

allegedly subsidized lumber. Therefore, we have not addressed the first and third criteria.

#### *Competitive Benefit*

In determining whether subsidies to the upstream supplier(s) confer a competitive benefit within the meaning of section 771A(a)(2) on the producer of the subject merchandise, section 771A(b) directs that:

...a competitive benefit has been bestowed when the price for the input product...is lower than the price that the manufacturer or producer of merchandise which is the subject of a countervailing duty proceeding would otherwise pay for the product in obtaining it from another seller in an arms-length transaction.

The Department's Proposed Regulations offer the following hierarchy of benchmarks for determining whether a competitive benefit exists:

...In evaluating whether a competitive benefit exists pursuant to paragraph (a)(2) of this section, the Secretary will determine whether the price for the input product is lower than:

- (1) The price which the producer of the merchandise otherwise would pay for the input product, produced in the same country, in obtaining it from another unsubsidized seller in an arm's length transaction; or
- (2) A world market price for the input product.

In this instance, Leclerc purchases the input product, lumber, from numerous unsubsidized, unrelated suppliers in Canada. Therefore, we have used the prices charged to Leclerc by these suppliers as the benchmark.

We compared the prices paid by Leclerc to its "allegedly subsidized" suppliers with the prices paid to unsubsidized suppliers on a product-by-product and aggregate basis (see, October 10 and November 6, 1996, Memoranda from Team to Susan H. Kuhbach, Acting Deputy Assistant Secretary). Based on our comparison of these prices, we found that the price of allegedly subsidized lumber was generally equal to or exceeded the price of unsubsidized lumber. Therefore, we preliminarily determine that Leclerc did not receive an upstream subsidy.

#### *Summary*

The total estimated preliminary net countervailable subsidy rate for Leclerc is 0.31 percent, which is *de minimis*. As noted above, the rates for IHP, Erie and Milner are either zero or *de minimis*. Therefore, we preliminarily determine that countervailable subsidies are not being provided to manufacturers, producers, or exporters of LHF in Canada.

#### *Verification*

In accordance with section 782(i) of the Act, we will verify the information submitted by respondents prior to making our final determination.

#### *Critical Circumstances*

The petitioner alleged that critical circumstances exist with respect to imports of subject merchandise. Because we have reached a negative preliminary determination, this issue is moot.

#### *ITC Notification*

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary, Import Administration.

If our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

#### *Public Comment*

In accordance with 19 CFR 355.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing will be held on January 3, 1997, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to request a hearing must submit a written request within 10 days of the publication of this notice in the Federal Register to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, N.W., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, 10 copies of the business proprietary version and five copies of the nonproprietary version of the case briefs must be submitted to the Assistant Secretary no later than December 17, 1996. Ten copies of the business proprietary

version and five copies of the nonproprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than December 23, 1996. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 355.38 and will be considered if received within the time limits specified above. This determination is published pursuant to section 703(f) of the Act.

Dated: November 12, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-29661 Filed 11-19-96; 8:45 am]

BILLING CODE 3510-DS-P

#### **Export Trade Certificate of Review**

**ACTION:** Notice of application to amend certificate.

**SUMMARY:** The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, 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 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

#### **Request for Public Comments**

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice

to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 89-3A010."

Air-Conditioning and Refrigeration Institute's ("ARI") original Certificate was issued on May 10, 1991 (56 FR 23284, May 21, 1991) and previously amended on July 6, 1992 (57 FR 30956, July 13, 1992) and February 9, 1995 (60 FR 9011, February 16, 1995). A summary of the application for an amendment follows.

#### Summary of the Application

*Applicant:* Air-Conditioning and Refrigeration Institute ("ARI"), 4301 North Fairfax Drive, Suite 425, Arlington, Virginia 22203.

Contact: Renee Hancher, Director of International Trade, Telephone: (703) 524-8800.

*Application No.:* 89-3A010.

*Date Deemed Submitted:* November 6, 1996.

*Proposed Amendment:* ARI seeks to amend its Certificate to:

1. Add each of the following companies as new "Members" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Calmac Manufacturing Corporation, Englewood, New Jersey; Des Champs Laboratories, Inc., Natural Bridge Station, Virginia; Elkhart Product Corporation, Geneva, Indiana; IMI Cornelius, Inc., Anoka, Minnesota; Inter-City Products Corporation, USA, Lewisburg, Tennessee; Mainstream Engineering Corporation, Rockledge, Florida; Metal Industries Inc., Clearwater, Florida; National Comfort Products, Bensalem, Pennsylvania; New Thermal Technologies Inc., Clearwater, Florida; Refrigerant Recovery Technologies, Inc., Garrett, Indiana; Refron, Inc., Long Island City, New York; SPX Corporation, for the activities of its Robinair Division-HVAC/R Group, Montpelier, Ohio; Russell, Brea, California; Semco, Incorporated, Columbia, Missouri; The Whalen Company, Easton, Maryland; and two subsidiaries of AAF/McQuay: AAF International, Louisville, Kentucky and McQuay International, Minneapolis, Minnesota;

2. Delete the following companies as "Members" of the Certificate: Brookside Group, Inc., McCordsville, Indiana; Eaton Corporation, for the activities of its Automotive & Appliance Control

Operations, Carol Stream, Illinois; and Tomkins Industries, Inc., Dayton, Ohio;

3. Change the listing of the company name of the following current "Members" as follows: Change Heat Exchangers, Inc., and Mestek, Inc., for the activities of its Sterling Radiator Division, to Mestek, Inc., for the activities of its KOLDWAVE, Division and its Sterling HVAC Equipment Division; Lau to LAU Industries; MDI Major Diversities, Inc. to Pinnacle Products, Inc.; Miller-Picking Corporation to Miller-Picking International Corporation; NIBCO, Inc., for the activities of its OEM Division to NIBCO, Inc.; and NORDYNE Inc. to NORDYNE, INC.; and

4. Add as new products to be covered as Export Trade under the Certificate within the meaning of section 325.2(j) of the Regulations (15 CFR 325.2(j)): (1) unit ventilators, (2) air-to-air energy recovery ventilation equipment, (3) desiccant cooling and dehumidification equipment, and (4) refrigerant reclaimers.

Dated: November 14, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96-29625 Filed 11-19-96; 8:45 am]

BILLING CODE 3510-DR-P

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Adjustment of Import Limits and Guaranteed Access Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

November 15, 1996.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting import limits and guaranteed access levels.

**EFFECTIVE DATE:** November 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

#### SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

On the request of the Government of the Dominican Republic, the U.S. Government agreed to increase the 1996 Guaranteed Access Levels for Categories 338/638, 339/639 and 633. Also, the current limits for Categories 433 and 448 are being increased for swing, reducing the limit for Categories 342/642 to account for the increases.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 61 FR 1359, published on January 19, 1996.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 15, 1996.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 11, 1996, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on November 20, 1996, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit <sup>1</sup>
342/642 .....	454,702 dozen.
433 .....	24,243 dozen.
448 .....	45,470 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Guaranteed Access Level (GAL) for Categories 342/642, 433 and 448 remain unchanged. The GALs for textile products in the following categories shall be increased: