

**FOR FURTHER INFORMATION CONTACT:** Contact Forest Supervisor Stan Sylva, at (530) 233-8700; or Public Affairs Officer Nancy Gardner at (530) 233-8713.

**Stanley G. Sylva,**

*Forest Supervisor.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Postponement of Preliminary Determinations of Antidumping Duty Investigations: Certain Color Television Receivers From Malaysia (A-557-812) and the People's Republic of China (A-570-884)

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

**SUMMARY:** The Department of Commerce is postponing the preliminary determinations in the antidumping duty investigations of certain color television receivers from Malaysia and the People's Republic of China from October 9, 2003, until no later than November 21, 2003. These postponements are made pursuant to section 733(c)(1)(B) of the Tariff Act of 1930, as amended.

**EFFECTIVE DATE:** September 25, 2003.

**FOR FURTHER INFORMATION CONTACT:** Michael Strollo (Malaysia) or Irina Itkin (People's Republic of China) at (202) 482-0629 or (202) 482-0656, respectively, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Postponement of Due Date for Preliminary Determination**

On May 29, 2003, the Department initiated antidumping duty investigations of imports of certain color television receivers from Malaysia and the People's Republic of China (PRC). See *Notice of Initiation of Antidumping Duty Investigations: Certain Color Television Receivers From Malaysia and the People's Republic of China*, 68 FR 32013 (May 29, 2003). The notice of initiation stated that we would issue our preliminary determinations no later than 140 days after the date of initiation. See *Id.* Currently, the preliminary determinations in this investigation are due on October 9, 2003.

Pursuant to section 733(c)(1)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act ("the

Act"), the Department can extend the period for reaching a preliminary determination until no later than the 190th day after the date on which the administering authority initiates an investigation if:

(B) The administering authority concludes that the parties concerned are cooperating and determines that

(i) The case is extraordinarily complicated by reason of

(I) The number and complexity of the transactions to be investigated or adjustments to be considered,

(II) The novelty of the issues presented, or

(III) The number of firms whose activities must be investigated, and

(ii) Additional time is necessary to make the preliminary determination.

We find that all concerned parties are cooperating in both cases, and we find that these cases are extraordinarily complicated because of the novelty of the issues presented. Specifically, in the Malaysia investigation, the Department requires additional time to examine all relevant facts pertaining to the procurement of material inputs from suppliers located in non-market economy countries for its build-up of constructed value. In the PRC investigation, the Department requires additional time to examine all relevant facts in order to properly value factors of production using surrogate values. Pursuant to section 733(c)(1)(B) of the Act, we have determined that these cases are extraordinarily complicated and that additional time is necessary to make our preliminary determinations. Therefore, we are postponing the preliminary determinations until no later than November 21, 2003.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f).

Dated: September 17, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-24300 Filed 9-24-03; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of application.

**SUMMARY:** The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice

summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

#### **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 E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**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 carried out in 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 a 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 1104H, Washington, DC 20230, or transmit by E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov). 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 03-00006." A summary of the application follows.

## Summary of the Application

*Applicant:* Western Fruit Exporters, L.L.C. ("WFE"), 105 South 18th Street, Suite # 205, Yakima, Washington 98901, Contact: Donald K. Franklin, Attorney, Telephone: (206) 777-7421.

*Application No.:* 03-00006.

*Date Deemed Submitted:* September 8, 2003.

WFE is a Limited Liability Company formed under the laws of the State of Washington. Members (in addition to applicant): Eola Cherry Company, Inc., Gervais, OR; Diana Fruit Co., Inc., Santa Clara, CA; Johnson Foods Co., Inc., Sunnyside, WA; and Oregon Cherry Growers, Inc., Salem, OR.

WFE seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

### I. Export Trade

#### 1. Products

Brine sweet cherries in any stage of processing and finished maraschino cherry products in any stage of packaging.

#### 2. Services

Inspection, quality control, marketing and promotional services.

#### 3. Technology Rights

Proprietary rights to all technology associated with Products or Services, including, but not limited to: Patents, trademarks, service marks, trade names, copyrights, neighboring (related) rights, trade secrets, know-how, and sui generis forms of protection for databases and computer programs.

#### 4. Export Trade Facilitation Services (as they relate to the Export of Products, Services and Technology Rights)

All export trade-related facilitation services, including, but not limited to: Consulting and trade strategy; sales and marketing; export brokerage; foreign marketing research; foreign market development; overseas advertising and promotion; product research and design, based on foreign buyer and consumer preferences; communication and processing of export orders; inspection and quality control; transportation; freight forwarding and trade documentation; insurance; billing of foreign buyers; collection (letters of credit and other financial instruments); provision of overseas sales and distribution facilities and overseas sales staff, legal, accounting and tax assistance; management information systems development and application; assistance and administration related to participation in government export assistance programs.

## II. Export Markets

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. Export Trade Activities and Methods of Operation

In connection with the promotion and sale of Members' Products, Services, and/or Technology Rights into the Export Markets, WFE and/or one or more of Members may:

1. Design and execute foreign marketing strategies for Export Markets;
2. Prepare joint bids, establish export prices for Members' Products and Services, and establish terms of sale in Export Markets in connection with potential or actual bona fide opportunities;
3. Grant sales and distribution rights for the Products, whether or not exclusive, into designated Export Markets to foreign agents or importers ("exclusive" meaning that WFE and Member may agree not to sell the Products into the designated Export Markets through any other foreign distributor, and that the foreign distributor may agree to represent only WFE and/or Member in the Export Markets and none of its competitors);
4. Design, develop and market generic corporate labels for use in Export Markets;
5. Engage in joint promotional activities directly targeted at developing Export Markets, such as: arranging trade shows and marketing trips; providing advertising services; providing brochures and industry newsletters; providing product, service, and industry information; conducting international market and product research; and procuring, international marketing, advertising, and promotional services;
6. Share the cost of joint promotional activities among the Members;
7. Conduct product and packaging research and development exclusively for export in order to meet foreign regulatory requirements, foreign buyer specifications, and foreign consumer preferences;
8. Negotiate and enter into agreements with governments and other foreign persons regarding non-tariff trade barriers in Export Markets such as packaging requirements, and providing specialized packing operations and other quality control procedures to be followed by WFE and Member in the

export of Products into the Export Markets;

9. Assist each other in maintaining the quality standards necessary to be successful in Export Markets;

10. Provide Export Trade Facilitation Services with respect to Products, Services and Technology (including such items as commodity fumigation, refrigeration and storage techniques, and other quality control procedures to be followed in the export of Products in the Export Markets);

11. Advise and cooperate with agencies of the United States Government in establishing procedures regulating the export of the Members' Products, Services and/or Technology Rights in the Export Markets;

12. Negotiate and enter into purchase agreements with buyers in Export Markets regarding export prices, quantities, type and quality of Products, time periods, and the terms and conditions of sale;

13. Broker or take title to Products intended for Export Markets;

14. Purchase Products from non-Member to fulfill specific sales obligations, provided that WFE and/or Member shall make such purchases only on a transaction-by-transaction basis and when the Members are unable to supply, in a timely manner, the requisite Products at a price competitive under the circumstances;

15. Solicit non-Member producers to become Members;

16. Communicate and process export orders;

17. Procure, negotiate, contract, and administer transportation services for Products in the course of export, including overseas freight transportation, inland freight transportation from the packing house to the U.S. port of embarkment, leasing of transportation equipment and facilities, storing and warehousing, stevedoring, wharfage and handling, insurance, and freight forwarder services;

18. Arrange for trade documentation and services, customs clearance, financial instruments, and foreign exchange;

19. Arrange financing through private financial entities, government financial assistance programs and other arrangements;

20. Negotiate freight rate contracts with individual carriers and carrier conferences, either directly or indirectly through shippers associations and/or freight forwarders;

21. Bill and collect monies from foreign buyers; and arrange for or provide accounting, tax, legal and consulting services in relation to Export

Trade Activities and Methods of Operation;

22. Enter into exclusive agreements with non-Members to provide Export Trade Services and Export Trade Facilitation Services;

23. Open and operate overseas sales and distribution offices and companies to facilitate the sales and distribution of Products in the Export markets;

24. Apply for and utilize applicable export assistance and incentive programs available within governmental sectors;

25. Negotiate and enter into agreements with governments and other foreign persons to develop counter-trade arrangements, provided that this Certificate does not protect any conduct related to the sale of goods in the United States that are imported as part of any counter-trade transactions;

26. Refuse to deal with or provide quotations to other Export Intermediaries for sales of Members' Products into Export Markets;

27. Require common marking and identification of Members' Products sold in Export Markets; and

28. Exchange information as necessary to carry out Export Trade Activities and Methods of Operation including:

(a) Information about sales, marketing efforts, and sales strategies in Export Markets, including pricing; projected demand in Export Markets for Products; customary terms of sale; and foreign buyer and consumer product specifications;

(b) Information about the price, quality, quantity, source and delivery dates of Products available from WFE and its Members for export;

(c) Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by WFE and/or Members;

(d) Information about joint bidding opportunities;

(e) Information about methods by which export sales are to be allocated among WFE and/or Members;

(f) Information about expenses specific to exporting to and within Export Markets, including transportation, transshipments, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing and customs duties or taxes;

(g) Information about U.S. and foreign legislation and regulations, including federal marketing order programs that may affect sales to Export Markets;

(h) Information about WFE's or Members' export operations, including sales and distribution networks

established by WFE or Members in Export Markets, and prior export sales by Members, including export price information; and

(i) Information about claims or bad debts by WFE's or Members' customers in Export Markets.

Dated: September 22, 2003.

**Vanessa M. Bachman,**

*Acting Director, Office of Export Trading Company Affairs.*

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**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Membership of the National Oceanic and Atmospheric Administration Performance Review Board

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of membership of NOAA Performance Review Board.

**SUMMARY:** In accordance with 5 U.S.C. 4314(c)(4), NOAA announces the appointment of twenty-three members to serve on the NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appointing authority on SES retention and compensation matters, including performance-based pay adjustments, awarding of bonuses and reviewing recommendations for potential Presidential Rank Award nominees, and SES recertification. The appointment of members to the NOAA PRB will be for a period of 24 months.

**EFFECTIVE DATE:** The effective date of service of the twenty-three appointees to the NOAA Performance Review Board is September 25, 2003.

**FOR FURTHER INFORMATION CONTACT:** Colette Magwood, Acting Executive Resources Program Manager, Human Resources Management Office, Office of Finance and Administration, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713-0530 (ext. 204).

**SUPPLEMENTARY INFORMATION:** The names and position titles of the members of the NOAA PRB are set forth below (all are NOAA officials, except Tyra Smith, Director, Human Resources, Bureau of the Census, Department of Commerce; Gerald R. Lucas, Director for Strategic Resources Initiatives, Office of

Human Resources Management, Department of Commerce; and, Timothy J. Hauser, Deputy Under Secretary for International Trade, International Trade Administration, Department of Commerce);

Helen M. Hurcombe, Director, Acquisition & Grants Office, NOAA Finance and Administration.

Louisa Koch, Acting Assistant Administrator and Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.

Jamison Hawkins, Deputy Assistant Administrator for Ocean and Coastal Zone Management, National Ocean Service.

Lee Dantzler, Director, National Oceanographic Data Center, National Environmental Satellite, Data and Information Service.

John E. Oliver, Jr., Deputy Assistant Administrator, National Marine Fisheries Service.

John E. Jones, Jr., Acting Assistant Administrator and Deputy Assistant Administrator for Weather Services.

William J. Brennan, Deputy Assistant Secretary for International Affairs.

Tyra Smith, Director, Human Resources, Bureau of the Census.

David Kennedy, Director, Office of Response and Restoration, National Ocean Service.

Alan Neushatz, Associate Assistant Administration for Management and Chief Financial Officer/Chief Administrative Officer, National Ocean Service.

Ron Baird, Director, National Sea Grant College Program, Office of Oceanic and Atmospheric Research.

Ants Leetma, Director, Geophysical Fluid Dynamics Laboratory, Office of Oceanic and Atmospheric Research.

Gregory Mandt, Director, Office of Climate, Water and Weather Services, National Weather Service.

Louis W. Uccellini, Director, National Centers for Environmental Prediction, National Weather Service.

Rebecca Lent, Deputy Assistant Administrator, National Marine Fisheries Service.

Michael Sissenwine, Senior Scientist and Director of Research Programs, National Marine Fisheries Service.

William Broglie, Chief Administrative Officer, NOAA Finance and Administration.

Martha Cuppy, Director, Central Administrative Services Center, NOAA Finance and Administration.

Colleen Hartman, Deputy Assistant Administrator, National Environmental Satellite, Data and Information Service.

Kathleen Kelly, Director, Office of Satellite Operations, National