merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

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 (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: July 31, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–20937 Filed 8–7–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal From Brazil; Preliminary Results of Antidumping Duty Administrative Review and Intent Not To Revoke in Part

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

ACTION: Notice of preliminary results of the antidumping duty administrative review and intent not to revoke in part.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on silicon metal from Brazil in response to requests by respondents Eletrosilex Belo Horizonte (Eletrosilex), Companhia Ferroligas Minas Gerais—Minasligas (Minasligas), Companhia Brasileira Carbureto de Calcio (CBCC), RIMA Industrial S/A (RIMA), and Wabash Alloys, a division of Connell Limited Partnership, an interested party which imported silicon metal during the period of review. This review covers the period July 1, 1995, through June 30, 1996.

We preliminarily determine not to revoke the order with respect to CBCC or Minasligas. These companies submitted timely requests for revocation in this review, however, in the final results of the preceding administrative review of this order the Department determined that both companies had dumping margins greater than *de minimis*. Accordingly, these companies have not met the requirements of 19 CFR 353.25 (*i.e.*, three consecutive years with zero or *de minimis* dumping margins) and therefore do not qualify for revocation under the Department's regulations.

We preliminarily determine that sales have been made at less than normal value (NV) during the POR by Eletrosilex and Rima. If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess ad-valorem antidumping duties equal to the difference between export price (EP) and NV. Interested parties are invited to comment on these preliminary results. Parties who submit comments are requested to submit with the argument: (1) A statement of the issue; and (2) a brief summary of the argument.

EFFECTIVE DATE: August 8, 1997.

FOR FURTHER INFORMATION CONTACT: Alexander Braier, Yury Beyzarov, Sharon Harris, Sinem Sonmez, or James C. Doyle, Office of Antidumping/Countervailing Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, D.C. 20230; telephone 482–3793.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations, as codified at 19 CFR part 353 (1996).

Background

On July 31, 1991, the Department published in the **Federal Register** the antidumping duty order on silicon metal from Brazil (56 FR 36135). On July 8, 1996, the Department published a ''Notice of Opportunity to Request Administrative Review'' on silicon metal from Brazil in the **Federal Register** for the period July 1, 1995, through June 30, 1996 (61 FR 35712).

In accordance with 19 CFR 353.22(a)(1), Eletrosilex, Minasligas, CBCC, and RIMA requested that the Department conduct an administrative review of their respective sales. Pursuant to 19 CFR 353.25, Minasligas and CBCC also requested revocation of the antidumping duty order in part. On August 15, 1995, the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review (61 FR 42416). On March 7, 1997, the Department published in the **Federal Register** its notice extending the deadline in these preliminary results until May 14, 1997 (62 FR 10540). Due to the complicated issues in this case, the Department again extended the deadline for these preliminary results until July 31,1997 (62 FR 27235).

Verification

From March 17 through March 22, 1997, in accordance with section 782(i) of the Act, we verified information provided by Minasligas and Rima using standard verification procedures including examination of relevant sales and financial records, and selection of original source documentation containing relevant information. Our verification results are outlined in the respective verification reports, the public versions of which are available in the Central Records Unit of the Department of Commerce, room B–099.

Scope of Review

The merchandise covered by this review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains more aluminum than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to the order. HTS item numbers are provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of product coverage.

Level of Trade

To the extent practicable, we determine NV for sales at the same level of trade as the U.S. sales (either export price (EP) or constructed export price (CEP)). When there are no sales at the same level of trade, we compare U.S. sales to home market (or, if appropriate, third-country) sales at a different level-of-trade. The NV level of trade is that of the starting-price sales in the home market. When NV is based on CV, the level of trade is that of the sales from which we derive selling, general, and administrative expenses (SG&A) and profit.

For both EP and CEP, the relevant transaction for the level of trade analysis is the sale (or constructed sale) from the exporter to the importer. While the starting price for CEP is that of a subsequent resale to an unaffiliated buyer, the construction of the CEP results in a price that would have been charged if the importer had not been affiliated. We calculate the CEP by removing from the first resale to an independent U.S. customer the expenses under section 772(d) of the Act and the profit associated with these expenses. These expenses represent activities undertaken by the affiliated importer. Because the expenses deducted under section 772(d) represent selling activities in the United States, the deduction of these expenses normally yields a different level of trade for the CEP than for the later resale (which we use for the starting price). Movement charges, duties and taxes deducted under section 772(c) do not represent activities of the affiliated importer, and we do not remove them to obtain the CEP level of trade.

To determine whether home market sales are at a different level of trade than U.S. sales, we examine whether the home market sales are at different stages in the marketing process than the U.S. sales. The marketing process in both markets begins with goods being sold by the producer and extends to the sale to the final user, regardless of whether the final user is an individual consumer or an industrial user. The chain of distribution between the producer and the final user may have many or few links, and each respondent's sales occur somewhere along this chain. In the United States, the respondent's sales are generally to an importer, whether independent or affiliated. We review and compare the distribution systems in the home market and U.S. export markets, including selling functions, class of customer, and the extent and level of selling expenses for each claimed level of trade. Customer categories such as distributor, original equipment manufacturer (OEM), or wholesaler are commonly used by respondents to describe levels of trade, but, without substantiation, they are insufficient to establish that a claimed level of trade is valid. An analysis of the chain of distribution and of the selling functions substantiates or invalidates the claimed levels of trade. Different levels of trade necessarily involve differences in selling functions, but differences in selling functions, even substantial ones, are not alone sufficient to establish a difference in the levels of trade. Different levels of trade are characterized by purchasers at different stages in the chain of distribution and sellers performing qualitatively or quantitatively different functions in selling to them.

When we compare U.S. sales to home market sales at a different level of trade, we make a level-of-trade adjustment if the difference in levels of trade affects price comparability. We determine any effect on price comparability by examining sales at different levels of trade in a single market, the home market. Any price effect must be manifested in a pattern of consistent price differences between home market sales used for comparison and sales at the equivalent level of trade of the export transaction. To quantify the price differences, we calculate the difference in the average of the net prices of the same models sold at different levels of trade. We use the average difference in net prices to adjust NV when NV is based on a level of trade different from that of the export sale. If there is a pattern of no consistent price differences, the difference in levels of trade does not have a price effect and, therefore, no adjustment is necessary.

The statute also provides for an adjustment to NV when NV is based on a level of trade different from that of the CEP if the NV level is more remote from the factory than the CEP and if we are unable to determine whether the difference in levels of trade between CEP level and NV level affects the comparability of their prices. This latter situation can occur where there is no home market level of trade equivalent to the U.S. sales level or where there is an equivalent home market level but the data are insufficient to support a conclusion on price effect. This adjustment, the CEP offset, is identified in section 773(7)(B) of the Act and is the lower of the following:

- The indirect selling expenses on the home market sale, or
- The indirect selling expenses deducted from the starting price used to calculate CEP.

The CEP offset is not automatic each time we use CEP. The CEP offset is made only when the level of trade of the home market sale is more advanced than the level of trade of the U.S. (CEP) sale and there is not an appropriate basis for determining whether there is an effect on price comparability.

In the present review, none of the respondents requested a level of trade (LOT) adjustment. To ensure that no such adjustment was necessary, in accordance with the principles discussed above, we examined information regarding the distribution systems in both the United States and Brazilian markets, including the selling functions, classes of customer, and selling expenses for each respondent.

In the home market, all companies sold merchandise to one or more of the following three categories of customers: end-users, traders, and commissioned agents. Regardless of the category of customer, all the companies' home market (HM) sales were manufactured to order and the merchandise was shipped directly from the factory to each type of customer. The companies' packing processes were also identical for all sales, and the selling expenses for the POR were comparable for all sales, regardless of the category of customer. Evidence on the record also demonstrates that the companies did not have formal policies for providing special payment terms, such as discounts, to different types of customers. Based upon this evidence, we determine that the selling activities each respondent performed for its home market sales were the same for all home market sales, and that each respondent's HM sales were all made at a single LOT.

All four companies' sales in the United States were EP sales. All of the companies' U.S. customers were end-users or traders, each sale was manufactured to order, and the selling expenses were comparable for all sales, regardless of the category of customer. Furthermore, the packing processes were almost identical to that of the HM sales, and we found no differences in the selling activities performed for each respondent's U.S. sales in comparison to their HM sales. Based on this, for each respondent, we conclude that a single level of trade exists in the United States which is the same as the HM LOT. As a result, a LOT adjustment is not warranted in this review.

Product Comparisons

To determine whether sales of silicon metal by CBCC, Eletrosilex, Minasligas, and Rima to the U.S. were made at less than normal value, we compared the ''Export Price'' to the ''Normal Value'',

as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2) of the Act, we compared the EP of individual transactions to the monthly weighted-average NV of contemporaneous sales of the foreign like product.

Normal Value

A. Viability

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared each respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Because each respondent's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV for each respondent.

B. Home Market Sales

We compared the EP of individual transactions to the monthly weighted-average NV of sales of the foreign like product, pursuant to section 777A(d)(2) of the Act. In such cases we based NV on packed, ex-factory or delivered prices to unaffiliated purchasers in the home market. Where applicable, we made adjustments to home market price for inland freight, inland freight insurance, and interest revenue. We reduced home market prices by an amount for home market credit and packing expenses, and we increased it by U.S. credit expenses and U.S. packing costs, in accordance with sections 773(a)(6)(A) and (B) of the Act. We also increased NV, where appropriate, for bank charges, U.S. advertising, and warehousing expenses incurred on U.S. sales, in accordance with sections 773(a)(6)(A) and (B) of the Act. We decreased NV, where appropriate, by the amount of commissions paid in the home market, but limited this amount to the amount of indirect selling expenses incurred on U.S. sales, in accordance with 19 CFR 353.56(b)(1).

As respondents did not provide sufficient information regarding the interest rates used in the calculation of home market credit, we used the simple average of monthly Government of Brazil Taxa Referencial (TR) rates for the POR. The TR rate is the published Government of Brazil prime lending rate. We disallowed Minasligas' claimed imputed U.S. credit revenue because the Department's practice is to allow imputed credit revenue only in situations where advance payment is made by the customer before the merchandise is shipped. *See, e.g., Fresh Cut Flowers from Mexico, Final Results of Antidumping Duty Administrative Review* (61 FR 40604). However, the customer does not pay until after it receives the merchandise. Therefore, applying the Department's standard imputed credit calculation would result in imputed U.S. credit expense, not revenue. However, consistent with the Department's practice, because all companies used Advance Exchange Contract's (ACC's) to finance export sales, and ACC's are dollar-denominated short-term loans, we used ACC rates to determine the interest rate used in the U.S. imputed credit calculation. To calculate each company's U.S. imputed credit interest rate, we used the simple average of their ACC interest rates.

United States Price (USP)

A. Export Price

In calculating USP we used export price (EP) for each respondent, as defined in section 772(a) of the Act, because the subject merchandise was first sold to unrelated purchasers prior to the date of importation into the United States and the use of constructed export price was not indicated by the facts on the record.

We based EP on the packed, delivered price to the first unaffiliated purchasers in the United States, or to unaffiliated trading companies who sell the subject merchandise in the United States. In accordance with Section 772(c)(2) of the Act, we reduced this price, where appropriate, for foreign inland freight, international freight, marine insurance, weighing and sampling charges, port clerical expenses, and brokerage and handling. We made an addition to USP, where appropriate, for duty drawback in accordance with section 772(c) of the Act. No other adjustments to company provided information were made except in the following instances:

1. For the imputed U.S. credit calculation for CBCC, Eletrosilex, and Minasligas, we used an interest rate which was the simple average of the ACC rates used during the POR, as reported by each respondent.

2. Rima failed to provide the ACC interest rates it was charged during the POR, despite three Departmental requests for these rates. Therefore, pursuant to 776(b) of the Act, for Rima's imputed U.S. credit calculation, we used as adverse facts available for Rima's interest rate, the interest rate which was the highest of the ACC interest rates used during the POR by the other respondents in this review.

3. For all companies, we used as the payment date the date the bank received payment from the U.S. customer.

4. For Eletrosilex, we used the date of shipment from the factory as the date of shipment.

5. For Eletrosilex, we reallocated indirect selling expenses using the methodology we used in the previous reviews of this case (see the Department's calculation memo of January 24, 1997).

6. For Minasligas, we used as the date of shipment the date of invoice, because that is the date of the first shipment from the factory pursuant to a sale.

Cost of Production Analysis

In prior segments of this proceeding, we disregarded home market sales found to be below the cost of production (COP) for CBCC, Eletrosilex, and Rima. Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during the review period for these companies and has conducted a COP investigation for these respondents. In addition, on January 28, 1997, we initiated a below-cost investigation for Minasligas pursuant to an allegation from petitioners on December 11, 1996.

A. Calculation of COP

In accordance with 773(b)(3) of the Act, we calculated COP based on the sum of each respondent's cost of materials and fabrication employed in producing the foreign like product, plus home market selling, general, and administrative expenses (SG&A) and the cost of all expenses incidental to placing the foreign like product in condition packed and ready for shipment. We relied on the home market sales data and COP information provided by each respondent, except in the following specific instances where the reported costs were determined to be improperly valued:

1. For Minasligas, we made an offset to the total cost of production (totcop) to account for the revenue received from the sale of by-products.

2. For Minasligas, we set interest expense equal to zero because financial income exceeded financial expenses for Minasligas and its parent company, Delp Engenharia Mechanica, S.A.

3. For Minasligas, we computed G&A by multiplying the tax-exclusive Cost of Manufacturing (COM) by the ratio of the combined G&A expenses for Minasligas and its parent company to the two

companies' combined cost of goods sold.

4. For Eletrosilex, we recalculated total cost of manufacturing (totcom) to account for the revenue received from the sale of by-products.

5. For Rima, in the calculation of interest expense, we reallocated financial revenues to the ''net interest expense'' reported on Rima's 1995 financial statements. We also added the increase in deferred financial expenses shown on the 1995 financial statements, and the amortization of the 1994 remaining balance of deferred financial expenses, to the ''net interest expense''.

6. For Rima, in order to be consistent with the interest expense calculation, we based G&A expenses on Rima's 1995 financial statements, rather than its 1996 financial statements.

7. For Rima, we allocated an amount to G&A based on the difference between the depreciated asset values from the depreciation calculation worksheets for 1995, and the total asset values for 1995 as indicated on Rima's financial statements. We also added to G&A the amortization of the 1994 remaining balance of deferred assets.

B. Test of Home Market Prices

After calculating COP for each respondent, we tested whether home market sales of subject merchandise were made at prices below COP within an extended period of time and in substantial quantities, and whether such prices permitted the recovery of all costs within a reasonable period of time. We compared model-specific COP to the reported home market prices less any applicable movement charges and post-sale price adjustments, where appropriate.

Pursuant to section 773(b)(2)(C) of the Act, where less than twenty percent of a respondent's home market sales of a given model are at prices less than COP, we do not disregard any below-cost sales of that product because we determine that the below-cost sales were not made within an extended period of time ''in substantial quantities.'' Where twenty percent or more of a respondent's home market sales of a given product are at prices less than the COP, we disregard the below-cost sales because we determine that the below-cost sales were made within an extended period of time in ''substantial quantities,'' in accordance with section 773(b)(2)(C) of the Act. To determine whether such sales are at prices which would not permit the full recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act, we compare home market prices to the weighted-average model-specific COPs for the POR.

In these preliminary results, our cost tests for CBCC and Minasligas indicated that less than twenty percent of the sales of subject merchandise were at prices below COP. We therefore retained all sales of subject merchandise in our analysis and used them in our determination of NV, where applicable. The results of our cost tests for Eletrosilex and Rima indicated that, within an extended period of time (one year, in accordance with section 773(b)(2)(B) of the Act), more than twenty percent of the sales of all products of each company were at prices below COP. Thus these below-cost sales were in ''substantial quantities.'' In addition, these sales were at prices which would not permit the full recovery of all costs within a reasonable period of time. In accordance with section 773(b)(1) of the Act, we disregarded the below-cost sales of subject merchandise for each of these two companies and used the remaining above-cost sales as the basis for determining each company's NV, where applicable.

For Eletrosilex and Rima, in accordance with section 773(a)(4) of the Act, we used CV as the basis for NV when there were no usable sales of the foreign like product in the comparison market. We calculated CV in accordance with section 773(e) of the Act.

For Eletrosilex and Rima, we included the cost of materials and fabrication, and G&A expenses in CV. In these preliminary results, we found that Eletrosilex and Rima made no above-cost sales of the foreign like product in the comparison market. Therefore, for these companies, we were unable to derive profit for use in the constructed value calculation using the companies' home market sales data. For this reason, in accordance with section 773(e)(2)(B)(ii) of the Act, we used the average of the actual amounts of selling expenses incurred, and profit realized, by CBCC and Minasligas in connection with the production and sale of the foreign like product, in the ordinary course of trade, for consumption in the home market. In accordance with section 773(2)(B)(i) of the Act, we based G&A expenses (including net interest expenses) on the amounts incurred by the respondent in connection with the production and sale for consumption in the foreign country, of the same general category of products. Where appropriate, we made adjustments to CV, in accordance with section 773(a)(8) of the Act and section 353.56(a) of the Department's regulations, for circumstances of sale (COS) differences. For comparisons to EP, we made COS adjustments by deducting home market direct selling expenses and adding U.S. direct selling expenses.

Price Comparisons

Where there were contemporaneous sales of the comparison product that passed the COP test, we based NV on home market prices.

Where we compared export prices to CV, we deducted from CV the home market direct selling expenses and added the U.S. direct selling expenses, where applicable, in accordance with sections 773(a)(8) and 773(a)(6)(iii) of the Act.

Preliminary Results of Review

As a result of our comparison of EP and NV, we preliminarily determine that the following weighted-average dumping margins exist for the period July 1, 1995 through June 30, 1996:

Manufacturer/exporter	Margin (percent)
CBCC	0.0
Minasligas	1.93
Eletrosilex	36.74
RIMA	70.02

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Parties who submit argument are requested to submit with the argument: (1) A statement of the issues and (2) a brief summary of the argument. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments or at a hearing, within 120 days of publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of silicon metal from Brazil entered, or withdrawn from

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. LaRussa,

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.