

milling or that has exported U.S. origin 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 one-time membership fee of \$3,000. 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.

Protection Provided by Certificate

This Certificate protects the Committee, its Members, and directors, officers, and employees acting on behalf of the Committee and its Members from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

Effective Period of Certificate

This Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or revoked as provided in the Act and the Regulations.

Other Conduct

Nothing in this Certificate prohibits the Committee and its Members from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of the antitrust laws.

Disclaimer

The issuance of this Certificate of Review to the Committee by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary of Commerce or by the Attorney General concerning either (a) the viability or quality of the business plans of the Committee or its Members or (b) the legality of such business plans of the Committee or its Members under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of this Certificate to conduct export trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the

transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 Fed. Reg. 1786 (January 11, 1985).

In accordance with the authority granted under the Act and Regulations, this Certificate of Review has been granted to the Committee for the Fair Allocation of Rice Quotas.

A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: March 31, 1997.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 97-8580 Filed 4-3-97; 8:45 am]

BILLING CODE 3510-DR-P

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 96-00008.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to the U.S. Rice Industry Coalition for Exports, Inc. ("U.S. RICE"). This notice summarizes the conduct for which certification has been granted.

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. The regulations implementing Title III are found at 15 CFR part 325 (1996).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

Products

Semi-milled and wholly milled rice, whether or not polished or glazed (Harmonized Tariff Schedule 1006.30) ("milled rice"), husked rice (Harmonized Tariff Schedule 1006.20) ("brown rice"), broken rice (Harmonized Tariff Schedule 1006.40), and paddy or rough rice (Harmonized Tariff Schedule 1006.10).

Export Markets

For purposes of allocating through an open bidding procedure the European Union's tariff rate quota: The countries of the European Union.

For purposes of Export Trade Activities and Methods of Operation 2(c) and 4(e): 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. U.S. RICE will administer a system for managing the U.S. share of the European Union ("EU") tariff-rate quotas ("TRQs") for milled, brown, and broken rice (roughly 38,000 metric tons of milled rice, 8,000 metric tons of brown rice and 7,000 metric tons of broken rice annually) agreed to as compensation to the United States for the enlargement of the EU to include Austria, Finland, and Sweden, as follows:

a. U.S. RICE will allocate the TRQs exclusively through an open tender to the highest bidder(s). Any person domiciled, incorporated or otherwise legally established in the United States is eligible to bid. Bidders need not be members of U.S. RICE and need not be included as Members in this Certificate.

b. U.S. RICE will retain an independent third party ("the TRQ Administrator") to administer the quota tender system. The TRQ Administrator may be an individual, partnership, corporation (for profit or non-profit), or any representative thereof that is not engaged in the production, milling, distribution, or sale of milled, brown, broken, or paddy rice.

c. At least 45 days before the opening of each TRQ tranche, as defined by the EU, the TRQ Administrator will publish notice of the bidding process for that tranche in the Journal of Commerce. The notice will invite independent bids and

specify a bid date that is (i) at least 5 working days after the notice is published and (ii) at least 30 days before the opening of the tranche. (If the EU announces the opening of a TRQ tranche less than 45 days before the opening of that tranche, the TRQ Administrator will publish the required notice within 2 working days of the EU announcement and specify a bid date that is at least 5 working days after the notice is published.) Each bidder will independently submit its bid to the TRQ Administrator on the published bid date, together with a bid deposit, initially set at \$25 per metric ton. The TRQ Administrator will retain the full deposit for the tonnage on which bids are successful, and up to 25 percent of the deposit for the tonnage on which bids are not successful, to cover costs of administering the TRQ system. The remainder of the deposit on an unsuccessful bid will be refunded to the bidder.

d. Following the close of the bidding, the TRQ Administrator will promptly review the bids for conformity with bidding procedures, and will notify the high bidder(s) winning TRQ allocations. The high bidder(s) will then have 48 hours to post a five percent performance bond. Upon receipt of the amount bid from a high bidder, the TRQ Administrator will promptly issue Export Certificate(s) of Quota ("ECQs") for the tonnage awarded. ECQs will be freely tradable. Each performance bond will be discharged on submission of export documentation demonstrating that the ECQ was used to export U.S. rice to the EU.

e. The TRQ Administrator will notify all participants in the bidding process of (i) the total tonnage for which ECQs were awarded, and (ii) the price per metric ton of the highest bid, for each TRQ.

2. The bid proceeds will be distributed and otherwise used as follows:

a. All bid proceeds will be deposited in a trust fund. Each year, the TRQ Administrator will distribute funds from the tenders for a particular quota year to qualifying members of U.S. RICE in proportion to each such member's percentage share by volume of total exports of U.S. rice to all destinations in the year preceding the quota year. No U.S. RICE member may receive a distribution in excess of that amount.

b. Any person domiciled, incorporated, or otherwise legally established in the United States that has exported U.S. rice in the year of application or the preceding calendar year, or is actively engaged in rice milling in the United States may join

U.S. RICE. Prospective members must execute the U.S. RICE Operating Agreement. A member of U.S. RICE will qualify for a particular distribution by (i) joining U.S. RICE, and (ii) documenting its share of U.S. rice exports for the relevant year to the TRQ Administrator.

c. Funds remaining in the trust fund after a distribution will be used as necessary to cover operating expenses, and thereafter for promotion of U.S. rice exports worldwide through activities generally comparable to those funded by the U.S. Department of Agriculture's market access program.

3. The TRQ Administrator may, as necessary, receive confidential information and documentation of rice exports from members and prospective members of U.S. RICE in connection with membership applications and distributions of bid proceeds. The TRQ Administrator will maintain the confidentiality of such information and will not disclose it to any other member or any other person except to another neutral third party as necessary to process membership applications and distributions of bid proceeds.

4. U.S. RICE and/or its Members may also:

a. Exchange and discuss information regarding the structure and operation of the U.S. RICE TRQ management system, including the types of information regarding past export transactions that are necessary for implementing the system;

b. Assess the operation of the system and consider and implement modifications to improve the system's workability;

c. Exchange and discuss information concerning U.S. and foreign agreements, legislation, and regulations affecting the U.S. RICE TRQ management system;

d. Discuss and modify bid deposit fees as appropriate for covering costs of administering the TRQ system, and discuss and modify performance bond requirements as appropriate for securing timely submission of documentation of ECQ usage;

e. Discuss, decide on, and implement export promotion activities to be undertaken with post-distribution funds in the trust fund;

f. Otherwise exchange and discuss information as necessary to implement the foregoing activities and take the necessary action to implement the U.S. RICE TRQ management system, relating to the U.S.-EU Enlargement Agreement and any successor or related agreements, and related EU regulations;

g. Provide nonconfidential information to, and consult as appropriate with, officials of the U.S.

Government and the European Commission concerning the operation of the U.S. RICE TRQ management system; and

h. Meet to engage in the activities described above.

Abbreviated Amendment Procedures

New U.S. RICE members may be incorporated as Members in the Certificate through an abbreviated amendment procedure. Under the procedure, U.S. RICE will notify the Secretary of Commerce and the Attorney General, in writing, of those members of U.S. RICE that wish to be included as Members in the Certificate. The notification will include a certification from each such member of its domestic and export sales of Products in its preceding fiscal year. Notice of the members so identified shall be published in the **Federal Register**. 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 so amend the Certificate within 60 days of publication in the **Federal Register**, such amendment must be sought through the normal amendment procedure.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, neither U.S. RICE 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. U.S. RICE 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 U.S. RICE that has been certified as a "Member" within the meaning of § 325.2(l) of the Regulations, as listed in Attachment I. Any U.S. RICE member that is not a Member may request that U.S. RICE file for an amended certificate. A Member may withdraw from coverage under this certificate at any time by giving written notice to U.S. RICE, a copy of which U.S. RICE will promptly transmit to the Secretary of Commerce and the Attorney General.

Protection Provided by Certificate

This Certificate protects U.S. RICE, its Members, and directors, officers, and employees acting on behalf of U.S. RICE and its Members from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

Effective Period of Certificate

This Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or revoked as provided in the Act and the Regulations.

Other Conduct

Nothing in this Certificate prohibits U.S. RICE and its Members from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of the antitrust laws.

Disclaimer

The issuance of this Certificate of Review to U.S. RICE by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary of Commerce or by the Attorney General concerning either (a) the viability or quality of the business plans of U.S. RICE or its

Members or (b) the legality of such business plans of U.S. RICE or its Members under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of this Certificate to conduct export trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

In accordance with the authority granted under the Act and Regulations, this Certificate of Review has been granted to the U.S. Rice Industry Coalition for Exports, Inc.

A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: March 31, 1997.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

Attachment I

U.S. Rice Industry Coalition for Exports, Inc.

(Application No. 96-00008)

Continental Grain Company, New York, New York

Newfield Partners Ltd., Miami, Florida

[FR Doc. 97-8582 Filed 4-3-97; 8:45 am]

BILLING CODE 3510-DR-P

Technology Administration

Department of Commerce Study for the Continuous Improvement of the Advanced Technology Program (ATP)

AGENCY: Technology Administration, Commerce.

ACTION: Request for Public Comments ATP 60 Day Study.

SUMMARY: The Department of Commerce's Technology Administration is seeking ways to make the National Institute of Standards and Technology's (NIST) Advanced Technology Program (ATP) operate more effectively. This notice provides the general public the opportunity to review the areas under consideration. This study will be presented to the Secretary of Commerce. **DATES:** The due date for submission of comments is May 5, 1997.

ADDRESSES: Address all comments concerning this notice to: National Institute of Standards and Technology, Program Office, Attention: ATP 60 Day Study, Administration Building, Room A1000, Quince Orchard & Clopper Roads, Gaithersburg, MD 20899-0001; or via e-mail to:

atp60daystudy@nist.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Leslie Smith, (301) 975-6762.

SUPPLEMENTARY INFORMATION:

Background

The ATP is a rigorously competitive, cost-sharing R&D program to provide incentives for the pursuit of high-risk, emerging and enabling technologies by U.S.-based businesses at the early, precompetitive stage when market forces do not generally provide private capital. The ATP provides multi-year funding to single companies and business-led joint ventures. It encourages interactions and teaming arrangements between businesses and universities and national laboratories. The ATP challenges businesses to leverage the significant U.S. investment in fundamental research to generate the nuclei of new industries and new enabling technologies for the future growth and competitiveness of the U.S. industrial base. Competitions are held for both general programs, where any technology area can be explored, and for focused programs where industry discussions have indicated that significant progress in new areas can be made by a set of intensive R&D activities in a specific area of emerging technologies. In all cases proposers must provide credible evidence of the potential for new technology breakthroughs and outline project feasibility. In addition, they must be able to demonstrate their capability to bring a successful project to commercial reality *after* the completion of the ATP funding. Small technology-intensive and high tech start-up companies are particularly encouraged to participate. In the global economy of today, ATP is designed to accelerate and broaden the U.S. technology base and to provide the foundation for the next century's new, exciting industries. It should also serve as a vehicle for infusing truly new research ideas into existing industries for the next generation of products and services.

Purpose and Scope of Study

The Advanced Technology Program is a key component of the Nation's long term economic growth strategy. In a recent statement before a committee of the United States House of