

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute and Regulations**

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 Tariff Act) by the Uruguay Round Agreements Act (URAA).

**Background**

On September 10, 1997 (62 FR 47632), the Department of Commerce (the Department) published the final results of the new shipper review of the antidumping duty order on certain welded carbon standard steel pipes and tubes from India (51 FR 9089, March 17, 1989). On September 23, 1997, we received a timely allegation from Rajinder Pipes Ltd. (Rajinder), pursuant to § 353.28 of the regulations, that we made ministerial errors in the final results.

Rajinder contended that in the margin calculations for the final results we incorrectly deducted inventory carrying costs incurred in India from U.S. price and failed to deduct advertising expenses from normal value. See Memorandum to the File from Kristie Strecker to Robin Gray (October 21, 1997). We agree with Rajinder that these were ministerial errors, and we have corrected these ministerial errors in these amended results in order to reflect our intent and our practice pursuant to § 353.28.

**Amended Final Results of Review**

As a result of our correction of the ministerial errors, we have determined the margin for the period May 1, 1995 through April 30, 1996 to be:

Company	Margin (percent)
Rajinder .....	18.25

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. price and normal value may vary from the percentage stated above. The Department will issue appraisal instructions concerning the respondent directly to the U.S. Customs Service. Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these amended final results of administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Rajinder will be the rate indicated 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, a prior review, or in the original less-than-fair-value (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 or any previous review conducted by the Department, the cash deposit rate will be 7.08 percent, the all-others rate established in the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. 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 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

These amended final results of administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.28(c).

Dated: November 19, 1997.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 97-31134 Filed 11-25-97; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-549-401]

**Certain Apparel 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 September 3, 1997, the Department of Commerce published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on Certain Apparel from Thailand for 1991. The Department of Commerce has now completed this review in accordance with section 751(a) of the Tariff Act of 1930, as amended. For information on the net bounty or grant, please see the "Final Results of Review" section. We will instruct the U.S. Customs Service to assess countervailing duties as indicated in that section.

**EFFECTIVE DATE:** November 26, 1997.

**FOR FURTHER INFORMATION CONTACT:** Robert Copyak or Constance Cunningham, 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:**

**Applicable Statute and Regulations**

The Department of Commerce (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.

**Background**

On September 3, 1997, the Department published in the **Federal Register** (62 FR 46475) the preliminary results of its administrative review of the countervailing duty order on Certain Apparel from Thailand. Since the publication of the preliminary results, the following events have occurred. We invited interested parties to comment on the preliminary results. On September 23, 1997, we received one comment from UNITE, formerly known as the

Amalgamated Clothing and Textile Workers Union, indicating support for the preliminary results.

This review covers the period January 1, 1991, through December 31, 1991, and involves 19 companies and 4 programs.

**Scope of Review**

Imports covered by this review are certain apparel from Thailand. Such merchandise is described in detail in the Appendix to this notice.

**Calculation Methodology for Assessment Purposes**

The country-wide rate we calculated for this administrative review was above *de minimis*, as defined by 19 CFR § 355.7 (1994). We examined the net 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). Four companies had significantly different net rates during the review period. These companies are treated separately for assessment purposes. All other companies are assigned the country-wide rate. See "Final Results of Review" section, below.

**Analysis of Programs**

*I. Programs Conferring Subsidies*

In the preliminary results we found that these programs conferred countervailable benefits on the subject merchandise. Our review of the record has not led us to change our findings from the preliminary results. On this basis, the weighted-average bounty or grant for these programs are as follows:

Program name	Program rate (percent)
Export Packaging Credits .....	0.55
Tax Certificates for Exports .....	.31
Electricity Discounts for Exporters .....	.20

Program name	Program rate (percent)
Investment Promotion Act (IPA)—Sections 28 and 36(4)	.07

*II. Programs Found Not to be used*

We determine that the producers and/or exporters of the subject merchandise did not apply for or receive benefits under the following programs:

- A. Rediscount of Industrial Bills
- B. Assistance for Trading Companies
- C. IPA (Sections 29, 30, 31, 33, 36(1-3))
- D. Export Processing Zones
- E. Financing from the Industrial Finance Corporation of Thailand

**Final Results of Review**

For the period January 1, 1991 through December 31, 1991, we determine the net bounty or grant to be 1.13 percent *ad valorem* for all companies except Thai Garment Export Co., Ltd., Fairtex Garment Co., Ltd., Fang Brothers Holding (Thailand) Co., Ltd., and East Asia Textile Ind. Co., Ltd., which have *de minimis* rates. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis*.

The Department will instruct the U.S. Customs Service to assess countervailing duties of 1.13 percent *ad valorem* for all shipments of the subject merchandise exported on or after January 1, 1991, and on or before December 31, 1991, for all producers and exporters except Thai Garment Export Co., Ltd., Fairtex Garment Co., Ltd., Fang Brothers Holding (Thailand) Co., Ltd., and East Asia Textile Co., Ltd. For these companies, the Department will instruct the U.S. Customs Service to liquidate all shipments of the subject merchandise without regard to countervailing duties.

As noted above, this countervailing duty order was subject to section 753 of the Act, as amended by the URAA. See

*Countervailing Duty Order: Opportunity to Request a Section 753 Injury Investigation* (60 FR 27,693, 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 revoked this countervailing duty order, effective January 1, 1995, pursuant to section 753(b)(3)(B) of the Act. See *Revocation of Countervailing Duty Order* (60 FR 40568, August 9, 1995) and *Notice of Determination to Amend Revocation, in Part, of Countervailing Duty Order* (62 FR 392, January 3, 1997). Accordingly 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)) and 19 CFR 355.22.

Dated: November 19, 1997.

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

**Appendix**

[C-549-401]

**Countervailing Duty Order on Certain Apparel From Thailand; Harmonized Tariff Schedule Numbers**

HTS No.	Annotation
6101.2000 ....	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6101.3020	
6102.1000	
6103.1920 ....	Coverage limited to garments that would be covered if separately entered.
6103.2200 ....	
6103.2300 ....	
6103.2910 ....	Coverage limited to garments that would be covered if separately entered.
6103.4210 ....	
6103.4315 ....	
6103.4910 ....	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6104.1320	
6104.1915	
6104.2100.10	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6104.2100.30	
6104.2100.40	

HTS No.	Annotation
6104.2100.60	
6104.2100.80	
6104.2200.10	
6104.2200.60	
6104.2200.80	
6104.2200.90	
6104.2300.22	
6104.2910.60	
6104.5100 ....	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6104.5310 ....	Coverage limited to wool skirts.
6104.5910 ....	Coverage limited to wool skirts; coverage excludes girls' skirts or divided skirts not having embroidery or permanently affixed applique work on the outer surface.
6104.6920 ....	Coverage limited to wool trousers.
6105.1000	
6105.2020	
6106.1000	
6109.1000	
6109.9010.07	
6109.9010.09	
6109.9010.13	
6109.9010.25	
6109.9010.47	
6109.9010.49	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6110.2020 ....	Coverage excludes men's or boys' garments having embroidery or permanently affixed applique work on the outer surface.
6110.3030.05	
6110.3030.10	
6110.3030.15	
6110.3030.20	
6110.3030.25	
6110.3030.40	
6110.3030.50	
6111.3040 ....	Coverage limited to sweaters; coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6111.3050	
6111.9040	Coverage limited to sweaters.
6111.9050	
6112.1200.10	
6112.1200.30	
6112.1200.50	
6112.1910.10	Coverage limited to men's and boy's garments that would be covered if separately entered.
6112.1910.30	Coverage excludes men's or boy's garments that would be covered if separately entered.
6112.1910.50	Coverage excludes men's or boy's garments that would be covered if separately entered.
6112.2010.10	Coverage excludes men's or boy's garments that would be covered if separately entered.
6112.2010.30	Coverage limited to men's and boy's garments that would be covered if separately entered.
6112.2010.50	Coverage excludes men's or boy's garments that would be covered if separately entered.
6112.2010.60	Coverage excludes men's or boy's garments that would be covered if separately entered.
6112.2010.80	Coverage limited to men's and boy's garments that would be covered if separately entered.
6114.2000	
6114.3010.10	
6114.3030	
6201.1220	
6201.1340	
6201.9220	
6203.1910 ....	Coverage limited to garments that would be covered if separately entered.
6203.2230 ....	Coverage limited to garments that would be covered if separately entered.
6203.2300 ....	Coverage limited to garments that would be covered if separately entered.
6203.2920 ....	Coverage limited to garments that would be covered if separately entered.
6203.4240	
6203.4340	
6203.4920	
6204.2300 ....	Coverage limited to woolen garments that would be covered if separately entered.
6204.2920.10	
6204.2920.30	
6204.2920.40	
6204.2920.50	Coverage limited to garments that would be covered if separately entered.
6205.2020	
6208.2200	
6208.9200.30	
6208.9200.40	
6209.2050	

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of initiation of process to revoke export trade certificate of review No. 88-00002.

**SUMMARY:** The Secretary of Commerce issued an export trade certificate of review to Olde South Traders, Inc. Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to Olde South Traders, Inc.

**FOR FURTHER INFORMATION CONTACT:** Morton Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 ("the Act") (15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on May 23, 1988 to Olde South Traders, Inc.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14 (a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10(a) and 325.14(c) of the Regulations).

The Department of Commerce sent to Olde South Traders, Inc. on May 13, 1997, a letter containing annual report questions with a reminder that its annual report was due on July 7, 1997. Additional reminders were sent on August 7, 1997, and on September 12, 1997. The Department has received no written response to any of these letters.

On November 20, 1997, and in accordance with Section 325.10(c)(1) of the Regulations, a letter was sent by certified mail to notify Olde South Traders, Inc. that the Department was

formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with Section 325.10(c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (Section 325.10(c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (Section 325.10(c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (Section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (Sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: November 20, 1997.

**Morton Schnabel,**

*Acting Director, Office of Export Trading Company Affairs.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of initiation of process to revoke export trade certificate of review No. 91-00003.

**SUMMARY:** The Secretary of Commerce issued an export trade certificate of review to Fabiano & Associates, Inc. Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to Fabiano & Associates, Inc.

**FOR FURTHER INFORMATION CONTACT:** Morton Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 ("the Act") (15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on May 29, 1991 to Fabiano & Associates, Inc.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14 (a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10(a) and 325.14(c) of the Regulations).

The Department of Commerce sent to Fabiano & Associates, Inc. on May 20, 1997, a letter containing annual report questions with a reminder that its annual report was due on July 14, 1997. Additional reminders were sent on August 7, 1997, and on September 12, 1997. The Department has received no written response to any of these letters.

On November 20, 1997, and in accordance with Section 325.10(c)(1) of the Regulations, a letter was sent by certified mail to notify Fabiano & Associates, Inc. that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the