

Dated: April 18, 1995.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Compliance.*

**Appendix: Amended HTS List for Cotton Yarn From Peru (C-333-002)**

Subheadings 5205.1110 through 5206.4500, inclusive.

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[C-333-402]

**Certain Textile Mill Products From Peru; Notice of Scope Amendment**

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

**ACTION:** Notice of amendment to the existing conversion of the scope of the order from the Tariff Schedules of the United States Annotated to the Harmonized Tariff Schedule.

**SUMMARY:** On January 1, 1989, the United States fully converted to the international harmonized system of tariff classification. On January 11, 1989, the Department of Commerce (the Department) published the *Conversion to Use of the Harmonized Tariff Schedule of Classifications for Antidumping and Countervailing Duty Proceedings* (54 FR 993; January 11, 1989) (1989 Conversion) for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989. On October 5, 1994, the Department published a proposed amendment to the conversion (59 FR 50726). Interested parties were invited to comment on this proposed amended conversion. The Department also requested the U.S. Customs Department to comment on the proposed amendment to the conversion. Based on our analysis of the comments received, the Department is now publishing an amended conversion of the scope of the countervailing duty order on certain textile mill products from Peru.

**EFFECTIVE DATE:** May 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Martina Tkadlec or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 482-2786.

**SUPPLEMENTARY INFORMATION:**

**Background**

In 1985, the Department issued a countervailing duty order on Certain Textile Mill Products from Peru (C-333-

402) (50 FR 9871; March 12, 1985). The scope of this order was originally defined solely in terms of the Tariff Schedules of the United States Annotated (TSUSA) item numbers; no narrative product description was provided. On January 1, 1989, the United States fully converted from the TSUSA to the Harmonized Tariff Schedule (HTS). Section 1211 of the Omnibus Trade and Competitiveness Act of 1988 directed the Department to "take whatever actions are necessary to conform, to the fullest extent practicable, with the tariff classification system of the Harmonized Tariff Schedule (for) all \* \* \* orders \* \* \*" in effect at the time of the implementation of the HTS.

Accordingly, on January 11, 1989, after reviewing comments received from the public, the Department published the 1989 Conversion for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989 (54 FR 993). That notice also included the conversion of the scope of the countervailing duty order on certain textile mill products from Peru from TSUSA to HTS item numbers. The 1989 Conversion was based on a one-to-one correspondence of the TSUSA and HTS item numbers. In the notice, the Department stated that it would review the HTS classifications at any time during a proceeding upon receipt of new information or additional comments.

Subsequently, as a result of comments submitted to the Department by the importing public and advice received from the U.S. Customs Service, the Department determined (1) that the 1989 Conversion did not accurately reflect the scope of the countervailing duty order on certain textile mill products from Peru and, therefore, (2) that the 1989 Conversion should be amended. On October 5, 1994, the Department published a proposed amendment to the 1989 Conversion and invited interested parties to comment (59 FR 50726). The Department also requested comments on the proposed conversion from the U.S. Customs Service.

Based on our analysis of the comments received, the Department has amended the 1989 Conversion governing the countervailing duty order on certain textile mill products from Peru. The HTS numbers included in this order are listed in the attached Appendix.

**Analysis of Comments Received**

*Comments from the Government of Peru:* The Government of Peru (GOP) contends that the HTS subheadings

5208.1260, 5208.1920, and 5208.2240 cover products that should properly be classified under the countervailing duty order on cotton sheeting and sateen (C-333-001). The GOP therefore suggests that these products should be excluded by including these HTS subheadings in the scope, but at the 10-digit level.

*Department's Position:* We disagree.

(1) Based on average yarn number, the sheeting under the HTS subheading 5208.1260 is not within the scope of the countervailing duty order on cotton sheeting and sateen from Peru. Therefore, the products under this subheading should be covered by the countervailing duty order on certain textile mill products from Peru.

(2) The HTS subheading 5208.1920 is listed in the scope of both the countervailing duty order on certain textile mill products from Peru and the countervailing order on cotton sheeting and sateen from Peru, but the coverage is clearly defined under both orders through footnotes. Under the countervailing duty order on certain textile mill products from Peru, the HTS subheading 5208.1920 applies to "fabric, not wholly of satin weave," while under the countervailing order on cotton sheeting and sateen from Peru, the HTS subheading 5208.1920 applies to "fabric, wholly of satin weave." Consequently, there is no overlap between the two countervailing duty orders.

(3) The HTS subheading 5208.2240 is for bleached goods only, including bleached sheeting. However, the countervailing order on cotton sheeting and sateen from Peru does not cover bleached sheeting. Therefore, goods under this HTS subheading should be covered under the countervailing duty order on certain textile mill products from Peru.

*Other Comments:* Based on comments from the U.S. Customs Service and advice from the U.S. International Trade Commission, we are making the following changes to the HTS-defined scope, as published on October 5, 1994 (59 FR 50726), so that it better reflects the original TSUSA-defined scope of this countervailing duty order:

1. We are inserting the following HTS subheadings: 5111.1120, 5111.1130, 5111.1910, 5111.2005, 5111.2010, 5111.2090, 5111.3005, 5111.3010, 5111.3090, 5111.9040, 5111.9050, 5111.9090, 5112.1110, 5112.1920, 5112.2010, 5112.2020, 5112.2030, 5112.3010, 5112.3020, 5112.3030, 5112.9040, 5112.9050, 5112.9090, 5210.1140, 5210.1160, 5210.1200, 5210.1920, 5210.1940, 5210.1960, 5210.2160, 5210.2940, 5210.2960, 5211.1100, 5211.1900, 5211.2100,