Live Swine From Canada; Final Results of Changed Circumstances Countervailing Duty Administrative Review, and Partial Revocation

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

ACTION: Final Results of Changed Circumstances Countervailing Duty Administrative Review, and Revocation In Part of Countervailing Duty Order.

SUMMARY: On May 29, 1996, the Department of Commerce (the Department) published a notice of initiation and preliminary results of changed circumstances countervailing duty administrative review with intent to revoke the order, in part. We are now revoking this order, in part, with respect to slaughter sows and boars and weanlings from Canada, because this portion of the order is no longer of interest to domestic parties.

EFFECTIVE DATE: August 29, 1996.


SUPPLEMENTARY INFORMATION:

Background

On August 15, 1985, the Department published in the Federal Register (50 FR 32880) the countervailing duty order on live swine from Canada. On November 11, 1995, petitioners requested the partial revocation of the order on live swine from Canada with respect to slaughter sows and boars and weanlings due to lack of interest, effective April 1, 1991. We determined that petitioner's affirmative statement of no interest constitutes changed circumstances sufficient to warrant partial revocation of this order. Therefore, the Department is partially revoking the order, effective April 1, 1991, on live swine from Canada, with respect to slaughter sows and boars and weanlings (as defined in the scope section of this notice) in accordance with the provisions of 19 CFR 355.25(d)(1).

The Department will instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all unliquidated entries of slaughter sows and boars and weanlings (as defined in the scope section of this notice) from Canada entered, or withdrawn from warehouse, for consumption on or after April 1, 1991, in accordance with 19 CFR 355.25(d)(5). We will also instruct the Customs Service to refund with interest any estimated countervailing duties collected with respect to unliquidated entries of these slaughter sows and boars and weanlings made on or after April 1, 1991, in accordance with section 778 of the Act.

This changed circumstances administrative review, and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. section 1675(a)(1)) and 19 C.F.R. section 355.22(h), and 355.25(d) of the Department regulations.

Dated: August 22, 1996.

Robert S. LaRussa,
Acting Assistant Secretary for Import Administration.

SUPPLEMENTARY INFORMATION: Background

Due to the changed circumstances review, the merchandise now covered by this order is live swine, except U.S. Department of Agriculture certified purebred breeding swine, slaughter sows and boars, and weanlings (weanlings are swine weighing up to 27 kilograms or 59.5 pounds) from Canada. Such merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 0103.91.00 and 0103.92.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

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 ("URAA") effective January 1, 1995 ("the Act").

Final Results of the Review; Partial Revocation of Countervailing Duty Order

The affirmative statement of no interest by petitioners in this case constitutes changed circumstances sufficient to warrant partial revocation of this order. Therefore, the Department is preliminarily determining to revoke the order, in part, with respect to slaughter sows and boars and weanlings made on or after April 1, 1991, in accordance with the terms of the suspension agreement.

Interests parties are invited to comment on this preliminary results. Parties who submit arguments in this proceeding are requested to submit with their argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: August 29, 1996.


APPLICABLE STATUTE: Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on or after January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Tariff Act) in accordance with the Uruguay Round Agreements Act (URAA).

SUPPLEMENTARY INFORMATION: Background

On November 1, 1995, the Department published in the Federal Register (60 FR 55540) a notice of "Opportunity to Request an Administrative Review" of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore. This review covered the Government of the Republic of Singapore (GOS), Matsushita Refrigeration Industries (Singapore) Pte. Ltd. (MARIS), and Asia Matsushita Electric (Singapore) Pte. Ltd. (AMS), which together supplied 75 percent of the export market in 1994. Other exporters included Electromecanica de Instalaciones Refrigeradoras de Mexico SA de CV (EMIR), Lastra Refrigeration Equipment Company (Tecumseh), the Department's administrative review respondent, the only importer of record in the United States during the period of review (POR).

The Department preliminarily determined the agreements exist and are binding. In preparation for conducting an administrative review, the Department announced an affirmative statement of no interest by the petitioner in this case (Tecumseh). The Department also published a notice of preliminary results of the review, conducting an administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore.