

program to account for the CCS and IPRS rebates is not a permissible offset under section 771(6) of the Act. In addition, we also note that, with respect to respondents' CCS argument, that it is the Department's established policy to disregard the secondary tax effects of countervailable subsidies. See, e.g., Certain Fresh Atlantic Groundfish From Canada, 51 FR 10041 (March 24, 1986) and Fresh and Chilled Atlantic Salmon From Norway, 56 FR 7678 (February 25, 1991).

#### Comment 11

Respondents state that it is not appropriate to include company rates that are based on best information available (BIA) in the calculation of the country-wide rate. Respondents also state that the inclusion in the country-wide rate of companies' rates which are "significantly" higher than the country-wide rate is improper when those companies are also given their own separate company-specific rates. See 19 CFR 355.22(d)(3) for explanation about the calculation of individual, "significantly different" rates. Respondents argue that Ceramica Regiomontana, S.A. v. United States, 853 F. Supp. 431 (CIT 1994) does not require the Department to include "significantly" higher rates in calculation of the country-wide rate. They state that a careful reading of that case, as well as Ipsco Inc. v. United States, 899 F. 2d 1192 (Fed. Cir. 1990), demonstrates that the courts in both cases were only concerned about the over-statement of rates owing to elimination of *de minimis* or zero margins from the country-wide rate calculation. Respondents claim that every company's rate is being pulled up to a percentage greater than it should be because the Department has included in the weighted-average country-wide rate the rates of companies which received their own "significantly" higher company-specific rates. Thus, they state that the country-wide rate is excessive for every company to which it applies. Respondents state that, not only is it unfair to charge this excessive countervailing duty, it is also contrary to law, in conflict with the international obligations of the United States, and violative of due process.

Petitioners state that respondents have misread Ceramica and Ipsco. They state that the plain language of Ceramica requires the Department to calculate a country-wide rate by weight averaging the benefits received by all companies by their proportion of exports to the United States. Petitioners state that while Ceramica and Ipsco dealt factually with the circumstances in

which respondent companies had lower-than-average rates, the principle on which these cases is based applies equally to instances in which some companies have higher-than-average rates. They state that the courts have determined that the benefits received by all companies under review are to be weight-averaged in the calculation of the country-wide rate. Therefore, petitioners conclude that the Department followed the clear directives from the court.

#### Department's Position

We disagree with respondents that "significantly different" higher rate (including BIA rates) should not be included in the calculation of the CVD country-wide rate. Respondents' reliance on Ceramica and Ipsco is misplaced. In those cases, the Department excluded the zero and *de minimis* company-specific rates that were calculated before calculating the country-wide rate. The court in Ceramica, however, rejected this calculation methodology. Based upon the Federal Circuit's opinion in Ipsco, the court held that Commerce is required to calculate a country-wide CVD rate applicable to non-*de minimis* firms by "weight averaging the benefits received by all companies by their proportion of exports to the United States, inclusive of zero rate firms and *de minimis* firms." Ceramica, 853 F. Supp. at 439 (emphasis on "all" added).

Thus, the court held that the rates of all firms must be taken into account in determining the country-wide rate. As a result of Ceramica, the Department no longer calculates, as it formerly did, an "all others" country-wide rate. Instead, it now calculates a single country-wide rate at the outset, and then determines, based on that rate, which of the company-specific rates are "significantly" different.

Given that the courts in both Ipsco and Ceramica state that the Department should include all company rates, both *de minimis* and non *de minimis*, there is no legal basis for excluding "significantly different" higher rates, including BIA rates. To exclude these higher rates, while at the same time including zero and *de minimis* rates, would result in a similar type of country-wide rates bias of which the courts were critical when the Department excluded zero and *de minimis* rates under its former calculation methodology.

#### Final Results of Review

For the period January 1, 1990 through December 31, 1990, we determine the net subsidies to be 4.29

percent *ad valorem* for Nandikeshwari, Pvt. Ltd., 18.52 percent for Overseas Steel, Pvt. Ltd., 22.32 percent for Sitaram Steel, Pvt. Ltd., and 10.16 percent *ad valorem* for all other companies.

The Department will instruct the U.S. Customs Service to assess the following countervailing duties:

Manufacturer/exporter	Rate (percent)
Nandikeshwari, Pvt. Ltd .....	4.29
Overseas Steel, Pvt. Ltd .....	18.52
Sitaram Steel, Pvt. Ltd .....	22.32
All Other Companies .....	10.16

The Department will also instruct the U.S. Customs Service to collect a cash deposit of estimated countervailing duties of 5.92 percent of the f.o.b. invoice price on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review from all companies except Nandikeshwari, Pvt. Ltd., Overseas Steel, Pvt. Ltd. and Sitaram Steel, Pvt. Ltd.. Because of the termination of benefits attributable to the CCS program, the cash deposit rates for these companies are 0.05 percent for Nandikeshwari, Pvt. Ltd. 14.28 percent for Overseas Steel, Pvt. Ltd. and 18.08 percent for Sitaram Steel, Pvt. Ltd.

This notice serves as the only reminder to parties subject to APO of their responsibilities concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR § 353.34(d). Failure to comply is a violation of the APO.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: August 17, 1995.

**Susan G. Esserman,**  
Assistant Secretary for Import  
Administration.

[FR Doc. 95-21437 Filed 8-28-95; 8:45 am]

BILLING CODE 3510-DS-P

#### National Oceanic and Atmospheric Administration

[I.D. 040795A]

#### Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period on the Proposed Recovery Plan for Snake River Salmon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability; reopening of public comment period.

**SUMMARY:** NMFS is reopening the public comment period on the Proposed Recovery Plan for Snake River salmon. This will provide the public with the opportunity to comment until and after the direct costs addendum to the Proposed Recovery Plan becomes available. All interested parties are invited to submit comments.

**DATES:** The comment period, which originally closed on July 17, 1995, has been reopened and now closes on November 17, 1995.

NMFS will accept comments received between July 17, 1995, and November 17, 1995.

**ADDRESSES:** Written comments and materials regarding the Proposed Recovery Plan and the direct costs addendum should be directed to Snake River Salmon Recovery Plan, National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, OR 97232.

**FOR FURTHER INFORMATION CONTACT:** Katherine Hollar, (503) 231-2337.

**SUPPLEMENTARY INFORMATION:** On April 18, 1995 (60 FR 19388), NMFS published a notice of availability of the Proposed Recovery Plan for Snake River salmon protected by the Endangered Species Act (ESA). Public comments were solicited, 11 public hearings were announced, and the comment period was set to expire on July 17, 1995. Further opportunity for public input was subsequently requested (60 FR 26720, May 18, 1995), and additional public hearings were conducted in Idaho Falls, ID on June 21, 1995, and in Spokane, WA, on June 29, 1995.

NMFS is keenly aware of the public interest in salmon recovery. This notice reopens the public comment period until November 17, 1995. An estimate of the direct costs of Proposed Recovery Plan tasks, and a description of the time required to carry out those tasks will be available this fall, during the public comment period, as an addendum to the Proposed Recovery Plan. Copies will be mailed to everyone who received the Proposed Recovery Plan. Notice of the availability of this addendum and its comment period are expected to be published in the **Federal Register** in October.

Dated: August 21, 1995.

**William W. Fox, Jr.,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 95-21403 Filed 8-28-95; 8:45 am]

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[I.D. 081695C]

### Gulf of Mexico Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

**DATES:** The meetings will be held on September 18-21, 1995.

**ADDRESSES:** These meetings will be held at the Broadwater Beach Resort, 2060 Beach Boulevard, Biloxi, MS; telephone: (601) 388-2211.

*Council address:* Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228-2815.

**SUPPLEMENTARY INFORMATION:** The meeting dates are as follows:

*September 20*  
8:30 a.m.—Convene to receive public testimony.

8:45 a.m.—11:30 a.m.—Receive final public testimony on Draft Reef Fish Amendment 12 (NOTE: Testimony cards must be turned in to staff before the start of public testimony).

Issues included for final action in Amendment 12 are: Commercial reef fish harvest by shrimp vessels, definition of bait, personal consumption limit, dealer transport requirement, bag limit on commercial vessels, amberjack size and bag limits and Florida compatible season closures, gag and black grouper size limits, red snapper minimum size limits, and aggregate recreational bag limit for reef fish. Copies of the draft amendment are available from the Council office (see **ADDRESSES**).

1:00 p.m.—4:00 p.m.—Receive a report of the Reef Fish Management Committee and adopt measures in Reef Fish Amendment 12.

4:00 p.m.—5:30 p.m.—Discuss Draft Mackerel Amendment 8.

*September 21*  
8:30 a.m.—10:00 a.m.—Reconvene to continue discussion on Draft Mackerel Amendment 8.

10:00 a.m.—10:15 a.m.—Receive a report of the Habitat Protection Committee.

10:15 a.m.—10:45 a.m.—Receive a report of the Shrimp Management Committee.

10:45 a.m.—11:00 a.m.—Receive a report of the Personnel Committee.

11:00 a.m.—11:15 a.m.—Receive a report of the Data Collection Committee.

11:15 a.m.—11:30 a.m.—Receive a report of the Joint Stone Crab/Spiny Lobster Management Committee.

1:00 p.m.—1:45 p.m.—Receive Enforcement and Director's reports.

1:45 p.m.—2:00 p.m.—Other Business to be discussed.

2:00 p.m.—2:15 p.m.—Election of Chairman and Vice Chairman.

*September 18*

11:00 a.m.—12:00 p.m.—Orientation session for new Council members.

1:00 p.m.—5:00 p.m.—Convene the Reef Fish Management Committee.

*September 19*

8:00 a.m.—3:00 p.m.—Convene the Habitat Protection Committee, Shrimp Management Committee, Data Collection Committee, and Joint Stone Crab/Spiny Lobster Management Committee.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Patricia Bear at the Council (see **ADDRESSES**) by September 11, 1995.

Dated: August 21, 1995.

**Richard H. Schaefer,**

*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-21311 Filed 8-28-95; 8:45 am]

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[I.D. 081695D]

### Mid-Atlantic Fishery Management Council; Meetings

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's Summer Flounder Monitoring Committee will hold a public meeting.

**DATES:** The meeting will be held on September 14, 1995, from 10:00 a.m. until 5:00 p.m.

**ADDRESSES:** The meeting will be held at the Radisson Hotel Philadelphia, 500 Stevens Drive, Lester, PA; telephone 215-521-5900.

*Council Address:* Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19901.

**FOR FURTHER INFORMATION CONTACT:** David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331.