

Dated: February 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-401-056]

Viscose Rayon Staple Fiber From Sweden; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce is conducting an administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden for the period January 1, 1996, through December 31, 1996. For information on the net subsidy for Svenska Rayon AB, as well as for all non-reviewed companies, please see the *Preliminary Results of Review* section of this notice. If the final results remain the same as the preliminary results of this administrative review, we will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Preliminary Results of Review* section of this notice. Interested parties are invited to comment on these preliminary results. See *Public Comment* section of this notice.

EFFECTIVE DATE: February 9, 1998.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Eric Greynolds, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-3692 or (202) 482-6071.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1979, the Department published in the **Federal Register** (44 FR 28319) the countervailing duty order on viscose rayon staple fiber from Sweden. On May 2, 1997, the Department of Commerce (the Department) published a notice of "Opportunity to Request Administrative Review" (62 FR 24081) of this countervailing duty order. We received

timely requests for review from Courtaulds Fibers Inc. and Lenzing Fibers Corporation (petitioners) and from Svenska Rayon AB (Svenska). We initiated the review covering the period January 1, 1996, through December 31, 1996, on June 19, 1997 (62 FR 33395).

In accordance with 19 CFR 355.22(a), this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, this review covers Svenska. This review also covers six programs.

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). The Department is conducting this administrative review in accordance with section 751(a) of the Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR 355 (1997).

Scope of the Review

Imports covered by this review are shipments from Sweden of regular viscose rayon staple fiber and high-wet modulus (modal) viscose rayon staple fiber. Such merchandise is classifiable under item number 5504.10.00 of the Harmonized Tariff Schedule (HTS). The HTS item is provided for convenience and customs purposes. The written description of the scope of the proceeding remains dispositive.

Facts Available

Section 776(a)(2) of the Act requires the Department to use facts available if "an interested party or any other person * * * withholds information that has been requested by the administering authority * * * under this title." The facts on the record show that the Government of Sweden (GOS) did not comply with the Department's requests for information required to conduct a specificity analysis. In the original questionnaire, the Department requested information regarding eligibility for and actual use of the benefits provided under the Recruitment Subsidy Program, such as: (1) The enabling legislation, (2) a translated blank copy of the application form submitted to receive benefits under the program or a description of the procedures by which an application is analyzed and eventually approved or disapproved, (3) a list indicating the number of companies, and number and type of the industries, which have received benefits under the program in the year the

provision of benefits was approved and each of the preceding three years, (4) the number of companies that applied for benefits under the program in the year the benefit was approved and each of the preceding three years, and (5) the number of applicants that have been approved or rejected in the year the benefit was approved and each of the preceding three years. The GOS responded that the detailed and relevant description of the program was provided in the 1995 review, and that the information was still relevant because no amendments were made regarding the rules and conditions of the program. The GOS also provided an amount for the Recruitment Subsidy payment made to Svenska but, the GOS did not provide to the Department any information pertaining to the recipients of benefits under the program during the POR or the two preceding years.

The Department's supplemental questionnaire again requested specificity information from the GOS. The GOS responded that it is still not possible for them to obtain data on the distribution of the Recruitment Subsidy Program by industry.

The Department placed the enabling legislation on the record of the current review, relying on the statement by the GOS that no amendments were made in 1996. However, with respect to *de facto* specificity, the record does not contain any information at all on the recipients of benefits under this program during the period of review and in the prior two years. While we understand that data on distribution of benefits by industry may not be readily available, in this review, the GOS did not provide any available documentation, such as a translated copy of the application form that may have helped explain to the Department why the information being requested could not be provided and might have indicated the availability of some information that could be useful in assessing specificity. In addition, the GOS elected not to attempt to collect whatever data was available.

Section 776(b) of the Act permits the administrative authority to use an inference that is adverse to the interests of an interested party if that party has "failed to cooperate by not acting to the best of its ability to comply with a request for information." Such an adverse inference may include reliance on information derived from (1) the petition, (2) a final determination in the investigation under this title, (3) any previous review under section 751 or determination under section 753 regarding the country under consideration, or (4) any other information placed on the record.

Because respondents were aware of the requested information but did not comply with the Department's request for such information, we find that respondents failed to cooperate by not acting to the best of their ability to comply with the Department's request. Therefore, we are using adverse inferences in accordance with section 776(b) of the Act. The adverse inference is a finding that the Recruitment Subsidy program is specific under section 771(5A)(D)(iii) of the Act, and that the amount of the benefit received by Svenska constitutes a financial contribution which benefits the recipient. As such, this aid is countervailable.

Analysis of Programs

I. Program Preliminarily Determined to Confer Subsidies

Recruitment Subsidy Program

The purpose of the Recruitment Subsidy Program, which commenced in 1984, is to increase employment among long-term unemployed persons. Aid is provided by the GOS to employers for a period of six months through grants covering a maximum of 50 percent of monthly wage costs for the person hired up to a maximum of 7,000 Swedish Kroner per month. Under certain conditions, the time period for a company to receive aid under this program can be extended to 12 months.

The legislation states that this program is available to all employers, except to state employers. Applications for aid are submitted to the local GOS employment office which decides whether aid should be granted. Hence, depending on circumstances in each case, the local employment offices can approve aid at a level up to 50 percent of wage costs and for a period up to 12 months.

We examined the specificity of the Recruitment Subsidy Program in accordance with section 771(5A)(D) of the Act. Because the enabling legislation does not expressly limit access to the subsidy to an enterprise or industry, or group thereof, we examined whether the program is *de facto* specific within the meaning of section 771(5A)(D)(iii) of the Act.

According to 771(5A)(D)(iii), "a subsidy is *de facto* specific if one of the following factors exist: (1) The actual recipients of the subsidy, whether considered on an enterprise or industry basis, are limited in number; (2) An enterprise or industry is a predominant user of the subsidy; (3) An enterprise or industry receives a disproportionately large amount of the subsidy; or (4) The manner in which the authority

providing the subsidy has exercised discretion in the decision to grant the subsidy indicates that an enterprise or industry is favored over others."

During the period of review, Svenska received grants under the Recruitment Subsidy Program. The GOS provided no information on actual usage of the program by enterprise or industry nor did it identify any other information through which the Department could analyze whether the program is *de facto* specific. Accordingly, based on the facts available, we preliminarily determine that this program is *de facto* specific and, therefore, countervailable within the meaning of section 771(5A)(D)(iii). To calculate the subsidy to this company, we divided the amount of the grants the company received during the period of review by its total sales. On this basis, we preliminarily determine the subsidy to be 0.06 percent *ad valorem*.

II. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determine that the producers and/or exporters of the subject merchandise did not apply for or receive benefits under these programs during the period of review:

- A. Grants for Temporary Employment for Public Works
- B. Regional Development Grants
- C. Transportation Grants
- D. Location-of-Industry Loans

III. Program Preliminarily Determined To Be Terminated

Manpower Reduction Grants

We examined the Manpower Reduction Grants program and preliminarily determine it to be terminated because the GOS provided documentation that no government funds have been allocated to this program since 1982.

Preliminary Results of Review

In accordance with 19 CFR 355.22(c)(4)(ii), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 1996, through December 31, 1996, we preliminarily determine the net subsidy for Svenska to be 0.06 percent *ad valorem*.

As provided for in the Act, any rate less than 0.5 percent *ad valorem* in an administrative review is *de minimis*. Accordingly, if the final results of this review remain the same as these preliminary results, the Department intends to instruct Customs to liquidate, without regard to countervailing duties,

shipments of the subject merchandise from Svenska exported on or after January 1, 1996, and on or before December 31, 1996. Also, the cash deposits required for this company will be zero.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. See 19 CFR 355.22(a). Pursuant to 19 CFR 355.22(g), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. See *Federal-Mogul Corporation and The Torrington Company v. United States*, 822 F.Supp. 782 (CIT 1993) and *Floral Trade Council v. United States*, 822 F.Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR 355.22(g)). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order are those established in the most recently completed administrative proceeding, conducted pursuant to the statutory provisions that were in effect prior to the URAA amendments. See *Viscose Rayon Staple Fiber from Sweden*; Final Results of Countervailing Duty Administrative Review, 59 FR 66940 (August 18, 1997). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1996, through December 31, 1996, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

Public Comment

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. Interested parties may submit written arguments 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. Parties who submit arguments in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. 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.

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, under 19 CFR 355.38, 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 Act (19 U.S.C. 1675(a)(1)).

Dated: February 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020298D]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The meetings will be held on March 9-13, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Clarion Hotel, 401 East Millbrae Avenue, Millbrae, CA 94030; telephone: (415) 692-6363.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The Council meeting will begin on Tuesday, March 10, at 8 a.m. with an open session, will reconvene on Wednesday, March 11, at 8 a.m. in open session, Thursday, March 12, at 8:30 a.m. in open session, and Friday, March 13, at 8:00 a.m. in open session. On Thursday, March 12, the Council will meet in closed session (closed to public) from 8 a.m. to 8:30 a.m. to discuss litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

The following items are on the Council agenda:

- A. Call to Order
- 1. Opening Remarks, Introductions, Roll Call
- 2. Approve Agenda
- 3. Approve September and November 1997 Meeting Minutes
- B. Salmon Management
 - 1. Review of 1997 Fisheries and Summary of 1998 Stock Abundance Estimates
 - 2. Estimation Procedures and Methodologies
 - 3. Preliminary Definition of 1998 Management Options
- C. Habitat Issues - Report of the Steering Group
 - D. Dungeness Crab Management
 - 1. Status of Council Recommendation to Congress
 - 2. Next Step, Depending on Congressional Response
 - E. Coastal Pelagic Species Management
 - Review of Draft Plan Amendments
 - F. Salmon Management (continued)
 - 1. Oregon Coastal Natural Coho Rebuilding Analysis and Progress Report on Amendment 13 Implementation
 - 2. Review of Draft Plan Amendments
 - 3. Adoption of 1998 Management Options for Analysis
 - G. Pacific Halibut Management
 - 1. Status of Implementation of Council Recommendations for 1998

- 2. Results of the International Pacific Halibut Commission Annual Meeting
- 3. Status of Estimate of Area 2A Bycatch

- 4. Proposed Incidental Catch in the Troll Salmon Fishery for 1998

- H. Groundfish Management

- 1. Status of Federal Regulations

- 2. Final Provisions for 1998 Primary Fixed Gear Sablefish Season

- 3. Capacity Reduction Program

- 4. Stock Assessment Review Process for 1998

- I. Highly Migratory Species Management

- 1. Composition of Advisory Subpanel and Request for Nominations

- 2. Management Coordination in the Pacific

- J. Administrative and Other Matters

- 1. Report of the Budget Committee

- 2. Legislative Update

- 3. Appointments to Advisory Entities

- 4. Research and Data Needs

- 5. April 1998 Agenda

- K. Salmon Management (continued)

- 1. Adopt 1998 Options for Public Review

- 2. Schedule of Public Hearings and Appointment of Hearing Officers

ADVISORY MEETINGS

The Salmon Technical Team will meet, as necessary, Monday through Friday, March 9-13 to address salmon management items on the Council agenda.

The Habitat Steering Group meets on Monday, March 9, at 10 a.m., to address issues and actions affecting habitat of fish species managed by the Council.

The Salmon Advisory Subpanel will convene on Monday, March 9, at 9 a.m. and will continue to meet throughout the week as necessary to address salmon management items on the Council agenda.

The Enforcement Consultants meet at 7 p.m. on Tuesday, March 10, to address enforcement issues relating to Council agenda items.

The Highly Migratory Species (HMS) Policy Committee will meet on Monday, March 9, at 3 p.m. to discuss HMS issues on the Council agenda.

The Budget Committee meets on Monday, March 9, at 1 p.m., to review the status of the 1997 and 1998 Council budgets.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in the agenda listed in this notice.