

in the Federal Register a notice of initiation of an expedited administrative review of the countervailing duty order published in the Federal Register on July 24, 1996 (61 FR 38544) covering imports of certain pasta from Italy (61 FR 53198). On November 12 and 15, 1996, we received withdrawals of the requests for review from Bianconi and Bettini, respectively. These withdrawals are consistent with 19 CFR 351.214(f)(1) and (k)(3), found in *Antidumping Duties; Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments*, published in the Federal Register on February 27, 1996 (61 FR 7308, 7367-68). Accordingly, the Department is rescinding the expedited review.

This rescission and this notice are pursuant to section 751 of the Tariff Act of 1930, as amended.

Dated: December 19, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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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.

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, and are encouraged to provide a nonconfidential version of their comments. An original and five (5) copies, plus two (2) copies of any nonconfidential version, should be submitted not 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 96-00008." A summary of the application follows.

Summary of the Application

Applicant: U.S. Rice Industry Coalition for Exports, Inc. ("US RICE"), 1615 L Street, N.W., 7th Floor, Washington, D.C. 20036. Contact: M. Jean Anderson, counsel, Telephone:(202) 682-7217.

Application No: 96-00008.

Date Deemed Submitted: December 20, 1996.

Members (in addition to applicant): Continental Grain Company, New York, New York; Newfield Partners Ltd., Miami, Florida.

US RICE seeks a Certificate to cover the following specific Export Trade, Export Markets and Export Trade Activities and Methods of Operation.

Export Trade Products

Semi-milled and wholly milled rice, whether or not polished or glazed (Harmonized Tariff Schedule 1006.30) ("milled rice"), husked (brown) rice (Harmonized Tariff Schedule 1006.20), 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 paragraphs 2.-4. below: 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. US 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 tons of milled rice, 8,000 tons of brown rice and 7,000 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. US RICE will allocate the TRQs exclusively through an open quota tender to the highest bidder(s). Any person incorporated or domiciled in the United States is eligible to bid. Bidders need not be members of US RICE and need not be included in the Certificate.

b. The quota tender system will be administered by an independent third party ("the TRQ Administrator"), who will be retained by US RICE. 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, or broken rice.

c. Normally at least 45 days before the opening of each TRQ tranche, as defined by the EU, US RICE will publish notice of the bidding process for that tranche, specifying a bid date approximately 30 days before the opening of the tranche. Bidders will submit bids to the TRQ Administrator on the bid date, together with a bid deposit, initially set at \$25 per metric ton. The TRQ Administrator will retain the full bid deposit for tonnage on which bids are successful, and \$5 per metric ton of the deposit for unsuccessful bids, to cover costs of administering the TRQ system. The remainder will be refunded to unsuccessful bidders.

d. Following the close of the bidding, the TRQ Administrator will disclose the bids received to all bidders, and after further review of bids for conformity with bidding procedures, will notify the high bidders. High bidders will then have 48 hours to post a five percent performance bond. When all bonds have been posted, the TRQ Administrator will issue a list of winning bidders to all participants. Upon receipt of the full amounts bid, the TRQ Administrator will promptly issue Export Certificates of Quota ("ECQs") to the winning bidders. 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.

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 preceding year's tenders to qualifying members of US 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 tender (and for 1996 TRQs, 1995). No US RICE member may receive a distribution in excess of that amount.

b. Any person incorporated or domiciled in the United States that has exported U.S. rice in the current or preceding calendar year or is actively engaged in rice milling in the United States may join US RICE by executing the US RICE Operating Agreement and paying the dues of \$5,000 per quota year. A member of US RICE will qualify for a particular distribution by (i) joining US RICE by January 31 of the quota year (e.g., for the distribution of proceeds from 1998 TRQs, by January 31, 1998), and in the case of distributions of proceeds from the 1996 and 1997 TRQs, by February 28, 1997; 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 USDA's market access program.

3. The TRQ Administrator may receive confidential information and documentation of rice exports from members and prospective members of US RICE in connection with membership applications and distributions. 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. US RICE and/or its Members may also:

a. exchange and discuss information regarding the structure and operation of the US RICE TRQ management system, including the types of information regarding past transactions and exports 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 US RICE TRQ management system;

d. discuss and modify association dues, bid deposit fees, and performance bonds;

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 US 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 US RICE TRQ management system; and

h. meet to engage in the activities described above.

Abbreviated Amendment Procedure

New US RICE members may be included in the Certificate through an abbreviated amendment procedure. Under the procedure, US RICE will notify the Secretary of Commerce and the Attorney General, in writing, of those members of US RICE that wish to be included in the Certificate. If the Department so requests, the notification will include a certification from each such member of its domestic and export sales of rice 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 was 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. Except as expressly authorized in Export Trade Activity and Method of

Operation 4(a), in engaging in Export Trade Activities and Methods of Operation, neither US 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 sales, 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. US 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 US RICE who has been certified as a "Member" within the meaning of Section 325.2(l) of the regulations. A US RICE member that is not a Member may join the US RICE export trade certificate of review by requesting that US RICE file for an amended certificate. A Member may withdraw from coverage under this certificate at any time by giving written notice to US RICE, a copy of which US RICE will promptly transmit to the Secretary of Commerce and the Attorney General.

Dated: December 30, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

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