

modified as necessary to conform to recommendations contained in the approved Report of the Nomenclature Committee.

Dated: December 16, 1994.

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Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Parts 353, 355, and 356

[Docket No. 941264-4364]

RIN: 0625-AA45

Antidumping Duties; Countervailing Duties; Article 1904 of the North American Free Trade Agreement

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Advance notice of proposed rulemaking and request for public comments.

SUMMARY: The Department of Commerce ("the Department") intends to initiate a rulemaking proceeding to conform the Department's existing antidumping duty, countervailing duty, and NAFTA Article 1904 regulations to the Uruguay Round Agreements Act, which implemented the results of the Uruguay Round multilateral trade negotiations. In addition to conforming changes, the Department will be considering other changes to the procedural and substantive provisions of the antidumping and countervailing duty regulations. The overall objectives of this rulemaking proceeding will be to: (1) translate the principles of the implementing legislation into specific and predictable rules, thereby facilitating the administration of these laws and providing greater predictability for private parties affected by these laws; (2) simplify and streamline the Department's administration of antidumping and countervailing duty proceedings; (3) codify existing administrative practice, to the extent such codification is appropriate and is consistent with the first and second objectives; and (4) resolve any inconsistencies in the Department's administrative practice.

DATES: The Department will consider written comments if received not later than February 3, 1995. The Department will also consider written responses to

written comments if received not later than February 24, 1995.

ADDRESSES: Address written comments to Susan G. Esserman, Assistant Secretary for Import Administration, Central Records Unit, Room B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, N.W., Washington, DC 20230. Comments should be addressed: Attention: Advance Notice of Proposed Rulemaking/Uruguay Round Agreements Act. Each person submitting a comment should include his or her name and address, and give reasons for any recommendation.

FOR FURTHER INFORMATION CONTACT: William D. Hunter, (202) 482-4412, or David Mason Jr., (202) 482-4969.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 1994, President Clinton signed the Uruguay Round Agreements Act, Pub.L. 103-465 ("the URAA"), into law. The URAA implements the results of the Uruguay Round multilateral trade negotiations. Among the agreements negotiated as part of the Uruguay Round are the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("the Antidumping Agreement") and the Agreement on Subsidies and Countervailing Measures ("the Subsidies Agreement"). The URAA, among other things, conforms the U.S. antidumping and countervailing duty laws to the requirements of the Antidumping Agreement and the Subsidies Agreement.

The Department is initiating a rulemaking proceeding to conform the Department's existing regulations on antidumping duties, countervailing duties, and Article 1904 of the North American Free Trade Agreement to the provisions of the URAA. Although the Department expects that in many instances amendments to existing regulations will be of a conforming nature only, in the Statement of Administrative Action accompanying H.R. 5110 (H.R. Doc. No. 316, Vol. 1, 103d Cong., 2d Sess. (1994)), the Administration committed the Department to flesh out through regulation certain provisions of the bill.

In addition to regulations implementing the URAA, the Department intends to use this opportunity to proceed further with certain rulemaking proceedings on which work was suspended pending the completion of the Uruguay Round. These proceedings are listed below. In the Semiannual Unified Agenda of

Federal Regulations, published on April 25, 1994 (59 FR 20136), the Department indicated that these rulemaking proceedings had been withdrawn, but that it intended to address the subject matter covered by these rulemaking proceedings as part of a new, consolidated rulemaking proceeding which, among other things, would conform the antidumping and countervailing duty regulations to anticipated legislation implementing the Uruguay Round. The withdrawn rulemaking proceedings were:

- *Antidumping Duties* [RIN: 0625-AA29]: On February 1, 1989 (54 FR 5092), the Department published an Advance Notice of Proposed Rulemaking concerning regulations that would have codified existing administrative practice with respect to the identification and measurement of dumping.

- *Countervailing Duties* [RIN: 0625-AA31]: On May 31, 1989 (54 FR 23366), the Department published a Notice of Proposed Rulemaking that would have codified existing administrative practice with respect to the identification and measurement of subsidies.

- *Antidumping and Countervailing Duties; Significant Ministerial Errors* [RIN: 0625-AA35]: On January 10, 1992 (57 FR 1131), the Department published a Notice of Proposed Rulemaking setting forth the circumstances in which the Department would correct significant ministerial errors made in preliminary antidumping and countervailing duty determinations.

- *Antidumping Duties; Methodologies for Assessment Instructions* [RIN: 0625-AA36]: On December 5, 1991 (56 FR 6396), the Department published an Advance Notice of Proposed Rulemaking regarding regulations which would have changed and/or codified existing administrative practice to simplify and streamline the collection of estimated antidumping duties and the assessment of antidumping duties.

- *Antidumping Duties; Calculation of Weighted Average Dumping Margin* [RIN: 0625-AA39]: The Department had considered initiating a rulemaking proceeding which would have addressed a problem in the Department's calculation of weighted-average dumping margins caused by the Department's treatment of adjustments for indirect taxes. See 59 FR 20156-57.

- *Antidumping Duties; Period of Investigation* [RIN: 0625-AA41]: The Department had considered initiating a rulemaking proceeding to amend the Department's antidumping regulations with respect to the period covered by an antidumping investigation. See 59 FR 20157.