

companies for the period January 1, 1992 through December 31, 1992. We will instruct the U.S. Customs Service to assess countervailing duties as indicated above.

EFFECTIVE DATE: June 29, 1995.

FOR FURTHER INFORMATION CONTACT:

Penelope Naas or Carole Showers, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-3534 and 482-3217, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 1995, the Department published in the **Federal Register** (60 FR 15901) the preliminary results of its administrative review of the countervailing duty order on certain circular welded carbon steel pipes and tubes from Thailand (50 FR 32751; August 14, 1985). 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.

We invited interested parties to comment on the preliminary results. On April 27, 1995, a case brief was submitted by the domestic interested parties. On May 4, 1995, a rebuttal brief was submitted by the Royal Thai Government. The review period is January 1, 1992 through December 31, 1992. This review involves one company, Saha Thai Pipe and Tube, and the following programs:

1. Export Packing Credits
2. Tax Certificates for Exporters
3. Tax and Duty Exemptions Under Section 28 of the Investment Promotion Act
4. Repurchase of Industrial Bills
5. Export Processing Zones
6. International Trade Promotion Fund/Export Promotion Fund
7. Electricity Discounts for Exporters
8. Reduced Business Taxes for Producers of Intermediate Goods for Export Industries
9. Additional Incentives under the IPA

We have now completed this review in accordance with section 751 of the Act. We have made no calculation changes since the preliminary determination. Therefore, we determine that the net subsidy for these final results is the same as in the preliminary determination (60 FR 15091): 0.73 percent *ad valorem* for all exporters and

producers of pipe and tube from Thailand.

Scope of Review

Imports covered in this review are shipments of circular welded carbon steel pipes and tubes (pipes and tubes) with an outside diameter of 0.375 inch or more but not over 16 inches, of any wall thickness. These products, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A-120, A-53 and A-135. During the review period, this merchandise was classified under item numbers 7306.30.10 and 7306.30.50 of the HTS. The HTS numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Analysis of Comments

Comment 1

Petitioners challenge the Department's decision to publish a country-wide countervailing duty rate. They argue that the statute, legislative history and court precedent give the Department ample authority to calculate a company-specific rate and a separate "all others" rate in the final results of this review. In this case, petitioners argue that the Department does not have a representative sample, since other producers are known to export the subject merchandise to the United States. Petitioners state that section 355.22(d) does not control the results in this review, as the country-wide rate must bear some relation to the average rate for all producers in the country. Thus, the Department should issue a company-specific rate to Saha Thai and an all-others rate to the remaining companies.

Respondents state that section 355.22(d) requires the publication of a single, country-wide rate in this review. Respondents point to the regulations, which state that only if there is a significant differential between producers or exporters during the period under review would the Department issue individual rates. They claim that petitioners' argument, which would require the Department to use the preliminary results of the 1988 review as the basis for an "all other" rate, is not allowed by the statute or the regulations because these results are outside the period under review.

DOC Position

We agree with respondents. At verification, we verified that Saha Thai was the only company that exported the subject merchandise during the period

of review (see Verification of the Government of Thailand and Saha Thai, dated May 26, 1994). Thus, based on 355.22(c)(7)(ii), we calculated a country-wide rate. The fact that a producer did not export during the POR, but now exports, will be addressed in a subsequent administrative review if one is requested, and the appropriate rate then will be determined.

Results of Review

As a result of our review, we determine the net subsidy for the period of January 1, 1992, through December 31, 1992, to be 0.73 percent *ad valorem* for all exporters and producers of pipe and tube from Thailand.

Therefore, the Department intends to instruct the Customs Service to assess countervailing duties of 0.73 percent *ad valorem* on the f.o.b. invoice price on all shipments of this merchandise from Thailand entered, or withdrawn from warehouse, for consumption on or after January 1, 1992, and on or before December 31, 1992.

Further, the Department intends to instruct the Customs Service to collect cash deposits of 0.73 percent *ad valorem* on the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from the warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit instruction shall remain in effect until publication of the final results of the next administrative review.

The 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: June 21, 1995.

Susan G. Esserman

Assistant Secretary for Import Administration.

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Intent to Revoke Countervailing Duty Order

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

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the countervailing duty order listed below. Domestic interested parties who object to revocation of this order must submit their comments in writing not later than the last day of July 1995.

EFFECTIVE DATE: June 29, 1995.