

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.

[FR Doc. 96-1454 Filed 1-26-96; 8:45 am]

BILLING CODE 3510-DS-P

[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

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 the 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 applied for a tax certificate on subject merchandise to the United States at a nominal rate 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 Thai Melon repay the RTG, in an annual adjustment, the amount by which the tax certificate exceeded the import duties on physically incorporated inputs.

B. 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.

C. 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 product. 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: Sections 28, 31, 35, and 36
- D. Export Processing Zones
- E. Double Deduction of Foreign Marketing Expenses
- F. Export Packing Credits

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 of administrative review (60 FR 39363), the programs found to be used did not confer a subsidy which violated the terms of the agreement.

In regard to the tax certificate received by Thai Melon 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 Thai Melon repay to the RTG, in an annual adjustment, any amount by which the tax certificate received exceeded the amount of import duties on physically incorporated inputs. The annual

adjustment shall be calculated in accordance with Section II c(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 Thai Melon repay the amount in which the tax certificate exceeds the import duties on physically incorporated inputs. If Thai Melon fails to comply with this requirement, the Department will have grounds to determine that the signatory has 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 amount of the tax certificate is 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 January 1, 1993 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 CFR 3.5.5.22 (1994).

Dated: December 14, 1995.

Susan G. Esserman,
Assistant Secretary for Import Administration.

[FR Doc. 96-1455 Filed 1-26-96; 8:45 am]

BILLING CODE 3510-DS-P

U.S. Automotive Parts Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Closed meeting of U.S. Automotive Parts Advisory Committee.

SUMMARY: The U.S. Automotive Parts Advisory Committee (the "Committee") advises U.S. Government officials on matters relating to the implementation of the Fair Trade in Auto Parts Act of 1988. The Committee: (1) reports annually to the Secretary of Commerce on barriers to sales of U.S.-made auto parts and accessories in Japanese markets; (2) assists the Secretary in reporting to the Congress on the progress of sales of U.S.-made auto parts in Japanese markets, including the formation of long-term supplier relationships; (3) reviews and considers data collected on sales of U.S.-made auto parts to Japanese markets; (4) advises the Secretary during consultations with the Government of Japan on these issues; and (5) assists in establishing priorities for the Department's initiatives to increase U.S.-made auto parts sales to Japanese markets, and otherwise provide assistance and direction to the Secretary in carrying out these initiatives. At the meeting, committee members will discuss specific trade and sales expansion programs related to U.S.-Japan automotive parts policy.

DATES AND LOCATION: The meeting will be held on February 22, 1996 from 10:00 a.m. to 3:00 p.m. at the U.S. Department of Commerce in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Reck, Office of Automotive Affairs, Trade Development, Room 4036, Washington, D.C. 20230, telephone: (202) 482-1418.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration,

with the concurrence of the General Counsel formally determined on July 5, 1994, pursuant to Section 10(d) of the Federal Advisory Act, as amended, that the series of meetings or portions of meetings of the Committee and of any subcommittee thereof, dealing with privileged or confidential commercial information may be exempt from the provisions of the Act relating to open meeting and public participation therein because these items are concerned with matters that are within the purview of 5 U.S.C. 552b(c) (4) and (9) (B). A copy of the Notice of Determination is available for public inspection and copying in the Department of Commerce Records Inspection Facility, Room 6020, Main Commerce.

Dated: January 22, 1996.

Henry P. Misisco,
Director, Office of Automotive Affairs.
[FR Doc. 96-1459 Filed 1-26-96; 8:45 am]

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National Oceanic and Atmospheric Administration

[I.D. 011796A]

North Pacific Fishery Management Council; Committee Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of meeting.

SUMMARY: The Pacific Northwest Crab Industry Advisory Committee (PNCIAC), an advisory committee to the North Pacific Fishery Management Council (Council) will hold a meeting.

DATES: The meeting will be held on February 27, 1996, beginning at 9:00 a.m., and will end at approximately 5:00 p.m.

ADDRESSES: The meeting will be held at Leif Erikson Hall, 2245 NW 57th St, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Arni Thomson, Alaska Crab Coalition, 206-547-7560.

SUPPLEMENTARY INFORMATION: The PNCIAC will review Alaska crab fishery issues and proposed changes to current regulations, and develop recommendations to be forwarded to the Alaska Board of Fisheries and the Council.