

Dated: February 13, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

Attachment—Color Television Receivers From Korea; Amendment to Final Results of Antidumping Duty Administrative Review

[A-580-008]

Agency: International Trade Administration/Import Administration Department of Commerce.

Action: Notice of Amendment to Final Results of Antidumping Duty Administrative Review.

Summary: On July 1, 1988, the Department of Commerce published the final results of its administrative review of the antidumping duty order on color television receivers from Korea. The review covered the period April 1, 1985 through March 31, 1986.

After publication of our final results, we received comments from certain parties to the proceeding alleging ministerial errors. We have corrected the ministerial errors and have amended the final results of review for Daewoo.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 24975) the final results of its administrative review of the antidumping duty order on color television receivers from Korea (49 FR 18336, April 30, 1984). After publication of our final results, we received comments from certain parties to the proceeding alleging ministerial errors. We have corrected the ministerial errors and have amended the final results of review for Daewoo.

Section 1333 of the Omnibus Trade and Competitiveness Act of 1988, which amends section 735 of the Tariff Act of 1930, authorizes Commerce to establish procedures for the correction of ministerial errors in final determinations. Congress has defined the term "ministerial error" to specifically include errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like.

Ministerial Errors

We have corrected the following ministerial errors:

Daewoo

1. Misidentification of data base resulting in mismatch of several models in the purchase price (PP) calculation.
2. Transposition of numbers in the figure for the home market credit adjustment for the period April 1985 through October 1985 in the PP calculation.
3. Typographical errors in model designations "DCB-419PW", "TCK-405PRW"; and "TCK-405Q" used to program instructions in the PP calculation.

Goldstar

1. Transportation of numbers in the figure for the packing adjustment for model CM-1900 in the exporter's sales price calculation.

Correction of this ministerial error did not result in a change to the cash deposit rate.

Amended Final Results of the Review

We have amended the final results for appraisal and for cash deposit purposes listed in our final results of review. The amended cash deposit rates are as follows:

Manufacturer/Exporter	Time period	Pre-vious (%) cash deposit	Amen-ded (%) cash deposit
Daewoo Electronics Co.	04/85-03/86	23.30	15.23
New Ship-pers ...	04/85-03/86	23.29	15.23

The Department will amend its instructions to Customs to assess antidumping duties on all appropriate entries, and will instruct Customs to adjust the cash deposit of estimated antidumping duties as noted above.

Dated: September 26, 1988.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 95-4319 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-05-M

[Docket No. 950207043-5043-0]

RIN 0625-ZA03

Market Development Cooperator Program

AGENCY: International Trade Administration (ITA), Commerce.

ACTION: Notice.

SUMMARY: The mission of ITA is to promote U.S. exports and to strengthen the international trade position of the United States. Building partnerships with the private sector enhances ITA's ability to fulfill its mission. To encourage such partnerships, ITA has created the Market Development Cooperator Program (MDCP) to develop, maintain and expand markets for nonagricultural goods and services produced in the United States. The MDCP aims to:

- Challenge the private sector to think strategically about foreign markets;
- Be the catalyst that spurs private sector innovation and investment in export marketing; and
- Increase the number of American companies taking decisive export actions.

The advantage of a joint effort is that it permits the Government to pool expertise and funds with non-Federal

sources so that each maximizes its market development resources. Partnerships of this sort also may provide a sharper focus on long-term export market development than do traditional trade promotion activities and serve as a mechanism for improving Government-industry relations.

While the Department of Commerce sponsors, guides and partially funds the MDCP with a matching requirement by the recipient, the Department of Commerce expects applicants to develop, initiate and carry out market development project activities. As an active partner, ITA will provide assistance identified by the applicant as being essential to the achievement of project goals and objectives. U.S. industry is best able to assess its problems and needs in the foreign marketplace and to recommend innovative solutions and programs that can be the formula to success in international trade.

Examples of activities that might be included in an applicant's project are described below. No one of these activities or any combination of these activities must be included for a proposal to receive favorable consideration. The Department of Commerce encourages applicants to propose activities that (1) Would be most appropriate to market development needs of their industry or industries; and (2) display the imagination and innovation of the applicant working in partnership with the Government to obtain the maximum market development impact.

A public meeting for parties considering applying for funding under the MDCP will be held on March 27, 1995. Attendance at this public meeting is not required of potential applicants. The purpose of the meeting is to provide general information regarding the MDCP procedures, selection process, and proposal preparation to potential applicants unfamiliar with the MDCP. No discussion of specific proposals will occur at this meeting.

DATES: The public meeting will be held March 27, 1995. Completed applications must be received no later than April 21, 1995. Competitive application kits will be available from the Department of Commerce starting February 24, 1995.

ADDRESSES: The public meeting will be held at the Herbert Clark Hoover Building, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC. Contact the information contact for room location.

To obtain an application kit, please send a written request with a self-

addressed mailing label to Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development/OPCRM, Room 3211, U.S. Department of Commerce, Washington, DC 20230. Application kits may also be picked up in Room 3211, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230. The application kit contains all forms necessary to participate in the MDCP.

Please send completed applications to the Office of Planning, Coordination and Resource Management, Trade Development, Room 3211, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development, Room 3211, Washington, D.C. 20230, (202) 482-3197.

SUPPLEMENTARY INFORMATION:

Authority

The Omnibus Trade and Competitiveness Act of 1988, Pub. L. No. 100-418, Title II, sec. 2303, 102 Stat. 1342, 15 U.S.C. 4723.

Catalog of Federal Domestic Assistance (CFDA)

No. 11.112, Market Development Cooperator Program.

Program Description

The goal of the MDCP identified in authorizing legislation is to develop, maintain, and expand foreign markets for nonagricultural goods and services produced in the United States. For purposes of this program, "nonagricultural goods and services" means goods and services other than agricultural products as defined in 7 U.S.C. 451. "Produced in the United States" means having substantial inputs of materials and labor originating in the United States, such inputs constituting at least 50 percent of the value of the good or service to be exported. The intended beneficiaries of the program are U.S. producers of nonagricultural goods or services that seek to export such goods or services.

MDCP funds should not be viewed as a replacement for funding from other sources, either public or private. An important aspect of this program is to increase the sum of Federal and non-Federal export market development activities. This result can best be achieved by using program funds to encourage new initiatives. In addition to new initiatives, expansion of the scope of an existing project also may qualify for funding consideration. The

Department of Commerce will consider such projects as entirely new initiatives.

The Department of Commerce encourages applicants to propose activities that would be most appropriate to the market development needs of their industry or industries. The following are examples of activities which applicants might include in an application (no one of these activities or any combination of these activities must be included for an application to receive favorable consideration):

(1) Opening an overseas office or offices to perform a variety of market development services for companies joining a consortium to avail themselves of such services; such an office should not duplicate the programs or services of the U.S. and Foreign Commercial Service (US&FCS) post(s) in the region;

(2) Detailing a private sector individual to a US&FCS post in accordance with 15 U.S.C. 4723(c);

(3) Entering into a contract with a bona fide market research company to conduct detailed, product-specific market research;

(4) Assigning industry specialists to work with Department of Commerce/U.S. Executive Director Procurement Liaison Offices at the Multilateral Development Banks to seek out and develop procurement opportunities;

(5) Underwriting the cost of overseas market research or overseas trade exhibitions and trade missions to promote U.S. exports, or covering the expenses of reverse trade missions and/or foreign buyer group travel to U.S. domestic trade shows;

(6) Overseas product demonstrations;

(7) Export seminars in the United States or market penetration seminars in the market(s) to be developed;

(8) Technical trade servicing that helps overseas buyers to choose the right U.S. good(s) or service(s) and to use the good or service efficiently;

(9) Joint promotions with foreign customers;

(10) Training of foreign nationals to perform after-sales service or to act as distributors;

(11) Working with organizations in the foreign marketplace responsible for setting standards and for product testing to improve market access;

(12) Publishing an export resource guide or an export product directory for the industry or industries in question if no comparable one exists; and

(13) Establishing an electronic business information system to identify trade leads and facilitate matches with foreign partners.

Funding Availability

The total amount of funds available for this program is \$2.5 million for fiscal

year (FY) 95. The Department expects to conclude a minimum of four (4) cooperative agreements with eligible entities for this program. Each cooperative agreement will not exceed a total of \$500,000, regardless of the duration of the award.

Special Program Set-Aside to Encourage Diversity

On July 20, 1994, Secretary of Commerce Ronald H. Brown issued his policy on diversity. As part of this policy, Secretary Brown directed that "diversity * * * be taken into consideration in every aspect of the business of Commerce—in training, seminars, grant work, procurement, technology and trade programs, travel and trade missions, regulatory activities, business liaison and in every program area of the Department."

In the spirit of Secretary Brown's pronouncement, ITA will set aside \$250,000 of the funds available for the MDCP to make awards of at least \$50,000, but less than \$100,000. The opportunity to compete for small awards hopefully will encourage organizations to apply that previously felt themselves either at a competitive disadvantage or unable to match a larger MDCP grant. Many organizations that represent a preponderance of companies from traditionally disadvantaged or under-served groups such as small business, women-owned business, African Americans, Asian Americans, Hispanic Americans, Native Americans, Gay and Lesbian Americans or Physically Challenged Americans may fall into this category. At least one, but not more than five awards, will be made from this program set-aside. Funds not awarded from the program set-aside will be channeled back into the regular MDCP competition.

Eligible organizations that choose to compete for funds in the program set-aside will compete *only* against other organizations selecting the set-aside option. Organizations seeking smaller awards need not meet diversity criteria to compete for set-aside funds. Conversely, organizations seeking smaller awards that meet diversity criteria can choose to compete in the regular MDCP award competition instead of for set-aside funds. Program requirements and evaluation criteria will be the same for applications considered under the set-aside option as they are for the regular MDCP award competition.

Matching Requirements

Applicants will be expected to supply two thirds (2/3) of total project costs, with the Federal portion to be one third

(1/3). The Department of Commerce will support only a portion of the direct costs of each project. Each applicant will support a portion of the direct costs (to be specified in the application). Generally, direct costs are those that are specifically associated with an award, and usually include expenses such as personnel, fringe benefits, travel, equipment, supplies and contractual obligations relating directly to program activity. Allowable costs will be determined on the basis of the applicable cost principles, i.e., OMB Circulars A-21, A-87, and A-122; and 48 CFR Part 31. Applicants will support all indirect costs.

A minimum of one half (1/2) of each applicant's support must be in the form of new cash outlays expressly for the project. The balance of the applicant's support may consist of in-kind contributions (goods and services). In the proposed budget, all in-kind contributions to be used in meeting the applicant's share of costs should be listed in a separate column from cash contributions. A separate budget narrative describing these in-kind contributions should also be included with the proposal. This information should be in sufficient detail for a determination to be made that the requirements of OMB Circular A-110, section 23 (a), and 15 CFR Part 24.24 (a) and (b) are met.

Applicants may charge companies in the industry or other industry organizations reasonable fees to take part in or avail themselves of services provided as part of applicants' projects. Applicants should describe in detail plans to charge fees.

Type of Funding Instrument

Since ITA will be substantially involved in the implementation of each project for which an award is made, the funding instrument for this program will be a cooperative agreement.

Eligibility Criteria

Trade associations, nonprofit industry organizations, state trade departments and their regional associations including centers for international trade development, and private industry firms or groups of firms in cases where no entity described above represents that industry are eligible to apply for cooperative agreements under this program. For the purpose of this program, a "nonprofit industry organization" is defined as any nonprofit organization (such as some chambers of commerce and world trade centers) made up of firms in an industry, or which is established or funded by *and* which operates on behalf

of an industry. For the purpose of this program, a "trade association" is defined as consisting of member firms in the same industry, or in related industries, or which share common commercial concerns. The purpose of the trade association is to further the commercial interests of its members through the exchange of information, legislative activities, and the like.

Eligible entities may join together to submit an application as a joint venture and to share costs. For example, two trade associations representing different segments of a single industry or related industries may pool their resources and submit one application. Foreign businesses and private groups also may join with eligible U.S. organizations to submit applications and to share the costs of proposed projects. The Department of Commerce will accept applications from eligible entities representing any industry, subsector of an industry or related industries. Each applicant must permit all companies in the industry in question to participate, on equal terms, in all activities that are scheduled as part of a proposed project whether or not the company is a member or constituent of the eligible organization.

Eligible entities desiring to participate in this program must demonstrate the ability to provide a competent, experienced staff and other resources to assure adequate development, supervision and execution of the proposed project activities. Applicants must describe in detail all assistance expected from the Department of Commerce or other Federal Government agencies to implement project activities successfully. Each applicant must provide a description of the membership of the eligible entity, the degree to which the entity represents the industry or industries in question, and the role, if any, foreign membership plays in the affairs of the eligible entity. Applicants should summarize both the recent history of their industry or industries' competitiveness in the international marketplace and the export promotion history of the eligible entity or entities submitting the application.

Project proposals must be compatible with U.S. trade and commercial policy.

Award Period

Funds may be expended over the period of time required to complete the scope of work, but not to exceed three (3) years from the date of the award.

Indirect Costs

The total dollar amount of the indirect costs proposed in an application under

this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. Department of Commerce funds can not be used to pay indirect costs.

Application Forms and Kit

Standard Forms 424 (Rev. 4-92), 424A (Rev. 4-92), and 424B (Rev. 4-92) and other Department of Commerce forms, which are required as part of the application, are available from the contact person indicated above. Applicants must submit a signed original and three (3) copies of the application and supporting materials.

Project Funding Priorities

Applications may be targeted for any market in the world. In ITA's view, projects in the following sectors and countries present opportunities to develop, maintain and expand overseas markets and enhance jobs through U.S. exports:

- (a) Sectors: Environmental technologies, transportation technologies, energy technologies, information technologies, health technologies, and financial services; and
- (b) Geographic Markets: Argentina, Brazil, China, Hong Kong, India, Indonesia, Korea (South), Mexico, Poland, Russia and the Newly Independent States of the former Soviet Union, South Africa, Taiwan, and Turkey.

Developing a project plan requires solid background research. Applicants should study, and applications should reflect such study of, the following:

1. The market potential of the good(s) or service(s) to be promoted in a particular market(s),
2. The competition from host-country and third-country suppliers, and
3. The economic situation and prospects that bear upon the ability of a country to import the good(s) or service(s).

Applicants should present in their applications an assessment of industry resources that can be brought to bear on developing a market; the industry's ability to meet potential market demand expeditiously; and the industry's after-sales service capability in a particular foreign market(s).

After describing their completed basic research, applicants should develop marketing plans that set forth the overall objectives of the projects and the specific activities applicants will undertake as part of these projects. Applications should display the

imagination and innovation of the private sector working in partnership with the Government to obtain the maximum market development impact.

Evaluation Criteria

The Department of Commerce is interested in projects that demonstrate the possibility of both significant results during the project period and lasting benefits extending beyond the project period. To that end, consideration for financial assistance under the MDCP will be based upon the following evaluation criteria:

- (1) Projected:
 - (a) Increase in U.S. exports generated (per dollar of cooperator program funds spent) by the proposed expenditure of funds; and
 - (b) Increase in the U.S. industry's foreign market share. Applicant should provide quantifiable estimates of projected project results, along with detailed explanations, for (1)a and (1)b above.
- (2) Projected:
 - (a) Increase in the number of U.S. companies operating in the market(s) selected (multiplier effect); and/or
 - (b) Increase in the number of companies currently in the market that are undertaking new export initiatives. Applicant should provide quantifiable estimates of projected project results for either (2)a or (2)b above, or for both where proposed project increases are anticipated.
- (3) Export potential of the good(s) and/or service(s) to be promoted.
- (4) Size of the cash portion of the applicant's funding for the proposed project and reasonableness of the itemized budget for project activities.
- (5) The institutional capacity of the applicant to carry out the work plan and the degree to which a proposal initiates or enhances partnership with the Department of Commerce.
- (6) Creativity and innovation displayed by the work plan while at the same time being realistic.
- (7) Willingness and ability of the applicant to back up promotional activities with aggressive marketing and after-sales service and probability that the project can be continued on a self-sustained basis after the completion of the award.
- (8) Intent and capability of the applicant to enlist the participation of small and medium size American companies in consortia and activities that are to be part of the proposed project.

Evaluation criteria 1-4 are of utmost importance in the selection process and will be worth 70 out of a possible 100 points as follows:

- Criterion #1—maximum 20 points
- Criterion #2—maximum 20 points
- Criterion #3—maximum 15 points
- Criterion #4—maximum 15 points

The remaining evaluation criteria will be valued as follows:

- Criterion #5—maximum 10 points
- Criterion #6—maximum 10 points
- Criterion #7—maximum 5 points
- Criterion #8—maximum 5 points

Selection Procedures

Each application will receive an independent, objective review by a panel qualified to evaluate the applications submitted under the program. The Review Panel, consisting of at least three people, will review all applications based on the criteria stated above. The Review Panel will identify and rank the top ten proposals in the regular MDCP competition and the top seven proposals submitted under the set-aside option and make recommendations to the Assistant Secretary for Trade Development concerning which of the proposals should receive awards. The Assistant Secretary for Trade Development will make the final selection regarding the funding of applications from the group of ten in the regular competition and the group of seven under the set-aside option identified by the Review Panel.

In making his decision, the Assistant Secretary for Trade Development will consider the following:

1. The evaluations of the individual reviewers of the Senior Officer Panel;
2. The degree to which applications satisfy the MDCP's goals and objectives;
3. The geographic distribution of the proposed awards;
4. The diversity of industry sectors covered by the proposed grant awards;
5. The diversity of project activities represented by the proposed awards;
6. The promotion of equitable access to MDCP funding for traditionally disadvantaged or under-served groups;
7. Avoidance of redundancy and conflicts with the initiatives of other Federal agencies; and
8. The availability of funds.

Performance Measures

On August 3, 1993, the Government Performance and Results Act (GPRA) was enacted into law (Public Law 103-62). Section 4 of the GPRA requires each agency to submit to the Office of Management and Budget (OMB), beginning with FY 99, a strategic plan for program activities. Among other things, each plan is to include "performance indicators to be used in measuring or assessing the relevant outputs, service levels and outcomes of each program activity."

OMB has decided not to wait to begin development of the new performance indicators called for in GPRA. As part of the process of preparing the President's FY 1996 budget, OMB has asked agencies to submit prospective GPRA-type performance indicators they intend to use in future years.

Accordingly, current MDCP participants have been asked to identify new GPRA-type performance indicators as part of their FY 1995 operating plans. These indicators will include not only program inputs and outputs, but also measures that may be applied to determine outcomes (what happens as a direct result of an output being created) or final impacts (the effect of an outcome).

Applicants for this year's MDCP competition should describe in their proposals performance indicators of the type envisioned by GPRA that they intend to use to measure the results of their MDCP projects. Applicants should consult the MDCP application kit for more information, key terms and definitions used in developing performance indicators under GPRA.

Other Requirements

(1) *Federal Policies and Procedures*—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

(2) *Past Performance*—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(3) *Preaward Activities*—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of the Department of Commerce to cover preaward costs.

(4) *No Obligation for Future Funding*—If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

(5) *Delinquent Federal Debts*—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

- i. The delinquent account is paid in full,
- ii. A negotiated repayment schedule is established and at least one payment is received, or

iii. Other arrangements satisfactory to the Department of Commerce are made.

6. *Name Check Review.* All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

7. *Primary Applicant Certifications.* All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

i. *Nonprocurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

ii. *Drug-Free Workplace.* Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

iii. *Anti-Lobbying.* Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitations on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

iv. *Anti-Lobbying Disclosures.* Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

8. *Lower Tier Certifications.* Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL,

"Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to the Department of Commerce. SF-LLL submitted by any tier recipient or subrecipient should be submitted to the Department of Commerce in accordance with the instructions contained in the award document.

9. *False Statements.* A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

10. *Intergovernmental Review—* Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

11. *Requirement to Buy American-Made Equipment or Products—* Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-317, Sections 607 (a) and (b). Adequate justifications will be required for any proposed purchases of equipment or products that are not American-made.

Classification

This notice has been determined to be not significant for purposes of Executive Order 12866. The standard forms reference in this notice are cleared under OMB Control No. 0348-0043, 0348-0044, 0348-0040, and 0348-0046 pursuant to the Paperwork Reduction Act.

Dated: February 21, 1995.

Jerome S. Morse,

Director, Resource Management and Planning Staff, Trade Development.

[FR Doc. 95-4584 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-DR-P

North American Free-Trade Agreement (NAFTA), Article 1904 Binational 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 February 15, 1995 Northwest Horticultural Council filed a First Request for Panel Review with the Canadian Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade

Agreement. Panel review was requested of the final antidumping determination made by the Deputy Minister of National Revenue, Customs & Excise respecting Fresh, Whole, Delicious, Red Delicious and Golden Delicious Apples Originating in or Exported from the United States of America. This determination was published in the Canada Gazette on January 21, 1995 (Vol. 129, No. 3, p. 132). The NAFTA Secretariat has assigned Case Number CDA-95-1904-02 to this request.

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).

A first Request for Panel Review was filed with the Canadian Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on February 15, 1995, requesting panel review of the final antidumping duty determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 17, 1995);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first