

continue to be the company-specific rate published for the most recent period;

(3) If the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value 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

(4) If neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 19.84 percent. See Amended Final Determination and Antidumping Duty Order; Certain Welded Stainless Steel Pipe From Taiwan, 57 FR 62300 (December 30, 1992).

All U.S. sales by the respondent Ta Chen will be subject to one deposit rate according to the proceeding. The cash deposit rate has been determined on the basis of the selling price to the first unrelated customer in the United States. For appraisal purposes, where information is available, we will use the entered value of the subject merchandise to determine the appraisal rate.

This notice serves as preliminary reminder to importers of their responsibility 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties. This administrative review and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 30, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews; Decision of Binational Panel

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of decision of Binational Panel.

SUMMARY: On December 16, 1996, the Binational Panel issued its decision in the matter of Fresh Cut Flowers from Mexico, Secretariat File No. USA-95-1904-05.

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). The panel review in this matter was conducted in accordance with these Rules.

Background Information

On October 26, 1995, Rancho El Aguaje, Rancho El Toro and Rancho Guacatay filed a First Request for Panel Review with the U.S. Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Results of Antidumping Duty Administrative Review made by the International Trade Administration respecting Fresh Cut Flowers from Mexico. This determination was published in the Federal Register on September 26, 1995 (60 FR 49569). The request was assigned File No. USA-95-1904-05.

Panel Decision

The Panel decided that the Department properly determined that the Complainants provided misleading and evasive statements concerning their respective tax statuses and that the Department properly invoked BIA given the substantial evidence on the record in this action. However, the first-tier BIA rate imposed by the Department was not justified by substantial evidence on the record and was not otherwise in accordance with law. Based upon the substantial evidence on the record, the Panel remanded the action with instructions to assign a second-tier rate

of 18.20 percent, which is taken from the Department's original investigation and takes into account the substantial cooperation provided by the Ranches.

The Panel ordered the Department to issue a determination on remand consistent with the instructions and findings set forth in the Panel's decision. The determination on remand shall be issued within forty-five (45) days of the date of the Order (not later than January 30, 1997).

Dated: December 18, 1996.

James R. Holbein,

U.S. Secretary, NAFTA Secretariat.

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National Oceanic and Atmospheric Administration

Federal Approval of the Texas Coastal Management Program

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service.

ACTION: Notice of the National Oceanic and Atmospheric Administration, National Ocean Services's approval of the Texas Coastal Management Program pursuant to the Coastal Zone Management Act of 1972, as amended 16 U.S.C. 1451 *et seq.*

SUMMARY: Notice is hereby given that the National Oceanic and Atmospheric Administration (NOAA) approved the Texas Coastal Management Program (TCMP) on December 23, 1996, pursuant to the provisions of section 306 of the Federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1455 (CZMA). The TCMP is described in the Texas Coastal Management Program and Final Environmental Impact Statement (P/FEIS) published in August 1996.

Texas is the 30th state to receive federal approval of its coastal management program and the first state program to be approved by NOAA in ten years. Texas submitted a proposed coastal program to NOAA in October 1995. Upon reaching a preliminary decision that the program met the requirements of the CZMA, and in order to meet its responsibilities under the National Environmental Policy Act, NOAA published the Texas Coastal Management Program and Draft Environmental Impact Statement (P/DEIS) for public review on June 23, 1996. NOAA published the P/FEIS including public comments on the P/DEIS and responses to those comments on August 23, 1996. NOAA has also fulfilled its responsibilities under the Endangered Species Act through