

whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

#### Use of Comments

All comments received in response to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: December 24, 1996.

David G. Unger,  
*Acting Chief.*

[FR Doc. 97-164 Filed 1-3-97; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations

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

**ACTION:** Notice of intent to revoke antidumping duty orders and findings and to terminate suspended investigations.

**SUMMARY:** The Department of Commerce (the Department) is notifying the public of its intent to revoke the antidumping duty orders and findings and to terminate the suspended investigations listed below. Domestic interested parties who object to these revocations and terminations must submit their comments in writing no later than the last day of January 1997.

**EFFECTIVE DATE:** January 6, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michael Panfeld or the analyst listed under Antidumping Proceeding at: Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department may revoke an antidumping duty order or finding or

terminate a suspended investigation if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke the following antidumping duty orders and findings and to terminate the suspended investigations for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months:

#### Antidumping Proceeding

Brazil, Brass Sheet & Strip, A-351-603, 52 FR 1214, January 12, 1987, Contact: Tom Killiam at (202) 482-2704.

Canada, Color Picture Tubes, A-122-605, 53 FR 429, January 7, 1988, Contact: Valerie Owenby at (202) 482-0145.

Singapore, Color Picture Tubes, A-559-601, 53 FR 432, January 7, 1988, Contact: Michael Heaney at (202) 482-4475.

South Africa, Brazing Copper Wire & Rod, A-791-502, 51 FR 3640, January 29, 1986, Contact: Valerie Owenby at (202) 482-0145.

South Korea, Brass Sheet & Strip, A-580-603, 52 FR 1215, January 12, 1987, Contact: Tom Killiam at (202) 482-2704.

South Korea, Color Picture Tubes, A-580-605, 53 FR 431, January 7, 1988, Contact: Tamara Underwood at (202) 482-0197.

Taiwan, Stainless Steel Cooking Ware, A-583-603, 52 FR 2139, January 20, 1987, Contact: Valerie Owenby at (202) 482-0145.

Canada, Potassium Chloride, A-122-701, 53 FR 1393, January 19, 1988, Contact: Jean Kemp at (202) 482-4037.

If no interested party requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, and no domestic interested party objects to the Department's intent to revoke or terminate pursuant to this notice, we shall conclude that the antidumping duty orders, findings, and suspended investigations are no longer of interest to interested parties and shall proceed with the revocation or termination.

#### Opportunity to Object

Domestic interested parties, as defined in § 353.2(k) (3), (4), (5), and (6) of the Department's regulations, may object to the Department's intent to revoke these antidumping duty orders and findings or to terminate the

suspended investigations by the last day of January 1997. Any submission to the Department must contain the name and case number of the proceeding and a statement that explains how the objecting party qualifies as a domestic interested party under § 353.2(k) (3), (4), (5), and (6) of the Department's regulations.

Seven copies of such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, Washington, D.C. 20230. You must also include the pertinent certification(s) in accordance with § 353.31(g) and § 353.31(i) of the Department's regulations. In addition, the Department requests that a copy of the objection be sent to Michael F. Panfeld in Room 4203. This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: December 27, 1996.

Barbara R. Stafford,

*Deputy Assistant Secretary for AD/CVD Enforcement.*

[FR Doc. 97-123 Filed 1-3-97; 8:45 am]

BILLING CODE 3510-DS-P

## C-549-802

### Ball Bearings and Parts Thereof From Thailand: 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 July 3, 1996, the Department of Commerce ("the Department") published in the Federal Register its preliminary results of administrative review of the countervailing duty order on ball bearings and parts thereof from Thailand for the period 1994 (61 FR 34794, July 3, 1996). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended. For information on the net subsidy, please see the *Final Results of Review* section of this notice. We will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Final Results of Review* section of this notice. The countervailing duty order on ball bearings and parts thereof from Thailand was revoked effective January 1, 1995, as a result of a changed circumstances review (see 61 FR 20799). Because this order has been revoked, the

Department will not issue further instructions with respect to cash deposits of estimated countervailing duties.

**EFFECTIVE DATE:** January 6, 1997.

**FOR FURTHER INFORMATION CONTACT:** Robert Copyak or Megan Waters, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:**

**Background**

Pursuant to section 355.22(a) of the Department's *Interim Regulations*, this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. See *Antidumping and Countervailing Duties: Interim Regulations; request for comments*, 60 FR 25130, 25139 (May 11, 1995) ("*Interim Regulations*"). Accordingly, this review covers the Minebea Group of Companies in Thailand, NMB Thai, Pelmec Thai, and NMB Hi-Tech, which manufacture and export the subject merchandise. During this review, the Department learned of another Minebea company, NMB Precision Ball, Ltd., which manufactures balls. The company does not export directly to the United States but it does sell balls to the other three companies which in turn export finished ball bearings to the United States and elsewhere. This company, like the other three Minebea producers in Thailand, is a wholly-owned subsidiary of Minebea Japan, and because NMB Precision Ball, Ltd. received export subsidies during the period of review (see "*Programs Conferring Subsidies*" section below) for its sales of balls to the related Thai ball bearing producers, we determine that it is appropriate to include the export subsidies to NMB Precision Ball, Ltd. in our calculations of the net subsidy.

All of these companies are wholly owned by one parent company. As a result of this affiliation, we continue to find, as we did in the investigation and in previous reviews (see for example, *Ball Bearings and Parts Thereof from Thailand: Final Results of Countervailing Duty Administrative Review*, 60 FR 52374, October 6, 1995), that the Minebea Group of Companies should be collapsed and treated as one corporate entity in our calculations. This review covers the period January 1 through December 31, 1994, and nine programs.

Since the publication of the preliminary results on July 3, 1996 (61

FR 34794), the following events have occurred. We invited interested parties to comment on the preliminary results. On August 2, 1996, a case brief was submitted by the Royal Thai Government ("RTG") and the Minebea Group of Companies, which exported ball bearings and parts thereof to the United States during the review period.

On November 2, 1995, we extended the period for completion of the preliminary and final results pursuant to section 751(a)(3) of the Act (see *Extension of the Time Limit for Certain Countervailing Duty Administrative Reviews*, 60 FR 55699). As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996 (on file in the public file of the Central Records Unit, Room B-099 of the Department of Commerce), all deadlines were further extended to take into account the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 15, 1995, through January 6, 1996. As a result of these extensions, the deadline for these final results is no later than December 30, 1996—180 days from July 3, 1996, the date on which the preliminary results were published in the Federal Register.

**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").

**Scope of the Review**

Imports covered by this review are ball bearings and parts thereof. Such merchandise is described in detail in the Appendix to this notice. The Harmonized Tariff Schedule (HTS) item numbers listed in the Appendix are provided for convenience and Customs purposes. The written description remains dispositive.

**Verification**

We verified information provided by the RTG and by the Minebea Group of Companies, producers/exporters of the subject merchandise (as provided in section 782(i) of the Act). We followed standard verification procedures, including meeting with government and company officials and examining relevant accounting and original source documents. Our verification results are outlined in the public versions of the verification reports, which are on file in the Central Records Unit (Room B-099 of the Main Commerce Building).

**Analysis of Programs**

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

**I. Programs Conferring Subsidies**

**A. Programs Previously Determined to Confer Subsidies**

Investment Promotion Act of 1977—Sections 28, 31, 36(1), and 36(4)

In the preliminary results, we found that these programs conferred countervailable subsidies on the subject merchandise. Our review of the record and our analysis of the comments submitted by the interested parties, summarized below, has not led us to change our findings from the preliminary results. Accordingly, our calculation of the net subsidies for this program remains unchanged from the preliminary results and is as follows:

Manufacturer/Exporter	Rate
Minebea Group of Companies .....	5.25%.

**II. Programs Found to be Not Used**

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

- A. Tax Certificates for Exporters
- B. Electricity Discounts for Exporters
- C. Export Packing Credits
- D. Rediscount of Industrial Bills
- E. IPA Section 33
- F. Export Processing Zones
- G. Reduced Business Taxes for Producers of Intermediate Goods for Export Industries
- H. International Trade Promotion Fund

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

**Analysis of Comments**

*Comment 1:* Respondents argue that the Department must liquidate entries during 1994 without regard to countervailing duties because the URAA does not provide an injury test for 1994 entries as required under the Agreement on Subsidies and Countervailing Measures (*Subsidies Agreement*). Citing Article 32.3 of the *Subsidies Agreement*, respondents argue that the *Subsidies Agreement* is applicable to all reviews, including the instant review, initiated pursuant to requests made after January 1, 1995. Respondents argue that the requirements of the Agreement include

the application of an injury test to entries covered by such a review. According to respondents, however, the URAA did not provide a mechanism to implement this obligation; rather, the URAA only provides an injury test for merchandise entered on or after January 1, 1995. Therefore, respondents assert that assessment of countervailing duties on 1994 entries would violate U.S. obligations under the *Subsidies Agreement*.

*Department's Position:* Respondents have misinterpreted both U.S. law and the Subsidies Agreement. There is no legal basis under U.S. law for respondents' claim. Because Thailand became a *Subsidies Agreement* country on January 1, 1995, only entries made on or after January 1, 1995 are entitled to the injury test. See section 753 of the Act; 19 U.S.C. § 1675b. Section 753 (a) (4) makes this clear by providing for the suspension of liquidation of entries of subject merchandise made "on or after . . . the date on which the country . . . becomes a *Subsidies Agreement* country . . ." See also *Ceramica Regiomontana, S.A. v. United States*, 64 F.3d 1579 (Fed. Cir. 1995) (the right to an injury test is conferred at the time of importation (entry) in the United States). Therefore, countervailing duties may be assessed on Thai imports entered before January 1, 1995, without regard to an injury test.

Moreover, Article 32.3 of the *Subsidies Agreement* does not require an injury determination for merchandise entered prior to January 1, 1995. (See also *Footwear from Brazil* GATT Panel Decision confirming that liability for countervailing duties attaches at the time of importation, not assessment.) Liability for countervailing duties attaches at the time of entry and, because the subject merchandise entered in 1994, there is no obligation under the *Subsidies Agreement* to supply an injury test to these 1994 entries.

*Comment 2:* Respondents argue that, due to the "upstream subsidies" provision, the Department's inclusion of benefits received by NMB Precision Ball, Ltd. in the subsidy calculation is contrary to law. They claim that, because NMB Precision Ball, Ltd. is separately incorporated, any benefits it receives on inputs must be analyzed under the upstream provision. They also contend that the Department lacks authority to countervail any subsidies provided on the input balls supplied by NMB Precision Ball, Ltd. because petitioners have not made an "upstream subsidies" allegation.

*Department's Position:* We disagree with respondents. Including the benefits

received by NMB Precision Ball, Ltd. in the benefit calculation is not contrary to the upstream provision of the statute. In fact, it is necessary to include these subsidies in order to accurately determine the total net subsidy attributable to subject merchandise.

NMB Precision Ball, Ltd. does not produce bearings; nor does it make commercial shipments of bearings to the United States. However, it does produce balls which it then supplies to other Minebea companies, including Minebea companies in Thailand. When the Department issued its questionnaire for this review, it requested information for all companies in Thailand which produced and/or exported subject merchandise that was exported to the United States. At verification, the Department learned that NMB Precision Ball, Ltd. produced balls that were exported to the United States as parts of finished ball bearings during the review period. Only then, upon request, did the Department gather information to determine whether NMB Precision Ball, Ltd. should be included in the subsidy calculations.

At verification, we found that the balls produced by NMB Precision Ball, Ltd. were exported either directly or as parts of bearings assembled by other Minebea companies in Thailand. Both the balls and bearings are merchandise subject to this review. As explained in the preliminary results of this review (61 FR 34794, July 3, 1996), the subsidies received by NMB Precision Ball, Ltd. on its sales of these balls are export subsidies. NMB Precision Ball, Ltd. receives these export subsidies not only for the balls that are exported directly but also for the balls that are sold to other Minebea companies for incorporation into ball bearings which are then exported. Therefore, the Department properly included in the subsidy calculation the benefits attributable to balls produced by NMB Precision Ball, Ltd. but exported by other Minebea companies in Thailand as parts of finished ball bearings.

Because these are export subsidies, the upstream subsidy provision is not applicable (see section 771A(a) of the Act). Specifically, the upstream subsidy provision, by its terms, expressly excludes export subsidies from its coverage (based on the presumption that an export subsidy paid on a nonsubject input product benefits the exportation of that product, not the downstream product). The upstream subsidy provision is not intended to cover the situation in this case. Further, separate and apart from this provision, such export subsidies on subject merchandise are plainly covered by the U.S.

countervailing duty law. Accordingly, the export subsidies here on balls and ball bearings are countervailable.

Further, the fact that NMB Precision Ball, Ltd. is separately incorporated is irrelevant because these are export subsidies which are provided to balls contingent on their subsequent exportation, and the balls are covered by the order. It does not matter whether the balls are exported directly or whether the balls are sold to another company, incorporated into ball bearings, and then exported; all of the balls receive the export subsidy. Thus, the subject merchandise exported to the United States by the other Minebea companies during the period of review benefitted not only from the export subsidies on balls produced by NMB Precision Ball, Ltd. but also from the export subsidies provided on finished ball bearings.

*Comment 3:* Respondents claim that several of the essential materials for which BOI grants duty exemptions meet the "consumed in production" standard, and, therefore, duty exemptions on these materials should be found not countervailable. They argue that the Department improperly countervailed certain duty exemptions on inputs used in the production process because it has interpreted the meaning of the footnote 61 of Annex II of the *Subsidies Agreement* regarding "inputs consumed in the production process" too narrowly.

*Department's Position:* We disagree with respondents. Prior to the Uruguay Round Agreement, only duty exemptions on inputs that were physically incorporated into the product being exported (e.g., raw material inputs) were considered non-countervailable. Under the *Subsidies Agreement*, this has been broadened to include duty exemptions on products that are "consumed in production." Annex II of the Agreement contains a footnote (n. 61) which defines inputs consumed in the production process as: "inputs physically incorporated, energy, fuels and oils used in the production process and catalysts which are consumed in the course of their use to obtain the exported product." Upon examination of the breakouts of duty exemptions that respondents claimed, we discovered that, with the exception of fixed assets, the RTG treated almost anything used in the production process as duty exempt. We found that a number of duty-exempt materials fall outside the definition in footnote 61 and have therefore countervailed the exemptions provided on items which fall outside that definition.

Respondents argue that the term "consumed in production" should

include all items that are worn out during the production process and that physically touch the product (e.g., grinding wheels and drill bits) as well as items such as packing materials. However, it is the Department's position that the definition in Annex II is unambiguous, and therefore, the only duty exemptions that we find not countervailable are those on materials which are physically incorporated into the exported product and on oils used in the production process. The remaining duty exemptions received by the respondent companies on items such as drill bits and grinding wheels do not fit the definition in Annex II. They are not physically incorporated; nor are they energy, fuels, oils, or catalysts consumed in the course of their use. Accordingly, we continue to find those exemptions countervailable.

*Final Results of Review*

In accordance with section 355.22(c)(4)(ii) of the Department's *Interim Regulations*, we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. As discussed above in the *Background* section, the Department considers the Minebea Group of Companies as one corporate entity. Therefore, we have calculated one subsidy rate for the Minebea Group of Companies in Thailand. For the period January 1 through December 1, 1994, we determine the net subsidy to be as follows:

Net subsidies—producer/exporter	Net subsidy rate
Minebea Group of Companies (NMB Thai, Pelmec Thai, NMB Hi-Tech, NMB Precision Ball, Ltd.) .....	5.25%.

We will instruct the U.S. Customs Service ("Customs") to assess countervailing duties as indicated above.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. See section 355.22(a) of the *Interim Regulations*. Pursuant to 19 CFR § 355.22(g), for all companies for which a review was not requested, duties must be assessed at

the cash deposit rate previously ordered. Accordingly, we will instruct Customs to liquidate at the cash deposit rate in effect at the time of entry all entries of subject merchandise from non-reviewed companies.

Pursuant to petitioner's statement of no further interest in the CVD order on ball bearings and parts thereof from Thailand for entries after December 31, 1994, the Department conducted a changed circumstances review and, effective January 1, 1995, revoked this countervailing duty order pursuant to section 782(h)(2) of the Act. *Ball Bearings and Parts Thereof from Thailand: Final Results of Changed Circumstances Countervailing Duty Review and Revocation of Countervailing Duty Order*, 61 FR 20799 (May 8, 1996). Accordingly, suspension of liquidation was terminated effective January 1, 1995, and the Department will not issue further instructions with respect to cash deposits of estimated countervailing duties.

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)).

Dated: December 30, 1996.  
Robert S. LaRussa,  
*Acting Assistant Secretary for Import Administration.*

Appendix  
*Scope of Review*

Ball Bearings, Mounted or Unmounted, and Parts Thereof

The products covered by this review, ball bearings, mounted or unmounted, and parts thereof, include all antifriction bearings which employ balls as the rolling element. During the review period, imports of these products were classifiable under the following categories: antifriction balls; ball bearings with integral shafts; ball bearings (including radial ball bearings) and parts thereof; ball bearing type pillow blocks and parts thereof; ball bearing type flange, take-up, cartridge, and hanger units, and parts thereof; and other bearings (except tapered roller bearings) and parts thereof. Wheel hub

units which employ balls as the rolling element are subject to the review. Finished but unground or semiground balls are not included in the scope of this review.

Imports of these products are currently classifiable under the following HTS item numbers: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, and 8708.99.50. This review covers all of the subject bearings and parts thereof outlined above with certain limitations. With regard to finished parts (inner race, outer race, cage, rollers, balls, seals, shields, etc.), all such parts are included in the scope of this review. For unfinished parts (inner race, outer race, rollers, balls, etc.), such parts are included if (1) they have been heat treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by this review are those parts which will be subject to heat treatment after importation.

[FR Doc. 97-184 Filed 1-3-97; 8:45 am]  
BILLING CODE 3510-DS-P

[C-475-819]

**Notice of Rescission of Expedited Countervailing Duty Administrative Review: Certain Pasta from Italy**

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

**ACTION:** Notice of rescission of expedited countervailing duty administrative review.

**SUMMARY:** The Department of Commerce ("the Department") rescinds its expedited countervailing duty administrative review of the order covering certain pasta from Italy initiated on October 10, 1996 (61 FR 53198).

**EFFECTIVE DATE:** January 6, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kristin Mowry, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 482-3798.

**SUPPLEMENTARY INFORMATION:**  
Background

On October 10, 1996, at the request of two exporters of pasta, Pastificio Oleificio Mangimificio Bianconi S.p.A ("Bianconi") and Pastificio Nuova Bettini S.p.A. ("Bettini"), we published