

[C-122-404]**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.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Brian Albright, Office of CVD/AD Enforcement, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 482-2786.

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 December 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 good cause for conducting a changed circumstances review. As a result, on May 29, 1996, the Department initiated and simultaneously issued the preliminary results of a changed circumstances review, preliminarily determining to revoke the order, in part, with respect to slaughter sows and boars and weanlings (61 FR 26879). We gave interested parties an opportunity to comment on the preliminary results of this changed circumstances review. We received no comments.

Scope of the Order

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 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.

[FR Doc. 96-22128 Filed 8-28-96; 8:45 am]

BILLING CODE 3510-DS-P

[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: In response to a request by the petitioner, Tecumseh Products Company (Tecumseh), the Department of Commerce (the Department) is conducting an administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore. This review covers the Government of the Republic of Singapore (GOS), Matsushita Refrigeration Industries (Singapore) Pte. Ltd. (MARIS), and Asia Matsushita Electric (Singapore) Pte. Ltd. (AMS), AMS was the sole exporter of the subject merchandise to the United States during the period of review (POR) April 1, 1994, through March 31, 1995. We preliminarily determine that the signatories have complied with the terms of the suspension agreement during the POR.

Interested parties are invited 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: August 29, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Jean Kemp, AD/CVD Enforcement, Group III, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482-3793.

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 compressor from

the Republic of Singapore. On November 30, 1995, the petitioner, Tecumseh, 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, 1994, through March 31, 1995, on December 15, 1995 (60 FR 64413). The Department is now conducting this review in accordance with section 751 of the Tariff Act and 19 CFR 355.22. The Department sent out a questionnaire on March 4, 1995, and received a joint questionnaire response from the GOS, MARIS, and AMS, on April 25, 1996. Subsequently, the Department sent out a supplemental questionnaire on May 17, 1996 and received a joint supplemental questionnaire response on May 31, 1996.

Scope of the 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, 1994 through March 31, 1995, and includes 3 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 90–91 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), affirmed 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 92–93 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 1.23 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 ten 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, applications to the FTC program had been received and approved by March 31, 1995 for 14 companies, 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 92–93 review and found it to be *de facto* specific, and therefore countervailable. (See *Certain Refrigeration Compressors from the Republic of Singapore: Final Results of Countervailing Duty Administrative Review ("Final Results")*, 61 FR 10315–8 (March 13, 1996)). The Department also stated in its preliminary results for the 92–93 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 (November 18, 1994).

During the 92–93 review, the Department found that 10 enterprises, representing five industries, were participating in the program (See *Preliminary Results at 59750* (November 18, 1994)). For this review, the number of firms/enterprises participating in the FTC program for this review has increased to 14, and the number of industries participating has increased to eight. In performing our analysis of this program, the Department found that the overall increase in the number of firms/enterprises (*i.e.*, 10 to 14) and industries (*i.e.*, 5 to 8) participating in the FTC program was negligible. Section 771 (5A)(D)(iii)(I) of the Tariff Act provides that, where there are reasons to believe that a subsidy may be specific as a matter of fact, the subsidy is specific if one or more of four factors exist. The first factor is whether the actual recipients of the subsidy, whether considered on an enterprise or industry basis, are limited in number. Given the large number of multi-national companies operating in Singapore, the Department continues to find the FTC program *de facto* specific, and therefore countervailable, because only a small group of firms/enterprises representing

only eight industries actually used the FTC program.

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 0.01 percent of the f.o.b. value of the merchandise.

(3) 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, 1994 through March 31, 1995. We also preliminarily determine the net bounty or grant to be 1.24 percent of the f.o.b. value of the merchandise for the April 1, 1994 through March 31, 1995 review period.

Following the methodology outlined in section B.4 of the agreement, the Department preliminarily determines that, for the period April 1, 1994 through March 31, 1995, 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. The provisional rate, established in the notice of the final results of the 90-91 administrative reviews of the suspension agreement (See Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Countervailing Duty Administrative Review, 57 FR 46540 (October 9, 1992)) was 5.52 percent. The GOS may refund or credit, in

accordance with section B.4.c of the agreement, the difference between that amount and 1.24 percent, 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 1.24 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. Our information 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 within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication of this notice. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

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

This administrative review and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: August 22, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-22127 Filed 8-28-96; 8:45 am]

BILLING CODE 3510-DS-P

National Oceanic and Atmospheric Administration

[I.D. 081696A]

Small Takes of Marine Mammals Incidental to Specified Activities; McDonnell Douglas Aerospace Delta II Vehicles at Vandenberg Air Force Base, CA

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

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received a request from the U.S. Air Force for continuation of an authorization to take small numbers of harbor seals by harassment incidental to launches of McDonnell Douglas Aerospace (MDA) Delta II (Delta II) vehicles at Space Launch Complex 2W (SLC-2W), Vandenberg Air Force Base, CA (Vandenberg). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize the Air Force to incidentally take, by harassment, small numbers of harbor seals, California sea lions and northern elephant seals in the vicinity of Vandenberg for a period of 1 year.

DATES: Comments and information must be received no later than September 30, 1996.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application, a list of the references used in this document, and/or previous Federal Register notices on this activity may be obtained by writing to this address or by telephoning one of the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301-713-2055, or Irma Lagomarsino, Southwest Regional Office at 310-980-4016.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.