 25, 1995 pursuant to the administrative review.

On August 2, 1995, the Department published in the Federal Register (60 FR 39363) the preliminary results of its administrative review of certain yarn products. We invited interested parties to comment on the preliminary results. On August 14, 1995, a case brief was submitted by Economic Consulting Services (ECS), a representative for the AYSA and individual member companies of the AYSA.

The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). The review covers nine programs and eight producers/exporters: Saha Union, Venus Thread, Union Thread, Union Spinning, Thai Melon, Thai American, Thai Blanket, and Thai Synthetic.

Applicable Statute and Regulations

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

Scope of Review

Imports covered by this review are shipments of certain yarns from Thailand. During the period of review, such merchandise was classifiable under the Harmonized Tariff Schedule (HTS) item numbers 5204.11.0000, 5204.19.0000, 5204.20.0000, 5206.21.0000, 5206.22.0000, 5206.23.0000, 5206.24.0000, 5206.25.0000, 5206.41.0000, 5206.42.0000, 5206.43.0000, 5206.44.0000, 5206.45.0000,

5207.10.0000, 5207.90.0000, 5401.10.0000, 5402.31.3000, 5402.32.3000, 5402.33.6000, 5406.10.0020, 5406.10.0040, 5406.10.0090, 5508.20.0000, 5510.12.0000, 5510.90.4000, and 5511.30.0000.

Analysis of Programs

Based upon our analysis of the responses to our questionnaire and verification, we determine the following:

I. Programs Found To Be Used

A. Tax Certificates

Under Section II (c) of the suspension agreement, the producers and exporters can apply 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 by 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 duties pertaining to 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.

In the preliminary results, we found that Thai Melon, Thai American, Thai Synthetic, and Thai Blanket applied for tax certificates on subject merchandise to the United States at nominal rates during the POR. Our analysis of the

comments submitted by the interested parties, summarized below, has not led us to change our findings in the preliminary results. On this basis, the Department will require that these companies repay the RTG, in an annual adjustment, the amount by which the tax certificates exceed the import duties on physically incorporated inputs.

B. 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 Bank of Thailand (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 onto 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.

In the preliminary results, we found that Thai Melon and Thai American used this program for exports of subject merchandise to the United States. Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change our findings in the preliminary results. On this basis, the net subsidy received on EPCs for this administrative review is 0.19%.

C. 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.

In the preliminary results, we confirmed that Saha Union and its relateds (Union Spinning, Union Thread, and Venus Thread) participated in an international trade fair, promoting subject merchandise. However, Saha Union and its related companies paid their own expenses to participate in the trade fair. Thus, the signatories were not found to be in violation of the agreement. Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change our findings in the preliminary results.

D. 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.

In the preliminary results, we found that 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 verification, we determined that the amount of drawback received was not in excess of the items physically incorporated into the exported products. Hence, the signatories were not found to be in violation of the agreement. Our analysis of the comments submitted by the interested parties, summarized below, has not led us to change our findings in the preliminary results.

II. Programs Found Not To Be Used

In the preliminary results we found that the producers/exporters of the subject merchandise did not apply for or receive benefits under the following programs:

- A. Electricity Discounts
- B. Repurchase of Industrial Bills
- C. Investment Promotion Act: Section 28, 31, 35, and 36
- D. Export Processing Zones
- E. Double Deduction for Foreign Marketing Expenses

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

Analysis of Comments

Comment 1

ECS argues that the Department verified the continued existence of numerous subsidy programs and the continued receipt by several Thai yarn producers and exporters of benefits from several of the subsidy programs. They further claim that these subsidy benefits found by the Department are distinct from and are above and beyond the large subsidy benefits that were given to the Thai yarn industry under the Investment Promotion Act. ECS maintains that the large subsidy benefits received by the Thai yarn industry under the Investment Promotion Act were instrumental in the massive expansion of the capacity of the Thai yarn industry several years ago.

Department's Position

The Department disagrees with the arguments raised by ECS. As described in the preliminary results (60 FR 39363), the programs found to be used did not confer a subsidy which violated the terms of the agreement. Due to the unusual circumstances surrounding this case and the reinstatement of the suspension agreement, the Department does not consider the calculation of EPCs in this POR to constitute a violation of the agreement within the meaning of 19 CFR 355.19 (d)(1994). However, we note that Section II (a) of the suspension agreement prohibits participation by any signatory in the EPC program at noncommercial rates and terms for subject merchandise. Thus, in future reviews, the signatories shall follow Section II (a) of the suspension agreement or they will be found in violation of the agreement.

In regard to the tax certificates received by signatories during the POR, under Section II (c) of the suspension agreement, the producers and exporters can apply 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. However, 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 by which the tax certificates exceed the import duties on physically incorporated inputs.

The Department will require that the signatories repay to the RTG, in an annual adjustment, any amount by which the tax certificate exceeds the amount of import duties on physically incorporated inputs. The annual adjustment shall be calculated in accordance with Section IIc (i) and (ii) of the suspension agreement.

With respect to the use of duty drawback, the Department verified that the amount received was not in excess of the import duties paid on physically incorporated inputs. Thus, the signatories were not in violation. (See verification report dated June 1, 1995).

Finally, the participation in the international trade promotion fund by four signatories does not confer a benefit because the Department verified that the signatories paid their own expenses. Furthermore, the Department has never determined this program to be countervailable.

Comment 2

ECS wants assurance that any benefits found by the Department during the period of review are repaid to the RTG in order to reverse any benefits received by the Thai yarn producers during the POR.

Department's Position

As stated above, the Department will require that the signatories repay the amount in which the tax certificates exceed import duties on physically incorporated inputs. If the signatories fail to comply with the Department, we will determine that the signatories have violated the agreement.

Comment 3

ECS urges the Department to maintain close scrutiny over the administration of the agreement so that the U.S. industry can be assured that the subsidies found by the Department will be repaid to the RTG and that such benefits will not continue in the future.

Department's Position

The Department will continue to closely monitor the administration of

the agreement in order to ensure that the excess amounts of the tax certificates are repaid and that the signatories do not receive any benefits in the future that would constitute a violation of the agreement.

Final Results of Review

For the period May 18, 1992 through December 31, 1993, we determine that the signatories were not in violation of the suspension agreement.

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 C.F.R. 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)(1994)) and 19 C.F.R. 355.22(1994).

Dated: December 14, 1995.

Susan G. Esserman,
Assistant Secretary for Import
Administration.

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[C-549-401]

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

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

ACTION: Notice of Final 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: On July 18, 1995, the Department of Commerce (the Department) published in the Federal Register its preliminary results of administrative review on NCNC Yarns covered under the agreement suspending the countervailing duty investigation on Certain Textile Mill Products from Thailand for the period January 1, 1993 through December 31, 1993 (suspension agreement). We have completed this review and have determined that the signatories were not in violation of the suspension

agreement. However, we do note that the Department will require that one signatory repay the Royal Thai Government (RTG), in an annual adjustment, the amount by which the tax certificate received exceeded the import duties on physically incorporated inputs.

EFFECTIVE DATE: January 29, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa Yarbrough or Jim Doyle, 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 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 Department verified the responses of the RTG and the Thai Textile Manufacturers Association (TTMA) from January 16 through January 25, 1995 pursuant to the administrative review.

On July 18, 1995, the Department published in the Federal Register (60 FR 36779) the preliminary results of its administrative review of NCNC yarns for the period January 1, 1993 through December 31, 1993. The Department invited interested parties to comment on the preliminary results. On August 14, 1995, a case brief was submitted by Economic Consulting Services (ECS), a representative for the AYSA and individual member companies of the AYSA.

The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). 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 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

Based upon our analysis of our questionnaire and verification we determine the following:

I. Programs Found To Be Used

A. 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