

Received From: The National Institutes of Health, March 27, 1996.

The National Institutes of Health, the Naval Research Laboratory, and a domestic manufacturer of related instruments advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff.

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[C-559-001]

Certain Refrigeration Compressors from the Republic of Singapore; Preliminary Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce is conducting an administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore. We preliminarily determine that the signatories have complied with the terms of the suspension agreement during the period April 1, 1993, through March 31, 1994. We invite interested parties to comment on these 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: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Johnson or Jean Kemp, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482-3793.

SUPPLEMENTARY INFORMATION:

Background

On November 30, 1994, the Government of the Republic of Singapore (GOS), Matsushita Refrigeration Industries (Singapore) Pte.

Ltd. (MARIS), and Asia Matsushita Electric (Singapore) Pte. Ltd. (AMS), requested an administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore (48 FR 51167, November 7, 1983). We initiated the review, covering the period April 1, 1993, through March 31, 1994, on December 15, 1994 (59 FR 64650-1). The Department of Commerce (the Department) sent out a questionnaire on February 27, 1995, and received a joint questionnaire response from the GOS, MARIS, and AMS, on April 26, 1995. Subsequently, the Department sent out a supplemental questionnaire on July 31, 1995 and received a joint supplemental questionnaire response on August 25, 1995. Finally, the Department sent out a second supplemental questionnaire on September 21, 1995 and received a joint supplemental questionnaire response on October 2, 1995.

The final results of the last administrative review in this case were published on March 13, 1996 (60 FR 10315-18), which is on file in the Central Records Unit (room B-099 of the Main Commerce Building).

Applicable Statute and Regulations

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. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments* (54 FR 23366; May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. See 60 FR 80 (January 3, 1995).

Scope of Review

Imports covered by this review are shipments of hermetic refrigeration compressors rated not over one-quarter horsepower from Singapore. This merchandise is currently classified under *Harmonized Tariff Schedule* (HTS) item number 8414.30.40. The HTS item number is provided for convenience and Customs purposes.

The written description remains dispositive.

The review period is April 1, 1993 through March 31, 1994, and includes 6 programs. The review covers one producer and one exporter of the subject merchandise, MARIS and AMS, respectively. These two companies, along with the GOS, are the signatories to the suspension agreement.

Under the terms of the suspension agreement, the GOS agrees to offset completely the amount of the net bounty or grant determined by the Department in this proceeding to exist with respect to the subject merchandise. The offset entails the collection by the GOS of an export charge applicable to the subject merchandise exported on or after the effective date of the agreement. See *Certain Refrigeration Compressors from the Republic of Singapore: Suspension of Countervailing Duty Investigation*, 48 FR 51167, 51170 (November 7, 1983).

Analysis of Programs

(1) The Economic Expansion Incentives Act—Part VI

The Production for Export Programme under Part VI of the Economic Expansion Incentives Act allows a 90-percent tax exemption on a company's export profit if the GOS designates a company as an export enterprise. In the investigation, the Department preliminarily found this program to be countervailable because "this tax exemption is provided only to certified export enterprises." See *Preliminary Affirmative Countervailing Duty Determination: Certain Refrigeration Compressors from the Republic of Singapore*, 48 FR 39109, 39110 (August 29, 1983). MARIS is designated as an export enterprise and used this tax exemption during the period of review. AMS was not designated an export enterprise under Part VI of the Economic Expansion Incentives Act for the period of review.

According to the Export Enterprise Certificate awarded to MARIS in a letter dated May 12, 1981, MARIS is to receive this benefit on the production of compressors, electrical parts and accessories for refrigerators, and plastic refrigerators. To calculate the benefit, we divided the tax savings claimed by MARIS under this program by the f.o.b. value of total exports of products receiving the benefit, for the period of review.

MARIS' response to the Department's countervailing duty questionnaire for this review indicated that MARIS deducted export charges levied pursuant to the suspension agreement in

arriving at an adjusted profit figure, which was then used to calculate exempt export profit for the review period. In the eighth administrative review, the Department determined that the amount of the export charge deduction must be added "back to MARIS' export profit in calculating MARIS' tax savings in order to offset the deduction of the export charges in the review period." See *Preliminary Results of Countervailing Duty Review: Certain Refrigeration Compressors from Singapore*, 57 FR 31175 (July 14, 1992), upheld in *Final Results of Countervailing Duty Review: Certain Refrigeration Compressors from Singapore*, 57 FR 46539 (October 9, 1992). Therefore, as the Department did in the tenth administrative review, in calculating the benefit from this program, we have added back this deduction. On this basis, we preliminarily determine the benefit from this program during the review period to be 2.20 percent of the f.o.b. value of the merchandise.

(2) Finance & Treasury Center (FTC)

The Finance & Treasury Center Program allows for the taxation at a concessionary rate of 10 percent on certain income earned by companies providing treasury, investment, or financial services in Singapore for their subsidiaries/affiliates outside Singapore. The FTC program under Section 43E of the Singapore Income Tax Act has been in effect since April 1, 1989 (since Singapore tax "year of assessment 1991"). According to the response, 10 companies' applications to the FTC program had been received and approved by March 31, 1994, including AMS. Every company which has applied to the program has been accepted. MARIS did not participate in the program for the period of review.

The Department examined this program in the tenth review and found it to be *de facto* specific, and therefore countervailable. See *Certain Refrigeration Compressors from Singapore; Final Results of Countervailing Duty Administrative Review ("Final Results")*, 60 FR 10315-16 (March 13, 1996). The Department also stated in its preliminary results for the tenth review that, "(b)ecause it is probable that participation in the FTC program by MNCs in Singapore could change over time, in future reviews we may re-examine the circumstances which have led the Department to find the program *de facto* specific, should any new information about the program's specificity arise." See *Certain Refrigeration Compressors from the Republic of Singapore: Preliminary*

Results of Countervailing Duty Administrative Review ("Preliminary Results"), 59 FR 59749, 59750 (November 18, 1994).

Because the numbers for firms and industries participating remain unchanged from the tenth review, the Department continues to find the FTC program *de facto* specific, and therefore countervailable.

To calculate the benefit, we divided the tax savings attributable to the subject merchandise under this program by the value of all AMS product sales for the period of review. On this basis, we preliminarily determine the benefit from this program during the review period to be 0.02 percent of the f.o.b. value of the merchandise.

(3) The Investment Allowance Program

The Investment Allowance Program under Part X of the Economic Expansion Incentives Act provides tax allowances for investment in automated/mechanized systems. The program is available to companies engaged in the manufacturing of any product, the provision of services, or any of a wide variety of additional activities. In the tenth administrative review, the Department determined that this program is not countervailable. (See *Preliminary Results* at 59751, upheld in the *Final Results*, 10315). Additionally, according to the response, AMS (which has qualified for this program) did not use this program for the period of review. Therefore, barring new information, the Department will not consider this program in future reviews.

(4) Technical Assistance Fees/Royalty Payments

Under Part IX of the Economic Expansion Incentives Act, payment by Singaporean companies of license, royalty, and technical assistance fees to offshore companies is exempted from withholding tax in Singapore. MARIS receives tax exempt treatment for its payment of technical assistance fees to its Japanese parent and to another related party in Japan. AMS did not use this program during the period of review.

However, in the tenth administrative review, the Department concluded that there was no evidence on the record to indicate that the TAF program provided any direct or indirect benefits, including countervailable benefits, for the period of review. See *Final Results* at 10317-18. The Department has no evidence that the program operated differently for this review period. Therefore, absent new information, the Department will not consider this program in future reviews.

(5) Operational Headquarters Program

The Operational Headquarters Program (OHQ) is a program under which companies are eligible to receive certain tax concessions for up to ten years on income arising from a company's overseas affiliated companies. Income arising from the provision of qualifying services is subject to a concessionary tax rate of 10 percent. AMS had OHQ status during the period of review, while MARIS did not.

In the *Final Results* (at 10317) of the tenth review, the Department stated that it "found in previous reviews and verified in [the tenth] review that no benefits are conferred upon the subject merchandise." For the current period of review, the Department notes that the terms of the program regarding qualifying income in the case of AMS have not changed in such a way as to qualify any of AMS' income related to subject merchandise. Therefore, the Department preliminarily determines that because AMS has not used this program in connection with the subject merchandise, the OHQ program confers no benefits which would be countervailable under the terms of the suspension agreement.

(6) Financing through the Monetary Authority of Singapore

Under the terms of the suspension agreement, MARIS and AMS agreed not to apply for or receive any financing provided by the rediscount facility of the Monetary Authority of Singapore for shipments of the subject merchandise to the United States. We determined during the review that neither MARIS nor AMS received any financing through the Monetary Authority of Singapore on the subject merchandise exported to the United States during the review period. Therefore, we preliminarily determine that both companies have complied with this clause of the agreement.

Preliminary Results of Review

The suspension agreement states that the GOS will offset completely with an export charge the net bounty or grant calculated by the Department. As a result of our review, we preliminarily determine that the signatories have complied with the terms of the suspension agreement, including the payment of the provisional export charges in effect for the period April 1, 1993 through March 31, 1994. We also preliminarily determine the net bounty or grant to be 2.22 percent of the f.o.b. value of the merchandise for the April

1, 1993 through March 31, 1994 review period.

Following the methodology outlined in section B.4 of the agreement, the Department preliminarily determines that, for the period April 1, 1993 through March 31, 1994, a negative adjustment may be made to the provisional export charge rate in effect. The adjustments will equal the difference between the provisional rate in effect during the review period and the rate determined in this review, plus interest. This rate, established in the notice of the final results of the eighth administrative reviews of the suspension agreement, was 5.52 percent. *See Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Countervailing Duty Administrative Review*, 57 FR 46540 (October 9, 1992). The GOS may refund or credit, in accordance with section B.4.c of the agreement, the difference, plus interest, calculated in accordance with section 778(b) of the Tariff Act, within 30 days of notification by the Department. The Department will notify the GOS of these adjustments after publication of the final results of this review.

If the final results of this review remain the same as these preliminary results, the Department intends to notify the GOS that the provisional export charge rate on all exports to the United States with Outward Declarations filed on or after the date of publication of the final results of this administrative review shall be 2.22 percent of the f.o.b. value of the merchandise.

The agreement can remain in force only as long as shipments from the signatories account for at least 85 percent of imports of the subject refrigeration compressors into the United States. Information on the record of this review indicates that the two signatory companies accounted for 100 percent of imports into the United States from Singapore of this merchandise during the review period.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Pursuant to 19 CFR 355.38(c), interested parties may submit written comments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be

served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due.

The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief, or at a hearing.

This 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 355.22.

Dated: June 4, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

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National Oceanic and Atmospheric Administration

[Docket No. 960322092-6159-02; I.D. 032596B]

RIN 0648-ZA19

Gulf of Mexico Fisheries Disaster Program

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

ACTION: Final notice of availability of Federal assistance.

SUMMARY: NMFS establishes a Gulf of Mexico Fisheries Disaster Program (Program) that will provide \$5 million in financial assistance to commercial fishermen who suffered uninsured fishing vessel or gear damage or loss caused by hurricanes, floods, or their aftereffects. Assistance will be in the form of a discretionary grant only; this notice does not create an entitlement program.

DATES: Applications must be received by close of business October 7, 1996.

ADDRESSES: Applications should be sent to Charles L. Cooper, Program Leader, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this notice should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Charles L. Cooper, Program Leader, (301) 713-2396.

SUPPLEMENTARY INFORMATION: On August 2, 1995, the Secretary of Commerce (Secretary) declared fisheries disasters in the Pacific Northwest, New England and the Gulf of Mexico (Gulf). The Secretary stated that the Gulf disaster arose from hurricanes and floods, and their aftereffects, occurring from August 23, 1992, through December 31, 1995. Commercial fishing vessels and gear were damaged or lost either as a direct result of these events or through contact with underwater hazards created by the storms and floods. Under the authority of the Interjurisdictional Fisheries Act (IFA) of 1986 (16 U.S.C. 4107(d)), as amended, a total of \$5 million in Federal financial assistance is available to commercial fishermen in the Gulf of Mexico for uninsured losses due to vessel or gear loss or damage due to the natural disasters covered by the August 2, 1995, disaster declaration.

On behalf of the Secretary, NMFS published a Notice of Proposed Program on April 1, 1996 (61 FR 14293), to solicit public comments. In addition, the NOAA Office of Sustainable Development and Intergovernmental Affairs conducted three town meetings in Texas, Louisiana, and Florida, respectively, in order to solicit public comment on the proposed program.

Comments received in writing or from public meetings in response to the proposed program are summarized and responded to in this document.

During the comment period, Congress amended the IFA to provide NMFS with more program flexibility. Pursuant to these amendments, fishermen may now recover up to 100 percent of their uninsured loss, and fishermen who earn less than \$2 million in net revenues annually from commercial fishing are now eligible to participate in the program.

Comments and Responses

NMFS received 11 written responses to the proposed program. In addition, several points were raised on the record during the public meetings. In total, NMFS identified the following 10 distinct comments on the proposed program.

Comment: Eight commenters suggested expanding the area eligible for assistance beyond the Gulf of Mexico to include other Florida coastal areas affected by the weather events that were the subject of the declared fisheries disasters.

Response: The IFA provides for assistance to fishermen affected by declared fisheries disasters. The