

Susca
Sweet Farms
Flores Santa Rosa Ltda.
Floricola la Ramada Ltda.
Agropecuaria Sierra Loma
Tag Ltda.
The Beall Company
The Rose
Tinzuque Group
Tinzuque Ltda.
Catu S.A.
Tomino
Toto Flowers Group
Flores de Suesca S.A.
Toto Flowers
Tropical Garden
Tuchany Group
Tuchany S.A.
Flores Sibate
Flores Tikaya
Flores Munya
Uniflor Ltda.
Vegaflor
Velez de Monchaux Group
Velez De Monchaux e Hijos y Cia S.
en C.
Agroteusa
Victoria Flowers
Villa Cultivos Ltda.
Villa Diana
Vuelven Ltda.
Zipa Flowers

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 C.F.R. 353.34(b) and 355.34(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(I) and 355.22(c)(I).

Dated: April 9, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 97-9656 Filed 4-14-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-804]

Silicon Metal from Argentina: Notice of Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Court Decision.

SUMMARY: On March 28, 1997, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination that energy is physically

incorporated into silicon metal during the production process and its consequent upward adjustment to U.S. price for those taxes imposed on the incorporated energy.

EFFECTIVE DATE: April 15, 1997.

FOR FURTHER INFORMATION CONTACT:

Carole Showers or Elizabeth Graham, Office of Antidumping/Countervailing Enforcement I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3217 or (202) 482-4105.

SUPPLEMENTARY INFORMATION:

Background

On December 14, 1993, in *Silicon Metal From Argentina: Final Results of Antidumping Duty Administrative Review*, 58 FR 65336, the International Trade Administration (ITA) made an upward adjustment to U.S. price for the rebate of various taxes under the *Reembolso* program, including taxes on electrical energy. In *American Alloys, Inc. versus United States*, 30 F.3d 1469, 1474 (Fed. Cir. 1994) (*American Alloys III*), the Federal Circuit reversed the lower court's holding in *American Alloys, Inc. versus United States*, 810 F. Supp. 1294 (CIT 1993) (*American Alloys I*), and held that U.S. price may not be adjusted for a rebated tax unless it is determined that the rebated tax bears a direct relationship to the exported product or a physically incorporated component of that product. Pursuant to the Federal Circuit's opinion, the CIT remanded the case to Commerce to make such a determination with respect to the taxes in question. On August 17, 1995, Commerce submitted the results of its redetermination on remand to the CIT wherein it made an upward adjustment to U.S. price for taxes paid on energy which it found to be physically incorporated into the subject merchandise. The CIT affirmed those remand results in *American Alloys, Inc. versus United States*, Slip Op. 97-37 (CIT Mar. 28, 1997) (*American Alloys IV*).

In its decision in *Timken Co. versus United States*, 893 F.2d 337 (Fed. Cir. 1990), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *American Alloys IV* on March 28, 1997, constitutes a decision not in harmony with the Department's

final results of administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: April 8, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-9658 Filed 4-14-97; 8:45 am]

BILLING CODE 3510-DS-M

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 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-AE003." 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-AE003.

Date Deemed Submitted: March 31, 1997.

Proposed Amendment: RMA seeks to amend its Certificate to expand the eligibility for membership in the RMA Certificate to include both mill members and associate members. Associate members include a broad range of companies with an interest in the rice industry, including bag manufacturers, brokers, equipment manufacturers/suppliers, exporters, food processing companies, freight forwarders, grain elevators, grain merchandisers, industry associations, inspection companies, management companies, port authorities, and stevedoring/shipping companies. Any proprietor, partnership, or corporation, whether or not engaged in rice milling in the United States, which is not a member of RMA and which wishes to participate in the activities covered by the Certificate, may join the ETCR upon meeting the qualifications for membership in RMA.

Therefore, the definition of "Member" in RMA's Certificate would be amended to read as follows: "Member" means a member of the Rice Millers' Association which has been certified as a "Member" within the meaning of Section 325.2(l)

of the Regulations and is listed in Attachment I. Members must sign the Operating Agreement of the Rice Millers' Association Export Trade Certificate of Review in order to participate in the certified activities. Any RMA member, including any mill member or associate member, which is not a Member listed in Attachment I may join RMA's Export Trade Certificate of Review by requesting that RMA file for an amended certificate and by signing the Operating Agreement. Any proprietor, partnership, or corporation either engaged in rice milling in the United States or not engaged in rice milling in the United States, which is not a member of RMA and which wishes to participate in the activities covered by this certificate, may join RMA's membership upon meeting the qualifications for membership and then request that RMA file for an amended certificate. 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: April 9, 1997.

W. Dawn Busby,

Director, Office of Export Trading, Company Affairs.

[FR Doc. 97-9617 Filed 4-14-97; 8:45 am]

BILLING CODE 3510-DR-I

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040997A]

Groundfish of the Bering Sea and Aleutian Islands

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

ACTION: Notice of receipt of an experimental fishing permit.

SUMMARY: This notice announces receipt of an application from John Gauvin, Groundfish Forum, Inc., for an Experimental Fishing Permit (EFP). If awarded, this permit would be used to systematically test the effects of a different trawl net design on species and size composition of catch in trawls targeting flatfish. It is intended to promote the objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

ADDRESSES: Copies of the EFP application are available from Steven

Pennoyer, Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228.

SUPPLEMENTARY INFORMATION: The FMP and its implementing regulations at 50 CFR part 679.6 authorize issuance of EFPs to allow fishing that would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations. NMFS received a request from the applicant on March 14, 1997, that, if approved, would be used to systematically test the effects of a different trawl net design on species and size composition of catch in trawls targeting flatfish. Information from this experiment could be used by the fishing industry to reduce catches of non-target species (e.g., pollock and cod) while fishing for flatfish, thereby reducing waste and discard of those species.

In accordance with regulations, NMFS has determined that the proposal warrants further consideration and has initiated consultation with the North Pacific Fishery Management Council (Council) by forwarding the application to the Council. The Council will consider the EFP application during its April 15-19, 1997, meeting and has invited the applicant to appear in support of the application if he so desires.

A copy of the application is available for review from the NMFS Regional Administrator (see ADDRESSES).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 9, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-9630 Filed 4-14-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 033197C]

Secretary's Report to Congress on the Pribilof Islands as Required Under Public Law 104-91

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of submission of report to Congress.

SUMMARY: Public Law 104-91, section 3(c) requires the Secretary of Commerce to prepare and submit a report on necessary actions to resolve Federal