[C–549–401]

Certain Apparel From Thailand; Determination to Amend Revocation, in Part, of Countervailing Duty Order

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

ACTION: Notice of determination to amend revocation, in part, of countervailing duty order.

SUMMARY: The Department of Commerce (the Department) has determined to amend the effective date of the revocation of the countervailing duty order on Certain Apparel from Thailand, with respect to the products classified under the item numbers of the Harmonized Tariff Schedule (HTS) listed in Appendix D to this notice, from January 1, 1995 to January 1, 1991. In addition, the Department has determined not to amend the effective date of revocation with respect to the products classified under the HTS item numbers listed in Appendix B to this notice. As a result of this determination not to amend the effective date of revocation, we will now complete the administrative review of the countervailing duty order, covering the period January 1, 1991 through December 31, 1991, with respect to the Appendix B items.

EFFECTIVE DATE: January 3, 1997.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Robert Copyak, 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) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

During the original certain textile products and certain apparel investigations from various countries, including Thailand, the Department reviewed issues concerning the standing of petitioners with respect to apparel and explained its determinations in *Final Negative Countervailing Duty Determination: Certain Textile Mill Products and Apparel from Malaysia* (50 FR 9852; March 12, 1985) (*Malaysia Final Determination*). No injury investigations were required for the countries involved, and the Department relied upon a list of 86 like products both for determining the standing of petitioners and for establishing the corresponding scope of the certain apparel order. *See* Letter from Wilmer, Cutler & Pickering, Dec. 3, 1984, Annex 3, on file in the Central Records Unit, Room B–099, Department of Commerce (CRU).

With respect to the investigation on certain apparel, the Department determined that the Amalgamated Clothing and Textile Workers Union (ACTWU) was an interested party with respect to 52 of the 86 apparel like products covered by the petition. The Department also determined that the standing requirement for the remaining apparel products covered by the petition was satisfied by the International Ladies' Garment Workers' Union (ILGWU). Together, these petitioners had filed the petition ''on behalf'' of the apparel industry.

On March 13, 1992, the Department announced its intent to revoke the countervailing duty order on certain apparel from Thailand pursuant to section 355.25(d)(4)(i) of the Department's regulations because no interested party had requested an administrative review for at least four consecutive review periods. *Notice of Intent to Revoke Countervailing Duty Orders,* 57 FR 8860 (March 13, 1992) (*Intent to Revoke Notice*). Pursuant to the Department's regulations, if no interested party objects to the Department's intended revocation or requests an administrative review of the countervailing duty order, the Department will revoke the order. 19 CFR § 355.25(d)(4)(iii)(1993).

On March 16, 1992, ACTWU objected to the intended revocation and requested an administrative review, covering the period January 1, 1991 through December 31, 1991. The review was initiated on April 13, 1992. *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 57 FR 12797 (April 13, 1992). On April 24, 1992, the Royal Thai Government (RTG) challenged the standing of ACTWU to object to the Department's intended revocation and to request an administrative review. The RTG argued that, to the extent that ACTWU lacked standing with respect to any of the many like products covered by the order, the Department should revoke the countervailing duty order with respect to those products and conduct the administrative review of only the merchandise which remained in the scope of the order. On June 19, 1996, the Department issued its preliminary findings with respect to the standing of ACTWU. *See Memorandum from Barbara E. Tillman to Paul L. Joffe, Acting Assistant Secretary for Import Administration,* June 19, 1996 (*Analysis Memorandum*). Comments on the Department's preliminary findings were filed by the RTG. The Department's final determinations with respect to this issue are fully discussed in the sections *Interested Party Status of ACTWU* and *Analysis of Comments,* below.

Revocation Under Section 753 of the Uruguay Round Agreements Act

This countervailing duty order was revoked effective January 1, 1995, pursuant to section 753 of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (60 FR 40568). The Department is conducting an administrative review only to determine the appropriate assessment rate for entries made during the period January 1, 1991 through December 31, 1991.

Scope Conversion

The scope of the certain apparel order was originally defined in terms of the item numbers listed under the *Tariff Schedule of the United States Annotated* (TSUSA). *See Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Certain Apparel from Thailand* (50 FR 9819; March 12, 1985) (*Thailand Final Determination*). On January 1, 1989, the United States fully converted from TSUSA to the *Harmonized Tariff Schedule* (HTS). At that time, the Customs Service prepared a list which included all of the HTS numbers necessary to cover the items previously identified by the TSUSA. However, because the two tariff schedules use different classification systems which do not produce a one-to-one product correlation, this list also included some items not included in the like product list relied upon by the Department in the investigation. On July 26, 1993, the Department published *Certain Apparel; Notice of Proposed Scope Amendment* (58 FR 39789), which contained the proposed HTS scope and invited comments. The conversion became final on May 17, 1994, with the publication of *Certain Apparel from Thailand; Scope Amendment* (59 FR 25699) (*Scope Notice*), in which the comments submitted were addressed. The analysis undertaken as a result of the RTG's challenge of ACTWU's standing is based on the item numbers of the HTS listed in the *Scope Notice*; these HTS item numbers have now been separated into those for which we determine that ACTWU has standing (Appendix B) and those for which we determine ACTWU does not have standing (Appendix D).

Applicable Statute and Regulations

The Department has made this determination in accordance with sections 751 (a) and (c) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the

statute and to Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Interested Party Status of ACTWU

In April 1992, the RTG challenged the standing of ACTWU both to object to the Department's intended revocation and to request an administrative review of the countervailing duty order on certain apparel from Thailand. The RTG argued that, to the extent ACTWU lacked standing with respect to any of the many like products covered by the order, the Department should revoke the order with respect to those products and conduct the administrative review of only the merchandise which remained in the scope of the order. The RTG cited to the original investigation, noting that ACTWU was found to have standing for only 52 of the 86 like products investigated (standing for the remaining like products was satisfied by co-petitioners). Furthermore, the RTG noted that declining union membership had been documented in the course of the investigation. Thus, the RTG urged the Department to examine anew whether ACTWU had standing with respect to all of the like products covered by the order.

During the 1985 countervailing duty investigations of apparel and textile mill products, which involved many countries, including Thailand and Malaysia, the Department determined that ACTWU was an interested party with respect to 52 of the original 86 apparel like products covered by the petition. *Final Negative Countervailing Duty Determination; Certain Textile Mill Products and Apparel from Malaysia,* 50 FR 9852 (March 12, 1985) (*Malaysia Final Determination*). The Department determined that the standing requirement for the remaining apparel products covered by the petition was satisfied by the International Ladies' Garment Workers' Union (ILGWU). Together, these petitioners had filed the petition ''on behalf of'' the apparel industry and had standing with respect to the 86 apparel like products at issue. Id. at 9854; *Thailand Final Determination.*

The RTG contested ACTWU's standing as an interested party after the objection by ACTWU to the Department's intent to revoke the order. The Department determined, based on information collected in the course of this proceeding, that there was no basis to reexamine ACTWU's standing for the 52 like products for which it was found to have standing during the investigation. *See Memorandum from Barbara E. Tillman, Director, Office of Countervailing Compliance to Joseph A. Spetrini, Deputy Assistant Secretary for Import Administration, on the Interested Party Status of a Domestic Interested Party With Respect to the Countervailing Duty Order on Apparel from Thailand,* October 14, 1992 (*October 1992 Memorandum*), on file in the Central Records Unit, Room B–099, Department of Commerce (CRU).

The Department examined ACTWU's status as an interested party, within the meaning of section 771(9)(D) of the Act, with respect the 34 remaining like products covered by this order. *See Analysis Memorandum.* The Department asked ACTWU to indicate which of these products were produced by its members.[1] Regarding unions, section 771(9)(D) defines ''interested party'' as ''a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production or wholesale in the United States of a like product. . . .''

After examining the information provided by ACTWU, and considering the arguments submitted by the RTG over the course of this proceeding, the Department issued its preliminary findings on June 19, 1996. *See Analysis Memorandum.* Of the remaining 34 like products, the Department determined that ACTWU had standing as an interested party with respect to five. Combined with the 52 like products for which ACTWU was found to have standing during the investigations (*see Malaysia Final Determination*), the total number of like products for which ACTWU was found to have standing is 57. The Department invited comments on this determination. We address the RTG's arguments in the *Analysis of Comments* section below. No other party submitted comments.

Analysis of Comments

Comment 1: The RTG argues that the Department's determination that ACTWU has standing with respect to 57 like products is based upon a legal standard that is contrary to the plain language of the statute. The RTG cites section 355.2(i)(4) of the Department's regulations, which specifies that to be an interested party, a union must be ''representative of the industry or of sellers (other than retailers) in the United States of the like product produced in the United States.'' The RTG also cites section 771(4)(D) of the Act, which defines ''industry'' as ''the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product * * *.'' The RTG concludes that in order to be representative of those producers whose collective output represents a major proportion of total domestic production of the like product, a union must demonstrate that it represents workers in each facility included in such a determination.

The RTG argues that it is inappropriate for the Department to presume that a union is representative of an industry producing the like product when it represents only one or a small number of the workers in that industry. Had Congress intended such a result, the RTG argues, it would not have required that a union be ''representative of an industry'' (which clearly encompasses more than just one worker or more than just one enterprise); rather, Congress would simply have required the union to be representative of a ''producer'' of the ''like product.''

In conclusion, the RTG notes that ACTWU, like all unions, is engaged in efforts to increase its membership by enrolling workers at factories that are not yet unionized; if ACTWU has not succeeded in enrolling workers at companies whose collective output represents a major proportion of total domestic production of a particular like product, then, the RTG argues, the union cannot simply be deemed representative of the industry producing that product. The RTG urges the Department to arrive at an interpretation of the statute that gives full meaning to the term ''industry'' in the specifications of the standing requirements for unions.

Department's Position: We disagree with the RTG's assertion that we applied the incorrect legal standard to determine whether ACTWU is an interested party, and we continue to find that ACTWU has standing to object to revocation and request an administrative review for each of the like products for which the union ultimately claimed interested party status, in accordance with section 355.25(d)(4)(iii) of the Department's regulations.

The RTG correctly notes that to qualify as an interested party pursuant to section 771(9)(D) of the Act, a union must be ''representative of an industry engaged in the manufacture, production, or wholesale in the United States of a like product.'' However, the RTG incorrectly links this requirement

[1] An 87th like product, flatbags, handbags and luggage, was subject to investigation and was classified as within the scope of the apparel order when certain textile mill products and certain apparel were separated into two countervailing duty orders. There is no information in the record which indicates that ACTWU had standing with respect to this product.

directly to the definition of the term ''industry'' under section 771(4)(A). The RTG concludes that, to meet this requirement, a union must at least demonstrate that it represents workers in each facility producing the like product. We disagree. Such a narrow interpretation of the phrase ''representative of an industry'' would unduly limit the rights of a union to qualify as an interested party, object to revocation, and otherwise participate in a proceeding.

Section 771(9) of the Act defines several categories of domestic interested parties. In each case, the key to qualifying is for the party to manufacture, produce or wholesale the like product in the United States. For instance, under section 771(9)(C), to qualify as a ''manufacturer or producer'' of the like product, the Court of International Trade has held that a party must actually manufacture the product in the United States. *See Brother Indus. (USA)* v. *United States*, 801 F. Supp. 751, 757 (CIT 1992).

However, the language of the legislative history describing the standing requirements ''is broad and unqualified.'' *Id.* (*citing* S. Rep. No. 249, 96th Cong., 1st Sess. 90 (1979)). Where Congress intended to further limit a party's ability to qualify as an interested party, Congress made that intention explicit. In particular, sections 771(9)(E) and (F) explicitly limit the rights of a trade or business association in just this manner. The legislative history explains:

> The provision also provides that a trade or business association may be considered an interested party only when a majority of its members are importers of merchandise under investigation, or manufacture, produce, or wholesale a like product, as the case may be. This limitation is believed to fairly delimit those groups with sufficient interest to always be considered interested parties. An association representative of importers generally, or business generally, would not be considered an interested party under this limitation, although a sub-group of such an association may qualify.

S. Rep. No. 249, 95th Cong., 1st Sess. 90 (1979). By contrast, with regard to section 771(9)(D), the legislative history states that the provision ''clarifies that a union may file a petition and participate in proceedings under Title VII as added by the bill. The union or group of workers must represent workers in the relevant U.S. industry.'' *Id.* Congress gave no indication that by requiring a union to be ''representative of an industry,'' it intended to limit the rights of unions which ''represent workers in the relevant U.S. industry'' to participate in proceedings as interested parties. The legislative history makes clear that Congress intended unions which represent workers in the relevant U.S. industry to be ''representative'' of the industry. For these reasons, we find that the phrase ''representative of an industry'' requires no more than that a union ''represent workers in the relevant U.S. industry.''

This is the same determination reached by the Department in the original apparel and textile mill product investigations. *See Malaysia Final Determination* at 9854. Contrary to the claim of the RTG, we have not determined that a union representing just one worker at just one facility producing the like product necessarily qualifies as an interested party. We have determined that when a union certifies, as ACTWU has done, that it represents workers in the relevant U.S. industry, we will not investigate the matter further, absent actual evidence calling the union's certification into question. This determination is further explained in the *Department's Position* on comment 2, below.

Having found that ACTWU qualifies as an interested party, the next issue is whether the union may object to revocation and request an administrative review for those like products for which it has claimed standing. Section 355.25(d)(4)(iii) of the Department's regulations provides simply that if no interested party objects to revocation or requests a review, the Department will conclude that the order (or suspended investigation) is no longer of interest to domestic interested parties, as provided for by section 355.25(d)(1)(i). Conversely, if a domestic interested party does object, and no other party expresses its support for revocation, the Department will not revoke the order. In this situation, the Department effectively presumes that the order, whether in whole or in part, is of interest to domestic interested parties and that revocation is not appropriate.

The Department indicated in the commentary to the regulations that when ''parties which account for a significant proportion of domestic production'' either affirmatively oppose or support revocation, we will make a case-by-case determination of whether revocation is appropriate. 53 FR 52,306, 52,333 (1988). Accordingly, the Department has revoked an order over the objection of one or more domestic interested parties, and we have refused to revoke despite receiving support for revocation from part of the domestic industry. *See Oregon Steel Mills, Inc.* v. *United States*, 862 F.2d 1541 (Fed. Cir. 1988) (affirming revocation); *Certain Round-Shaped Agricultural Tillage Tools From Brazil; Preliminary Results of Changed Circumstances CVD Review and Intent Not To Revoke Order*, 55 FR 41,265 (1990) (declining to revoke). In this case, however, no domestic interested party has expressed support for the order. ACTWU's objection to revocation is the only indication we have received regarding the domestic industry's position. As described above, ACTWU has certified that it represents workers producing each of the remaining 57 like products, which qualifies the union as an interested party. Given that no domestic interested party has supported revocation, it is reasonable to presume that the remainder of the industry favors or at least acquiesces in ACTWU's position.

This is similar to the presumption adhered to by the Department for determining whether a petition for initiating an antidumping or countervailing duty investigation is filed ''on behalf of an industry,'' in accordance with section 702(b)(1) of the Act. In that situation, the Department presumes that the petitioner filed on behalf of the domestic industry, unless a majority of the domestic industry affirmatively opposes the petition. The Court of Appeals for the Federal Circuit has upheld this interpretation of the statute as being reasonable. *Minebea Co., Ltd.* v. *United States*, 984 F.2d 1178, 1180 (Fed. Cir. 1993); *Suramerica de Aleaciones Laminadas, C.A.* v. *United States*, 966 F.2d 660 (Fed. Cir. 1992).

Comment 2: The RTG next argues that, even assuming the Department has applied the correct legal standard, the Department must still investigate whether ACTWU meets this standard, both with respect to the 52 like products for which ACTWU was found to have standing in the original investigation and with respect to the five products for which ACTWU first made standing claims in this proceeding. The RTG claims that it is incorrect for the Department to refuse to reconsider its original standing determination; moreover, the Department cannot refuse to further investigate ACTWU's additional claims of standing, absent affirmative evidence that ACTWU's interested party status has changed.

Regarding the 52 like products for which ACTWU originally claimed standing, the RTG contests the Department's refusal during this proceeding to reconsider its determination in the original countervailing duty investigation. The RTG argues that it was documented in the context of the original 1984–1985 investigations that union membership in

the apparel industry had been gradually declining. The RTG asserts that it is likely that this trend has continued and that ACTWU's membership has changed over time. The RTG also asserts that companies in import sensitive industries have been moving production facilities from the unionized Northeast to non-unionized areas in the South, to Mexico, and elsewhere overseas. On this basis, the RTG concludes that there exists public information showing declining and changing union membership in the apparel industry.

According to the RTG, these facts should have caused the Department to revisit its 1985 determination. In addition, the RTG claims that the information provided by ACTWU in 1984, indicating standing for 52 of the like products, is inconsistent with ACTWU's ultimate claim in 1994 of standing for five additional like products. In claiming standing for five additional like products, ACTWU called attention to obvious changes in membership over time. Such changing membership indicates that ACTWU may no longer represent one or more of the like product industries it represented in 1984.

Furthermore, the RTG argues, the Department's determination that ACTWU is an interested party with respect to the original 52 like products was based on ACTWU's certification during the investigation that it was an ''interested party.'' According to the RTG, this is a legal conclusion on the part of ACTWU, and is therefore not the appropriate basis for the Department's determination. Rather, the Department should seek a factual representation from which to draw its own legal conclusion.

As a matter of policy, the RTG argues that it is inappropriate for the Department to place the burden of production in this instance on respondents. ACTWU's membership information is not public; it would be impossible for the RTG to determine whether ACTWU continues to represent workers in each of the like product industries at issue; and, it is contrary to the normal presumption of the conduct of a countervailing duty investigation to require a party to come forward with another party's confidential information.

Thus, the RTG urges the Department to solicit and examine information regarding ACTWU's membership, as it relates to these like products. Specifically, for each like product, the RTG urges the Department to obtain the following information: the names of the companies in which ACTWU represents workers, the number of union-represented and non-union workers in each such facility, the names of companies which produce the like product whose workers are not represented by the union, and an estimate of the number of workers in such facilities.

Department's Position: We disagree with the RTG. As described in the *Analysis Memorandum*, absent affirmative evidence showing that a party's status has changed, we do not reconsider our original standing determination with respect to those like products for which a domestic interested party, objecting to revocation or requesting a review, had interested party status during the original investigation. Moreover, ACTWU has certified that it continues to represent workers producing each of the 52 like products for which it was originally determined to have standing, and neither the RTG nor any other party has presented affirmative evidence challenging ACTWU's certification.

It is true that several years have passed since the Department reached its original standing determination. However, the Department is not required to investigate standing issues to the same extent as it must allegations of dumping or subsidization. *See Brother Indus., Ltd.* v. *United States,* Slip Op. 92–231 at 4–5 (CIT Dec. 30, 1992). For the purpose of requesting a review or objecting to revocation, it would not be appropriate either to revisit our original standing determination or to question a union's certification that it represents workers producing a particular like product, absent some evidence that the union's representation of those workers has, in fact, changed.

Much the same holds true for the remaining like products for which ACTWU claimed standing. The union certified that it represents workers in each of these industries, and the RTG has presented no evidence to the contrary. Absent such evidence, we consider ACTWU's certification sufficient. It is worth noting that the Department did not accept ACTWU's initial standing claim at face value. ACTWU originally claimed that its members produced eighteen additional products. ACTWU correctly qualified this claim, however, by noting that the products its members produced were identical to the products covered by the scope of the order except for vegetable fiber content. The Department rejected this claim on the ground that the like product list describing the scope of the order distinguishes among apparel products on this very basis—according to fiber content. *See* Letter from Barbara Tillman to Mark Love, dated May 11, 1994, on file in CRU. Thereafter, ACTWU withdrew this claim, and submitted another claim with respect to five different like products, which ACTWU certified as being identical to those covered by the scope of the order. We examined the claim and the certification, and deemed the certification sufficient to support the claim, absent evidence to the contrary. No such evidence was provided.

This standard does not place an undue burden on respondents to produce evidence to challenge a union's standing to object to revocation or request a review. The Department found at the time of the original investigation that ACTWU represented workers producing 52 like products, and ACTWU has certified that it continues to produce these and the other five like products for which it has claimed standing. It is not too much to require that a party challenging this assertion do more than point to the passage of time and shifts in demographics as support. Like the standard for filing a petition, the standing requirements for objecting to revocation are to be construed liberally. *See Brother Indus.,* Slip Op. 92–231 at 4 (*citing* S. Rep. 249 at 63); *Brother Indus.,* 801 F.Supp. At 757. We determine that ACTWU has met these requirements.

Comment 3: The RTG argues that the Department should revoke the order with respect to those products at the HTS ten-digit level that do not fall within the 57 like products for which ACTWU has claimed standing. The RTG notes that examination of standing at the ten-digit level is consistent with the standing analysis used by the Department in the suspended investigation of certain textile mill products from Thailand. The RTG is concerned that at the eight-digit level, the HTS item numbers cover several products, some of which are represented among the list of 86 like products originally covered by this countervailing duty order and some of which are not. Thus, the Department should revoke the order for these products at the ten-digit level.

Department's Position: Beginning with the conversion from the TSUSA to the HTS tariff schedule, the Department has conducted its standing analysis in this proceeding at the ten-digit HTS level. *See Scope Notice,* 59 FR at 25610. This is the same approach we took in the suspended investigations involving textile mill products from Thailand and various other countries. *See, e.g., Certain Mill Products From Thailand; Notice of Termination in Part,* 60 FR 20258 (April 25, 1995); *Certain Textile*

Mill Products From Colombia and Thailand; Notice of Proposed Conversion, 59 FR 16101 (April 15, 1994). If only the eight-digit HTS item number is listed for a particular product category, either the category does not break down into additional ten-digit HTS levels, or all of the products included in that category (at the eight-digit or greater level) are covered by the scope of the order.

Where the qualifications of coverage corresponded to the breakdown of products at the ten-digit level, we have now included the appropriate HTS numbers at the ten-digit level to identify both HTS items for which the order remains in effect for the 1991 review period and the HTS items for which the effective date of revocation will be amended (as indicated in Appendix B and Appendix D). Further, in drawing up the HTS list, we included annotations for the first time in the *Scope Notice* to clarify the limits of coverage under particular item numbers which identified merchandise outside of the scope of the order as well as merchandise within the scope. In the course of this proceeding, the Department has added a number of annotations, and other annotations have been clarified as a result of the RTG's arguments in *Comment 4* below.

Comment 4: The RTG urges the Department to reexamine some of the products for which it found ACTWU to have standing and to revise the footnotes which annotate certain of the HTS item numbers for which it found ACTWU to have standing. Basically, the RTG takes issue with some of the Department's categorizations of the numerous HTS item numbers according to the list of 86 like products which has been the basis for standing determinations throughout the history of this case. Specifically, the Department categorized HTS number 6111.3050 (babies' garments and cloth accessories, sunsuits, blanket sleepers (synthetic, knit)) under the like products for nightwear (like product 58), other apparel (60), or playsuits (45). According to the RTG, there is no indication that these like product categories were ever intended to include baby apparel, and that only those like product categories which carry the designation ''WGI,'' for women's, girls', and infants' apparel, should be used for determining ACTWU's standing with regard to baby apparel. Since ACTWU made no standing claims with respect to many WGI like products made from synthetic fabric, it is reasonable to conclude that ACTWU lacked standing with respect to babies' garments and clothing accessories. Thus, the Department should revoke the order with respect to HTS 6111.3050.

In addition, the Department found ACTWU to have standing for HTS 6112.1200, men's and boys' synthetic track suits, based on ACTWU's standing for the like products for other coats (42), knit shirts (46), and trousers (54) of man-made fiber. According to the RTG, there is no indication that track suits or other warm-up style suits were ever intended to fall within these particular like products, and therefore, the order with respect to this HTS item number should also be revoked.

The RTG argues that the Department also incorrectly classified the products included under HTS 6209.2050, babies' sunsuits, washsuits, clothing sets and diapers (non-knit, cotton), under the like products for playsuits (8) and other apparel (21) of cotton, and found ACTWU to have standing with respect to all products within this HTS subheading. The RTG takes issue with the Department's determination that diapers constitute ''other apparel,'' and notes that there is no indication that ACTWU represents workers making diapers. Thus, the order should be revoked with respect to HTS 6209.2050.

With respect to ''trousers, breeches, and shorts,'' the RTG's argues that the like product categories for ''trousers'' necessarily exclude breeches and shorts, and therefore although ACTWU was found to have standing with respect to ''trousers,'' it cannot be said to have standing with respect to breeches and shorts. Because the HTS numbers which identify trousers also include breeches and shorts, and there is no indication, according to the RTG, that ACTWU's standing for trousers extends to breeches and shorts, the RTG argues for an annotation which notes the limits of coverage under any HTS item numbers which cover ''trousers breeches, and shorts'' together. Alternatively, the RTG argues for revocation of the HTS numbers at the ten-digit level.

The RTG also noted a number of additional HTS item numbers for which they recommend the Department modify the annotations to clarify the limits of the coverage under those item numbers.

Department's Position: With respect to HTS item numbers 6111.3050, 6112.1200, and 6209.2050, the RTG's concern that the Department has misclassified these HTS items in terms of the listing of like products which are subject to the order is misplaced. As a general matter, in classifying these items using the like product list, the Department consulted with the United States Customs Service and received confirmation that the classifications were reasonable. *See Memorandum for The File on Certain Apparel from Thailand—Like Products and HTS Numbers,* dated February 20, 1996, on file in the CRU.

We reject the RTG's argument that ACTWU's standing with respect to babies' apparel on the whole is questionable based on the fact that ACTWU lacks standing with respect to several items of babies' apparel included among the like products. The Department determined ACTWU's standing for these HTS item numbers after first classifying them according to like products. Because ACTWU was determined to have standing for all of the like products under which these HTS items were classified, their standing for this HTS item number needs no qualification.

We also reject the RTG's conclusion that track suits were never intended to be included among the 87 like products covered by the countervailing duty order. This conclusion is unsupported by record evidence. This issue, like so many of the issues raised by the RTG, actually concerns the Department's conversion of the tariff schedule from the TSUSA to the HTS listing. As noted above, ACTWU represents workers producing the like products ''other coats,'' ''knit shirts,'' and ''trousers'' of man-made fiber. In conducting the original investigation, the Department determined that those like products corresponded to a certain TSUSA item number or numbers. Thereafter, in making the conversion from TSUSA to HTS, the Department concluded that those TSUSA item number or numbers corresponded in part to the HTS item number 6112.1200.10, for men's and boys' synthetic track suits. At the same time, we determined that of the like products corresponding to the coverage of the order, the closest match to track suits are the like products mentioned above. Thus, we based our standing determination for track suits on the fact that ACTWU has standing for the individual like products which comprise track suits.

This is a reasonable determination. While synthetic track suits do constitute a single item for HTS purposes, a track suit actually consists of two separate components, a relatively light-weight synthetic coat and trousers. Indeed, the HTS listing for track suits is broken down into coats, shirts, and trousers; in the case of coats, the HTS then cross-references the separate HTS listings for those items. This confirms that it is reasonable to classify track suits under the like products for their components.

Similarly, many of the other standing determinations questioned by the RTG concern HTS item numbers which cover

''ensembles,'' which we have classified under the like products for their components. In reviewing our determinations, we agree with the RTG that certain of these classifications should be clarified. In many cases, ACTWU was found to have standing for some of the components and not for others. ACTWU's standing with respect to the HTS item is limited by the like products for the ensemble components for which it was found to have standing. Thus, we have clarified the annotations as appropriate, or resorted to the use of the ten-digit HTS item number, as explained in *Comment 3* above and as indicated in Appendix B.

We disagree, however, that the like product category ''trousers'' excludes breeches and shorts. We determine that breeches and shorts are types of trousers. Therefore ACTWU's standing with respect to ''trousers'' extends to all types of trousers, including breeches and shorts. Thus, we will neither be adding the annotation desired by the RTG nor revoking at the ten-digit level the HTS numbers for breeches and shorts.

Determination to Amend Revocation, in Part

For the reasons stated above, the Department has determined that the ACTWU does not have standing as an interested party with respect to 30 of the like products covered by this countervailing duty order, as listed in Appendix C this notice. The HTS item numbers corresponding to the like products listed in Appendix C are listed in Appendix D. The Department is now amending the effective date of the revocation of the order with respect to these HTS item numbers to make it effective January 1, 1991. Accordingly, for the merchandise identified in Appendix D, the Department will instruct the U.S. Customs Service to liquidate without regard to countervailing duties all unliquidated entries made on or after January 1, 1991.

The Department determines that ACTWU does have standing as an interested party, in accordance with 19 U.S.C. 1677(9)(D) and 19 C.F.R. § 355.2(i)(4), with respect to 57 like products. These like products are listed in Appendix A. The HTS item numbers which correspond to these like products are listed in Appendix B, with appropriate annotations as discussed above. Thus, the Department will conduct the administrative review of entries of the merchandise listed in Appendix B, made during the period January 1, 1991 through December 31, 1991, and will issue appropriate instructions to Customs with respect to these entries upon completion of the review.

This countervailing duty order was subject to section 753 of the Uruguay Round Agreements Act. *See Countervailing Duty Order; Opportunity to Request a Section 753 Injury Investigation*, 60 FR 27,963 (May 26, 1995). Because no domestic interested parties exercised their right under section 753(a) of the Act to request an injury investigation, the International Trade Commission made a negative injury determination with respect to this order, pursuant to section 753(b)(4) of the Act. As a result, the Department revoked the order, effective January 1, 1995, pursuant to section 753(b)(3)(B) of the Act, and ordered Customs to terminate suspension of liquidation and to refund all cash deposits made after January 1, 1995. *Revocation of Countervailing Duty Orders*, 60 FR 40568 (August 9, 1995). Accordingly, for the merchandise listed in Appendix B for which the Department is not amending the effective date of revocation, the Department intends to order Customs to liquidate shipments exported on or after January 1, 1991 and entered on or before December 31, 1991, in accordance with the final results of the administrative review. We will not issue further instructions with respect to suspension of liquidation or cash deposits of estimated countervailing duties.

This determination and notice are in accordance with sections 751 (a) and (c) of the Act (19 U.S.C. 1675(a)(1) and 1675(c)).

Dated: December 9, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

Appendix A—C–549–401 Countervailing Duty Order on Certain Apparel From Thailand Like Products for Which ACTWU Has Standing

Like product code No.	Like product description
Cotton:	
1	Handkerchiefs.
2	Gloves.
3	Hosiery.
4	Suit-type coats, M&B.
5	Other Coats, M&B.
8	Playsuits.
9	Knit Shirts, M&B.
10	Knit Shirts & Blouses, WGI.
11	Shirts, Not Knit, M&B.
14	Sweaters.
15	Trousers, M&B.
19	Nightwear.
20	Underwear.
21	Other Apparel.
Wool:	
22	Gloves.
23	Hosiery.
24	Suit-type Coats, M&B.
25	Other Coats, M&B.
26	Coats, WGI.
28	Knit Shirts & Blouses.
29	Shirts & Blouses, Not Knit.
30	Skirts.
31	Suits, M&B.
33	Sweaters, M&B.
35	Trousers, M&B.
36	Trousers, WGI.
37	Other Wool Apparel.
Man-Made Fiber:	
38	Handkerchiefs.
39	Gloves.
40	Hosiery.
41	Suit-type Coats, M&B.
42	Other Coats, M&B.
45	Playsuits.
46	Knit Shirts, M&B.
48	Shirts, Not Knit, M&B.
51	Suits, M&B.
52	Suits, WGI.
53	Sweaters.
54	Trousers, M&B.
58	Nightwear.
59	Underwear.
60	Other Apparel.
Other Fabric:	
61	Handkerchiefs.
62	Gloves.
63	Hosiery.
64	Suit-type Coats, M&B.
65	Other Coats, M&B.
68	Playsuits.
69	Knit Shirts M&B.
71	Shirts, Not Knit, M&B
74	Suits, M&B.
76	Sweaters, M&B.
78	Trousers, M&B.
82	Nightwear.
83	Down-filled Coats, M&B.
85	Underwear.
86	Other Apparel.

Appendix B—C–549–401 Countervailing Duty Order on Certain Apparel From Thailand Harmonized Tariff Schedule Numbers

HTS No.	Annotation
6101.2000	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6101.3020	

HTS No.	Annotation
6102.1000	
6103.1920	Coverage limited to garments that would be covered if separately entered.
6103.2200	Coverage limited to garments that would be covered if separately entered.
6103.2300	Coverage limited to garments that would be covered if separately entered.
6103.2910	Coverage limited to garments that would be covered if separately entered.
6103.4210	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6103.4315	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6103.4910	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6104.1320	
6104.1915	
6104.2100.10	
6104.2100.30	
6104.2100.40	
6104.2100.60	
6104.2100.80	
6104.2200.10	
6104.2200.60	
6104.2200.80	
6104.2200.90	
6104.2300.22	
6104.2910.60	
6104.5100	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6104.5310	Coverage limited to wool skirts.
6104.5910	Coverage limited to wool skirts; coverage excludes girls' skirts or divided skirts *NOT* having embroidery or permanently affixed applique work on the outer surface.
6104.6920	Coverage limited to wool trousers.
6105.1000	
6105.2020	
6106.1000	
6109.1000	
6109.9010.07	
6109.9010.09	
6109.9010.13	
6109.9010.25	
6109.9010.47	
6109.9010.49	Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6110.2020	Coverage excludes men's or boys' garments having embroidery or permanently affixed applique work on the outer surface.
6110.3030.05	
6110.3030.10	
6110.3030.15	
6110.3030.20	
6110.3030.25	
6110.3030.40	
6110.3030.50	
6111.3040	Coverage limited to sweaters; coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.
6111.3050	
6111.9040	Coverage limited to sweaters.
6111.9050	
6112.1200.10	
6112.1200.30	
6112.1200.50	
6112.1910.10	Coverage limited to men's and boys' garments that would be covered if separately entered.
6112.1910.30	Coverage excludes men's or boys' garments that would be covered if separately entered.
6112.1910.50	Coverage excludes men's or boys' garments that would be covered if separately entered.
6112.2010.10	Coverage excludes men's or boys' garments that would be covered if separately entered.
6112.2010.30	Coverage limited to men's and boys' garments that would be covered if separately entered.
6112.2010.50	Coverage excludes men's or boys' garments that would be covered if separately entered.
6112.2010.60	Coverage excludes men's or boys' garments that would be covered if separately entered.
6112.2010.80	Coverage limited to men's and boys' garments that would be covered if separately entered.
6114.2000	
6114.3010.10	
6114.3030	
6201.1220	
6201.1340	
6201.9220	
6203.1910	Coverage limited to garments that would be covered if separately entered.
6203.2230	Coverage limited to garments that would be covered if separately entered.

HTS No.	Annotation
6203.2300	Coverage limited to garments that would be covered if separately entered.
6203.2920	Coverage limited to garments that would be covered if separately entered.
6203.4240	
6203.4340	
6203.4920	
6204.2300	Coverage limited to woolen garments that would be covered if separately entered.
6204.2920.10	
6204.2920.30	
6204.2920.40	
6204.2920.50	Coverage limited to garments that would be covered if separately entered.
6205.2020	
6208.2200	
6208.9200.30	
6208.9200.40	
6209.2050	

Appendix C—C–549–401 Countervailing Duty Order on Certain Apparel From Thailand Like Products for Which ACTWU Does Not Have Standing

Like product code No.	Like product description
Cotton:	
6	Coats, WGI.
7	Dresses.
12	Blouses, Not Knit, WGI.
13	Skirts.
16	Trousers, WGI.
17	Brassieres, etc.
18	Dressing Gowns.
Wool:	
27	Dresses.
32	Suits, WGI.
34	Sweaters, WGI
Man-Made Fiber:	
43	Coats, WGI.
44	Dresses.
47	Knit Shirts & Blouses, WGI.
49	Blouses, Not Knit, WGI.
50	Skirts.
55	Trousers, WGI.
56	Brassieres, etc.
57	Dressing Gowns.
Other Fabric:	
66	Coats, WGI.
67	Dresses.
70	Knit Shirts & Blouses, WGI.
72	Blouses, Not Knit, WGI.
73	Skirts.
75	Suits, WGI.
77	Sweaters, WGI.
79	Trousers, WGI.
80	Brassieres, etc.
81	Dressing Gowns.
84	Down-filled Coats, WGI.
Other Like:	
87	Flatgoods, handbags, and luggage.

Appendix D—C–549–401 Countervailing Duty Order on Certain Apparel From Thailand Harmonized Tariff Schedule Numbers

(For which revocation will be amended from January 1, 1995 to January 1, 1991)

4202.1240	6104.2910.70	6112.2010.90
4202.1260	6104.3100	6113.0000.30
4202.1280	6104.3310	6114.3010.20
4202.2245	6104.3320	6202.1220
4202.2260	6104.3910	6202.1340
4202.2270	6104.4200	6202.9220
4202.2280	6104.4320	6202.9345
4202.3240	6104.4420	6202.9350
4202.3295	6104.5200	6204.1200
4202.9215	6104.5320	6204.2230
4202.9220	6104.6220	6204.2920.15
4202.9230	6104.6320	6204.2920.20
4202.9260	6106.2020	6204.2920.25
4202.9290	6109.9010.50	6204.3220
6102.3010	6109.9010.60	6204.3350
6102.3020	6109.9010.65	6204.3930
6104.1200	6109.9010.70	6204.4230
6104.2100.70	6109.9010.75	6204.4340
6104.2200.30	6109.9010.90	6204.4440
6104.2200.40	6110.3030.30	6204.5220
6104.2200.50	6110.3030.35	6204.5330
6104.2300.10	6110.3030.45	6204.5930
6104.2300.14	6110.3030.55	6204.6240
6104.2300.16	6111.3010	6204.6335
6104.2300.20	6111.3020	6204.6925
6104.2300.24	6111.3030	6206.3030
6104.2300.26	6111.9010	6206.4030
6104.2300.30	6111.9020	6208.9200.10
6104.2300.32	6111.9030	6208.9200.20
6104.2300.34	6112.1200.20	6209.2010
6104.2300.36	6112.1200.40	6209.2020
6104.2300.40	6112.1200.60	6209.2030
6104.2300.42	6112.1910.20	6210.3010
6104.2910.10	6112.1910.40	6210.501020
6104.2910.20	6112.1910.60	6212.1050*
6104.2910.30	6112.2010.20	6212.1090*
6104.2910.40	6112.2010.40	
6104.2910.50	6112.2010.70	

*In the amended HTS list, published May 17, 1994, 6212.1050 and 6212.1090 were not listed. These two numbers replaced 6212.1010 and 6212.1020 in early 1995.

[FR Doc. 97–72 Filed 1–2–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Headquarters Air Force Services Agency, DOD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Headquarters Air Force Services Agency (HQ AFSVA) announces a proposed format change to the existing Air Force Form 3211, Customer Comments card and seeks public comment of the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 4, 1997.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to HQ AFSVA, Lodging and Laundry Branch (HQ AFSVA/SVOHL, 10100 Reunion Place, Ste 401, San Antonio TX 78216–4138, ATTN: Lt Col Deb Kuennen or SMSgt Denise Knebel).

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call HQ AFSVA/SVOHL, at (210) 652–8875.

Title, Associated Form, and OMB Number: Customer Comments, AF Form 3211, OMB Number 0701–XXX.

Needs and Uses: Each lodging guest is provided an AF Form 3211. The AF Form 3211 gives each guest the opportunity to comment on facilities