

warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate established in the final results of this review; (2) if the exporter is not a firm covered in this review, or the original less than fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (3) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 91.06 percent, the all others rate established in the LTFV investigation (56 FR 36135, July 31, 1991).

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act.

Dated: July 31, 1997.

Robert S. LaRossa,
Acting Assistant Secretary for Import Administration.

[FR Doc. 97-20935 Filed 8-7-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued. Applicant has requested and been denied 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 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 an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, 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). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 96-2A003." The Rice Millers' Association's ("RMA") original Certificate was issued on August 16, 1996 (61 FR 43733, August 26, 1996). A summary of the application for an amendment is as follows.

Summary of the Application

Applicant: Rice Millers' Association, 4301 North Fairfax Drive, Suite 305, Arlington, Virginia 22203-1616.

Contact: Cynthia H. Tough, Vice President of International Affairs for the USA Rice Federation. Telephone: (703) 351-8161.

Application No.: 96-2A003.

Date Deemed Submitted: July 25, 1997.

Proposed Amendment: RMA seeks to amend its Certificate by (1) modifying the Export Trade Activities and Methods of Operation under which it proposes to allocate the U.S. portion of the E.U.'s tariff rate quotas ("TRQs") for semi-milled and milled rice and brown rice and (2) expanding the eligibility for Membership in the RMA Certificate to include any persons, firms, or corporations of U.S. nationality that have been actively engaged in the exportation of rice from the United States in each of the past two calendar years. RMA's Certificate would be amended in relevant part as follows:

Export Trade Activities and Methods of Operation

RMA will administer a program 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 EU enlargement, to include Austria, Finland, and Sweden, as follows:

A. Administration of ETCR

(a) The program will be administered by an Administrator, selected by the Membership, and not engaged in the production, milling, distribution, or sale of rice. The President of the USA Rice Federation, and such employees and contractors of the Federation as he or she may designate, will work closely with the Administrator as necessary for the smooth operating of the RMA/ETCR.

(b) The Administrator may request of Members statistical information, to be provided on a confidential basis, concerning their participation in the RMA/ETCR, including the disposition of TRQ Certificates, and may prepare compilations of such data, in such form as not to disclose confidential information.

B. Acquisition and Transfer of TRQ Certificates

(a) Certificates shall be offered to the Membership on open tender. The certificates issued by the RMA/ETCR will specify the quantity and type of rice (milled or brown) covered, and shall be valid for certain time periods or tranches. The quantity of rice covered by the total number of Certificates will reflect the total amount of U.S. rice to be imported into the EU under the TRQs.

(b) Certificates shall be valid only for the tranche covered by the import license, and shall expire at the end of such tranche.

(c) A minimum of thirty calendar days before the opening of each tranche of the TRQs, the Administrator shall notify each Member of the RMA/ETCR that it is entitled to bid for TRQ Certificates, and shall specify the quantity and type of rice (milled or brown) and the time period covered by the tranche.

(d) Together with the first bid it submits for TRQ Certificates in a given year of operation of the RMA/ETCR, a Member shall lodge with the Administrator an irrevocable bond or equivalent surety instrument as provided in the Operating Agreement. The bond shall be forfeited to the RMA/ETCR in the event that, at any time during the year, the Member fails to pay for or fails to take delivery of Certificates awarded to it.

(e) To be considered, a bid must: (i) Specify the type of rice (milled or brown); (ii) state the quantity, in metric tonnes, of rice for which the bidder proposes to purchase Certificates; (iii) indicate the price or prices for which the Member proposes to acquire Certificates; and (iv) be signed by a responsible official of a Member of the RMA/ETCR. A bid not satisfying these criteria, or a bid not submitted within the stipulated response period, shall be returned to the Member by the Administrator, and shall not be considered further.

(f) The Administrator shall award Certificates for the available tonnage to the highest bidder(s) for each type of rice. In the event that identical bids are received, the Administrator shall award Certificates on a pro rata basis, in proportion to the quantities requested by the bidders.

(g) The contents of the bids shall be treated by the Administrator as confidential, releasing to the public only the names of the successful bidder(s), quantity, type of rice and price of their bids.

(h) Successful bidders shall be awarded Certificates evidencing their eligibility to export stated quantities of milled and brown rice into the customs territory of the EU under the TRQ during a specified shipment period. Payment for the Certificates, in accordance with the terms of the bid, must be made to the Administrator within the time period provided in the Operating Agreement. If a bidder fails to pay for Certificates awarded, all bids submitted by that bidder shall be deemed canceled, and the Administrator shall revoke the award and distribute the bidder's Certificates to the next highest bidder.

(i) In the event that the total quantity of bids received is less than the size of the relevant TRQ tranche, the unused

portion shall, to the extent consistent with EU law, be carried over to a succeeding tranche. In any tranche as to which EU law prohibits such carry-over, should the total quantity of bids received be less than the total quantity available in the tranche, the unused portion shall be offered to all of the successful bidders, in proportion to the size of their respective awards, at the lowest bid price.

(j) Certificates, once issued and paid for, shall be freely transferable.

C. Disposition of Tender Proceeds

(a) The Administrator shall aggregate the proceeds of all tenders for TRQ Certificates, and all interest accrued thereon, at the end of each year of operation of the program, and shall distribute them as follows:

(b)(1) In the first year of operations, the Administrator shall remit to the RMA/ETCR 5% of the total proceeds of the tenders for that year to pay all administrative and legal expenses incurred by the RMA/ETCR in calendar year 1996 and through conclusion of the first year of operations.

(2) The remainder of the 5% portion of the proceeds shall be distributed as follows:

(i) To each Member, any documented expenses that it incurred for third-party legal fees in calendar years 1996 and 1997 in connection with the establishment of an ETC for administration of the TRQs,

(ii) To each Member that shipped a minimum of 500 metric tonnes of milled rice to the EU in calendar year 1996, and which has not already received a distribution pursuant to this subparagraph (2), and

(iii) To each Member that shipped a minimum of 500 metric tonnes of brown rice to the EU in calendar year 1996, and which has not already received a distribution pursuant to this subparagraph (2).

In no event, may the distribution to any Member under this subparagraph exceed \$25,000.

(3) If there are insufficient funds available to make payments provided for in subparagraph (2), the amount that each Member would otherwise be entitled to receive will be reduced by a pro-rata amount so that the total distributions will be equal to the amount available for this purpose. If the distributions under subparagraph (2) should not result in the complete distribution of the funds available for this purpose, any amount left over shall be distributed according to the formula and sequence set out in paragraph (e).

(c) In the years after the first year, the Administrator shall remit to the RMA/

ETCR 2% of the total proceeds of the tenders for the year, to pay administrative and legal expenses related to the RMA/ETCR. If the actual administrative expenses differ from the stated amount by more than 1% of the total proceeds, then the percentage to which the RMA/ETCR shall be entitled in the following year shall be adjusted up or down accordingly.

(d) If requested by the RMA/ETCR, the Administrator shall be permitted to make advances against administrative cost requirements during the course of the year.

(e) For the first two years of operation, the Administrator shall pay to those Members qualifying as "Historical Shippers" the amount of \$75 for each tonne of their average annual shipments of brown and milled rice to Austria, Sweden, and Finland during the period 1990-1994 ("the Historical Shippers Portion"). Of the proceeds remaining after distribution of the amounts provided for in paragraphs (b) and (c) and distribution of the Historical Shippers Portion, the Administrator shall distribute:

(i) 45% divided one-third to the Rice Foundation for rice-related research projects; and two-thirds for international development activities to be managed by the USA Rice Federation ("Industry Promotion Portion").

(ii) 10% to the All Exporters Fund to be paid out to Members in proportion to their relative shares of the export trade of all rice from the United States to all destinations in the world except the European Union, on a milled-equivalent basis, during the preceding year.

(iii) the remainder to Members of the RMA/ETCR, in proportion to their relative shares of the export trade of all milled and brown rice to the EU, on a milled-equivalent basis, during the preceding year ("the EU Exporters Pool").

(f) After the second year of operation of this Agreement, the Administrator shall distribute the proceeds remaining after the distribution provided in paragraph (c), by deducting and setting aside the Historical Shippers Portion, and by distributing the remainder as follows:

(i) 45% to the Industry Promotion Portion, to be distributed in accordance with paragraph (e)(i);

(ii) 10% to the All Exporters Fund, to be distributed in accordance with paragraph (e)(ii); and

(iii) The remainder of the proceeds, together with the Historical Shippers Portion, to the EU Exporters Pool, to be distributed in accordance with paragraph (e)(iii).

(g) For the purposes of the above Export Trade Activities and Methods of Operation, all references to "years of operation" shall mean years beginning on the date the first tranche opens, and ending on the day before the anniversary of that date.

Definitions

"Member" means a member of RMA who has been certified as a "Member" within the meaning of Section 325.1(l) of the Regulations and as listed in Attachment I. Members must sign the Operating Agreement of the RMA/ETCR in order to participate in the certified activities. Any U.S. company that has been actively engaged in the exportation of rice from the United States in each of the past two calendar years, and that wishes to participate in the activities covered by this certificate, may join RMA's membership by executing the Operating Agreement, paying a non-refundable membership fee of \$3,000 per calendar year, and requesting that RMA file for an amending certificate. Membership will remain open until December 31, 1997, and thereafter, shall be open to qualified companies during specified months in the year. Any RMA member that is not a listed Member may join RMA's export trade certificate of review by requesting that RMA file for an amended certificate. All of the rights of Members would become effective as of the date of approval of their Membership by the Department of Commerce. A Member may withdraw from coverage under this certificate at any time by giving written notice to RMA, a copy of which RMA will promptly transmit to the Secretary of Commerce and the Attorney General.

Dated: August 4, 1997.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 97-20929 Filed 8-7-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration, Commerce

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 89-3A010.

SUMMARY: The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to the Air-Conditioning and Refrigeration Institute ("ARI") on May 10, 1991.

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. Sections 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 (1997).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary 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 Amended Certificate

Export Trade Certificate of Review No. 89-00010, was issued to ARI on May 10, 1991 (56 FR 23284, May 21, 1991), and previously amended on July 6, 1992 (57 FR 30956, July 13, 1992); and February 9, 1995 (60 FR 9011, February 16, 1995).

ARI's Export Trade Certificate of Review has been amended to:

1. Add each of the following companies as new "Members" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Calmac Manufacturing Corporation, Englewood, New Jersey; Des Champs Laboratories, Inc., Natural Bridge Station, Virginia; Elkhart Product Corporation, Geneva, Indiana; IMI Cornelius, Inc., Anoka, Minnesota; Inter-City Products Corporation, USA, Lewisburg, Tennessee; Mainstream Engineering Corporation, Rockledge, Florida; Metal Industries, Inc., Clearwater, Florida; National Comfort Products, Bensalem, Pennsylvania; New Thermal Technologies, Inc., Clearwater, Florida; Refrigerant Recovery Technologies, Inc., Garrett, Indiana; Refron, Inc., Long Island City, New York; SPX Corporation, for the activities of its Robinair Division—HVAC/R Group, Montpelier, Ohio; Russell, Brea, California; Semco, Incorporated, Columbia, Missouri; The Whalen Company, Easton, Maryland; and two subsidiaries of AAF/McQuay Inc.: AAF International, Louisville, Kentucky and McQuay International, Minneapolis, Minnesota;

2. Delete the following companies as "Members" of the Certificate: American ThermaFlo, Springfield, Massachusetts; AAF/McQuay, Inc., Dallas, Texas; Brookside Group, Inc., McCordsville, Indiana; Eaton Corporation, for the activities of its Automotive & Appliance Control Operations, Carol Stream, Illinois; Heat Exchangers, Inc., Skokie, Illinois; New Thermal Technologies, Inc., Clearwater, Florida; and Tomkins Industries, Inc., Dayton, Ohio;

3. Change the listing of the company name of the following current "Members" as follows: change Mestek, Inc., for the activities of its Sterling Radiator Division, to Mestek, Inc., for the activities of its KOLDWAVE Division and its Sterling HVAC Equipment Division; Lau to LAU Industries; MDI Major Diversities, Inc. to Pinnacle Products, Inc.; Miller-Picking Corporation to Miller-Picking International Corporation; NIBCO, Inc., for the activities of its OEM Division to NIBCO, Inc.; and NORDYNE Inc. to NORDYNE, INC.; and

4. Add as new products to be covered as Export Trade under the Certificate within the meaning of section 325.2(j) of the Regulations (15 CFR 325.2(j)): (1) Unit ventilators, (2) air-to-air energy recovery ventilation equipment, (3) desiccant cooling and dehumidification equipment, and (4) refrigerant reclaimers.

A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: August 4, 1997.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 97-20976 Filed 8-7-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

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

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

ACTION: Notice of first request for panel review.

SUMMARY: On July 21, 1997 Custom Building Products, Inc. filed a First Request for Panel Review with the