

**DEPARTMENT OF COMMERCE****Submission for OMB Review;  
Comment Request**

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* Bureau of the Census.

*Title:* 1997 Economic Censuses

*Classification Report.*

*Form Number(s):* NC-9926.

*Agency Approval Number:* None.

*Type of Request:* New collection.

*Burden:* 8,750 hours (in FY 1998).

*Number of Respondents:* 105,000.

*Avg Hours Per Response:* 5 minutes.

*Needs and Uses:* The 1997 Economic

Census will cover virtually every sector of the U.S. economy. The Census Bureau will implement the new North American Industry Classification System (NAICS) in the 1997 Economic Census. The implementation of the NAICS as a replacement for the 1987 Standard Industrial Classification (SIC) system will require contacting businesses to collect classification information to update the 1997 Economic Census mailing lists.

Accurate and reliable industry and geographic codes are critical to the Bureau of the Census statistical programs. New businesses are assigned industry classification by the Social Security Administration (SSA). However, approximately 22 percent of these businesses cannot be assigned industry codes because insufficient information is provided on Internal Revenue Service (IRS) Form SS-4. Since the 1992 Economic Censuses, the number of unclassified businesses has grown to almost 500,000.

In order to provide detailed manufacturing and mining industry data reflecting NAICS for the 1997 Economic Censuses and the Standard Statistical Establishment List (SSEL), these partially coded manufacturing and mining businesses must be assigned detailed classification codes. This data collection, Form NC-9926, is designed to obtain detailed classification information for the partially coded single-unit manufacturing and mining businesses including changes from the SIC to NAICS and provide current information on their physical locations.

*Affected Public:* Businesses or other for-profit, Not-for-profit institutions.

*Frequency:* Every five years.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13 USC, Sections 131 and 224.

*OMB Desk Officer:* Jerry Coffey, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482-3272, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jerry Coffey, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: April 16, 1997.

**Linda Engelmeier,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 97-10417 Filed 4-22-97; 8:45 am]

BILLING CODE 3510-07-P

**DEPARTMENT OF COMMERCE****Bureau of Export Administration****Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting**

A meeting of the Regulations and Procedures Technical Advisory Committee will be held May 13, 1997, 9 am, in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

**Agenda****Open Session**

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on Bureau of Export Administration initiatives.
4. Discussion on "deemed export" rule and case processing.
5. Discussion on the Automated Export System.
6. Discussion on information sharing and end-use controls.

**Closed Session**

7. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the

public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, TAC Unit/OAS/EA MS: 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 2, 1996, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) Shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, Department of Commerce, Washington, DC. For further information, call Lee Ann Carpenter at (202) 482-2583.

Dated: April 18, 1997.

**Lee Ann Carpenter,**

*Director, Technical Advisory Committee Unit.*

[FR Doc. 97-10532 Filed 4-22-97; 8:45 am]

BILLING CODE 3510-DT-M

**DEPARTMENT OF COMMERCE****International Trade Administration****North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews; Notice of Completion of Panel Review**

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

**ACTION:** Notice of Completion of Panel Review.

**SUMMARY:** On April 14, 1997 the Binational Panel completed its review in the matter of Fresh Cut Flowers from Mexico, Secretariat File No. USA-95-1904-05.

**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:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was conducted in accordance with these Rules.

**BACKGROUND INFORMATION:** On October 26, 1995, Rancho El Aguaje, Rancho El Toro and Rancho Guacatay filed a First Request for Panel Review with the U.S. Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Results of Antidumping Duty Administrative Review made by the International Trade Administration respecting Fresh Cut Flowers from Mexico. This determination was published in the **Federal Register** on September 26, 1995 (60 FR 49569). The request was assigned File No. USA-95-1904-05.

On December 16, 1996 the Binational Panel issued its decision in the matter of Fresh Cut Flowers from Mexico, Secretariat File No. USA-95-1904-05. The Panel decided that the Department properly determined that the Complainants provided misleading and evasive statements concerning their respective tax statutes and that the Department properly invoked Best Information Available given the substantial evidence on the record in this action. However, the first-tier Best Information Available rate imposed by the Department was not justified by substantial evidence on the record and was not otherwise in accordance with

law. Based upon the substantial evidence on the record, the Panel remanded the action with instructions to assign a second-tier rate of 18.20 percent, which is taken from the Department's original investigation and takes into account the substantial cooperation provided by the Ranches.

The Panel ordered the Department to issue a determination on remand consistent with the instructions and findings set forth in the Panel's decision within forty five (45) days of the date of the Order (not later than January 30, 1997).

The determination on remand was filed on January 29, 1997. No challenges were filed by the participants within the time provided in the *NAFTA Article 1904 Panel Rules*. On March 3, 1997, the Panel issued an order under Rule 73(5) affirming the Determination on Remand and instructed the Secretariat to issue a Notice of Final Panel Action Under Rule 77. The Notice of Final Panel Action was issued on March 14, 1997. 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 April 14, 1997.

Dated: April 17, 1997.

**James. R. Holbein,**

*U.S. Secretary, NAFTA Secretariat.*

[FR Doc. 97-10443 Filed 4-22-97; 8:45 am]

BILLING CODE 3510-GT-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041697A]

#### Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins

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

**ACTION:** Notice of issuance of letters of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that 1-year letters of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities were issued on January 14, 1997, to Seneca Resources

Corporation, Houston, TX; February 10, 1997, to Chevron U.S.A., New Orleans, LA; March 7, 1997, to Phillips Petroleum Company, Lafayette, LA, and, on April 16, 1997 to CNG Producing Company, New Orleans, LA.

**ADDRESSES:** The applications and letters are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055 or Charles Oravetz, Southeast Region (813) 570-5312.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139), and remain in effect until November 13, 2000.

#### Summary of Request

NMFS received requests for letters of authorization on January 8, 1997, from Seneca Resources Corporation; February 5, 1997, from Chevron, U.S.A.; March 6, 1997, from Phillips Petroleum Company; and March 26, 1997, from