

Letter from respondent to the Department dated February 19, 2003, and Letter from domestic interested party to the Department dated February 24, 2003, on file in the Central Records unit, Room B-099, Main Building of the Department of Commerce.

In accordance with the Department's regulations, and consistent with its practice, the Department hereby rescinds the administrative review of POS cooking ware from the PRC for the period December 1, 2001 to November 30, 2002. See 19 CFR section 351.213(d)(1), which states in pertinent part, "The Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review."

This notice is in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended, and section 351.213(d) of the Department's regulations.

Dated: April 15, 2003.

Holly A. Kuga,

Acting Deputy Assistant Secretary Import Administration, Group II.

[FR Doc. 03-9934 Filed 4-21-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an Export Trade Certificate of Review, Application No. 02-00005.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to the Virginia Apple Growers Association Inc., ("VAGA"). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Jeffrey C. Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number), or by E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2002).

The Office of Export Trading Company Affairs (AOETCA) is issuing this notice pursuant to 15 CFR 325.6(b),

which requires the Department of Commerce to publish a summary of the Certificate in the **Federal Register**.

Under section 305 (a) of the Act and 15 CFR 325.11 (a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

I. Export Trade

A. Products

1. *Fresh Apples:* Any variety of apples intended for human consumption including but not limited to: Red Delicious, Golden Delicious, Rome, Stayman, York, Winesap, Granny Smith, Jonathan, Red, Gala, Empire McIntosh, Fuji, Ginger Gold, Braebur, and Cortland.

2. *Processed Apples:* Includes a variety of apple products used for human consumption; mainly apple juice, apple cider, applesauce and apple butter.

B. Export Trade Facilitation Services (as They Relate to the Export of Products)

All export-related services, including, but not limited to, international market research, marketing, advertising, sales promotion, brokering, handling, transportation, common marking and identification, communication and processing of foreign orders to and for Members, financing, export licensing and other trade documentation, warehousing, shipping, legal assistance, foreign exchange and taking title to goods.

II. Export Market

The Export Markets include 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).

III. Members (Within the Meaning of Section 325.(1) of the Regulations) Bowman Fruit Sales, L.L.C.,

Timberville, Virginia; Crown Orchard Company, LLP, Batesville, Virginia; Flippin-Seaman, Inc., Tyro, Virginia; and Fred L. Glaize, L.C., Winchester, Virginia.

IV. Export Trade Activities and Methods of Operation

With respect to export trade activities, VAGA and/or one or more of its

members may on behalf of and with the advice and assistance of its Members:

1. Participate in negotiations and enter into agreements with foreign buyers (including governments and private persons) regarding:
 - a. The quantities, time periods, prices and terms and conditions in connection with actual or potential bona fide export opportunities, and
 - b. Non-tariff trade barriers in the Export Markets;
2. Establish export prices and allocate export sales among its Members, in connection with actual or potential bona fide export opportunities;
3. Enter into agreements with non-Members, whether or not exclusive, to provide Export Trade Facilitation Services;
4. Negotiate and enter into agreements with providers of transportation services for the export of Products;
5. Advise and cooperate with the United States and foreign governments in:
 - a. Establishing procedures regulating the export of the Products, and
 - b. Fulfilling the phytosanitary and/or funding requirements imposed by foreign governments for export of the Products;
6. Establish and operate fumigation facilities and administer phytosanitary protocols to qualify the Products for Export Markets;
7. Communicate and process export orders;
8. Conduct direct sales;
9. Broker or take title to Products acquired from non-Member producers whenever necessary to fulfill specific sales obligations;
10. Operate foreign sales and distribution offices and companies to facilitate the sales and distribution of the Products in the Export Markets;
11. Refuse to deal with or provide quotations to other Export Intermediaries for sales of the Members' Products into the Export Markets;
12. Retain the option for VAGA to be the exporter of record with regard to sales conducted by and through VAGA;
13. Develop internal operational procedures and disseminate information to Members to assist the membership in meeting the criteria necessary for exporting;
14. VAGA, through employees or agents of VAGA who are not also employees of a Member, may receive and each Member may supply to such employees or agents of VAGA, information as to such Member's actual or intended total export shipments of certified products in any previous or future growing season or seasons, provided that such information is not

disclosed by VAGA to any other Member;

15. Exchange information with and among the Members as necessary to carry out the Export Trade Facilitation Services, Export Trade Activities and Methods of Operation;

16. Provide Export Market entry and development assistance to its Members, including:

a. Designing and executing foreign marketing strategies for VAGA's Export Markets;

b. Designing, developing and marketing generic corporate labels, and

c. Other related administrative and promotional services;

17. Solicit non-Members to become Members;

18. Recover administrative expenses and costs through fees and assessments allocated to each Member on a pro-rata share basis or any other non-discriminatory method. Any Member objecting to the method of allocating expenses and costs will be charged based on actual expenses incurred;

19. Apply for and utilize export assistance and incentive programs, as well as arrange financing through bank holding companies, governmental programs, and other arrangements; and

20. Bill and collect from foreign buyers and provide accounting, tax, legal and consulting assistance and services.

V. Definition

"Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, broker, or who performs similar functions including providing or arranging for the provision of Export Trade Facilitation Services.

VI. Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, neither VAGA, nor any Member, shall intentionally disclose, directly or indirectly, to any Member (including parent companies, subsidiaries, or other entities related to any Member) any information regarding any other Member's costs, production, inventories, domestic prices, domestic sales, domestic customers, capacity to produce apples for domestic sale, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods, unless such information is already generally available to the trade or public.

2. VAGA 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.

VII. Protection Provided by Certificate

This Certificate protects VAGA, its Members, and directors, officers, and employees acting on behalf of VAGA and its Members from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

VIII. Effective Period of Certificate

This Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or revoked as provided in the Act and the Regulations.

IX. Other Conduct

Nothing in this Certificate prohibits VAGA and its Members from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of U.S. antitrust laws.

X. Disclaimer

The issuance of this Certificate of Review to VAGA by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary of Commerce or the Attorney General concerning either (a) the viability or quality of the business plans of VAGA or its Members or (b) the legality of such business plans of VAGA or its Members under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of this Certificate to conduct in Export Trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

In accordance with the authority granted under the Act and the Regulations, this Certificate of Review is hereby issued to the Virginia Apple Growers Association, Inc.

The effective date of the Certificate is April 4, 2003. A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: April 16, 2003.

Jeffrey C. Anspacher,

Director, Office of Export Trading Company Affairs.

[FR Doc. 03-9833 Filed 4-21-03; 8:45 am]

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership National Advisory Board

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Manufacturing Extension Partnership National Advisory Board (MEPNAB), National Institute of Standards and Technology (NIST), will meet Thursday, May 8, 2003, from 8 a.m. to 3:30 p.m. The MEPNAB is composed of nine members appointed by the Director of NIST who were selected for their expertise in the area of industrial extension and their work on behalf of smaller manufacturers. The Board was established to fill a need for outside input on MEP. MEP is a unique program consisting of centers in all 50 states and Puerto Rico. The centers have been created by state, federal, and local partnerships. The Board works closely with MEP to provide input and advice on MEP's programs, plans, and policies. The purpose of this meeting is to update the board on the latest program developments at MEP including the 360vu National Accounts initiative. Discussions scheduled to begin at 8 a.m. and to end at 12 p.m. on May 8, 2003, on MEP budget issues will be closed. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Anyone wishing to attend this meeting must register 48 hours in advance in