

instrument which is being manufactured in the United States.
 Frank W. Creel,
Director, Statutory Import Programs Staff.
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 BILLING CODE 3510-DS-P

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued. Applicant has requested expedited review.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 96-00007." A summary of the application follows.

Summary of the Application

Applicant: Committee for the Fair Allocation of Rice Quotas ("CFARQ"), 3050 K Street, N.W., Suite 400, Washington, D.C. 20007.

Contact: Laurence J. Lasoff, Attorney, Telephone: (202) 342-8400.

Application No.: 96-00007.

Date Deemed Submitted: November 8, 1996.

Members (in addition to applicant): Cargill Incorporated, Greenville, Mississippi; Louis Dreyfus Corporation, Wilton, Connecticut; and Riviana Foods, Inc., Houston, Texas.

CFARQ seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

Products

Semi-milled and wholly milled rice, whether or not polished or glazed (Harmonized Tariff Schedule 1006.30) (referred to as "milled rice") and husked (brown) rice (Harmonized Tariff Schedule 1006.20).

Export Markets

For purposes of administering the European Union's tariff rate quota: The countries of the European Union.

For purposes of Export Trade Activity and Method of Operation: All parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. The Committee will administer a system for allocating the U.S. share of the European Union ("EU") tariff rate quotas ("TRQs") for milled rice and brown rice (roughly 38,000 tons of milled rice and 8,000 tons of brown rice) agreed to as compensation to the United States for the enlargement of the EU to include Austria, Finland, and Sweden, as follows:

a. The Committee will operate a quota tender system in which certificates of quotas will be offered on open tender to the highest bidder 30 days prior to the release of each quota tranche, as defined by the EU.

b. The administration of the quota tender system will be carried out by an independent economic consultant, who will be retained by the Committee for purposes of administering the tender program.

c. Thirty days prior to the beginning of each tranche of tariff rate quota, the Committee, through its consultant, will offer separate sub-parcels of quota amounting to 100 tons each. Anyone, whether a member of the Committee or not, will be eligible to bid on each sub-parcel, upon posting a five percent bid bond.

d. The Committee will issue a written request to bid on each available sub-parcel, as well as an official form on which to place the bid. Potential bidders will have five working days to respond to the bid request. All bid information will be returned to the consultant within five working days. At the close of the five day period, the consultant will award certificates of quotas to the highest bidder on each sub-parcel upon payment of monies bid. Additionally, the certificates will be re-tradeable.

e. In the event that identical bids are submitted on a particular sub-parcel, the consultant will split the parcel among the relevant bidders.

2. The Committee will oversee the redistribution of proceeds arising out of the administration of the quota tender system as follows:

a. The Committee will not decide on the distribution of proceeds arising out of a particular quota year until the passage of at least one year after the conclusion of the quota year in question.

b. Once the proceeds from a particular quota year become eligible for distribution, the Committee will decide on the amount and method of distribution based on a four-fifths vote of the member companies.

c. In considering the method of redistribution the Committee may take into account a number of factors including: (1) the share of the European market held by the individual members during the period; (2) the share of the world market held by the individual members during the period; (3) extraordinary factors that may have affected individual members during the period; and (4) such other factors as the Committee deems appropriate.

3. The Committee and/or its Members may use funds generated through the quota tender process to conduct market development activities if the Committee so chooses. The Committee and/or its Members may exchange or discuss information necessary for the carrying out of such programs.

4. The Committee and/or its Members may:

a. Provide for an administrative structure to implement the foregoing tariff rate quota system, relating to the U.S.-EU Compensation Agreement and EU regulations, including the hiring of

an independent economic consultant to administer the quota tender system;

b. Exchange and discuss information regarding the structure and method for administering the foregoing tariff rate quota system, relating to the U.S.-EU Compensation Agreement and EU regulations;

c. Discuss the type of information needed regarding past transactions and exports that are necessary for administering the foregoing tariff rate quota system relating to the U.S.-EU regulations and for effectuating any redistribution of proceeds arising out of the administration of the system.

Abbreviated Amendment Procedures

New Committee members may be incorporated in the Certificate through an abbreviated amendment procedure. An abbreviated amendment shall consist of a written notification to the Secretary of Commerce and the Attorney General identifying the Committee members that desire to become members under the Certificate pursuant to the abbreviated amendment procedure and certifying for each such member so identified its sale of individual products in its prior fiscal year. Notice of the members so identified shall be published in the Federal Register. However, the Committee may withdraw one or more individual members from the application for the abbreviated amendment. If 30 days or more following publication in the Federal Register, the Secretary of Commerce, with the concurrence of the Attorney General, determines that the incorporation in the Certificate of these members through the abbreviated amendment procedure is consistent with the standards of the Act, the Secretary of Commerce shall amend the Certificate to incorporate such members, effective as of the date on which the application for amendment is deemed submitted. If the Secretary of Commerce does not within 60 days of publication in the Federal Register so amend the Certificate, such amendment must be sought through the non-abbreviated amendment procedure.

Terms and Conditions of Certificate

1. Except as expressly authorized in Export Trade Activity and Methods of Operation 4(C), in engaging in Export Trade Activities and Methods of Operation, neither the Committee nor any Member shall intentionally disclose, directly or indirectly, to any other Member (including parent companies, subsidiaries, or other entities related to any Member not named as a Member) any information regarding its or any other Member's costs, production, inventories, domestic

prices, domestic sales, capacity to produce Products for domestic sale, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods, unless (1) such information is already generally available to the trade or public; or (2) the information disclosed is a necessary term or condition (e.g., price, time required to fill an order, etc.) of an actual or potential bona fide export sale and the disclosure is limited to the prospective purchaser.

2. The Committee and its Members will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

Definitions

"Member" means a member of the Committee who has been certified as a "Member" within the meaning of Section 325.1(1) of the Regulations. Members must sign the Operating Agreement of the Committee in order to participate in the certified activities. Any U.S. company, that is actively engaged in rice milling or that has exported U.S. rice in the preceding or current calendar year and that wishes to participate in the activities covered by this certificate, may join the Committee's membership by executing the Operating Agreement and paying a membership fee of \$3,000 per calendar year. Any Committee member that is not a listed Member may join the Committee's export trade certificate of review by requesting that the Committee file for an amended certificate. A Member may withdraw from coverage under this certificate at any time by giving written notice to the Committee, a copy of which the Committee will promptly transmit to the Secretary of Commerce and the Attorney General.

Dated: November 18, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

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North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of the Panel Review.

SUMMARY: On October 28, 1996 the Binational Panel completed its review of the Final Determination in the antidumping duty administrative review made by the International Trade Administration respecting Gray Portland Cement Clinker from Mexico, Secretariat File No. USA-95-1904-02.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: On September 13, 1996 the Binational Panel issued its decision affirming the Final Determination in this matter and instructed the Secretariat to issue a Notice of Final Panel Action. The Notice of Final Panel Action was issued on September 25, 1996. No Request for an Extraordinary challenge was filed within 30 days of the issuance of the Notice of Final Panel Action. Therefore, on the basis of the Panel decision and Rule 80 of the *NAFTA Article 1904 Panel Rules*, the Panel Review was completed and the panelists were discharged from their duties effective October 28, 1996.

Dated: October 29, 1996.

James R. Holbein,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 96-29846 Filed 11-21-96; 8:45 am]

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National Oceanic and Atmospheric Administration

[I.D. 110896B]

Endangered Species; Permits

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

ACTION: Notice of receipt of application for a research permit (P610A).

SUMMARY: Notice is hereby given that Steven A. Serfling of Mote Marine Laboratory & Mote Aquaculture (P610A) has applied in due form for a scientific research permit to take listed shortnose sturgeon.