

NHCI to be 4.48 percent *ad valorem*. This rate adjusts the rate of 4.01 percent found in the *Preliminary Results* to a f.o.b. basis (see the GIA at 37237). We will instruct the U.S. Customs Service to assess countervailing duties as indicated above. The Department will also instruct Customs to collect cash deposits of estimated countervailing duties in the percentages detailed above of the f.o.b. invoice price on all shipments of subject merchandise from reviewed companies, except from Timminco Limited (which was excluded from the order in the original investigations), entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these reviews.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in § 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. See 19 CFR 355.22(a). Pursuant to 19 CFR 355.22(g), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected at the rate previously ordered. As such the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. See *Federal-Mogul Corporation and The Torrington Company v. United States*, 822 F.Supp. 782 (CIT 1993) and *Floral Trade Council v. United States*, 822 F.Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR 355.22(g)). Therefore, the cash deposit rates for all companies except those covered by these reviews will be unchanged by the results of these reviews.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company, except from Timminco Limited (which was excluded from the order in the original investigations). Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by these orders are those established in the most recently completed administrative proceeding, conducted pursuant to the statutory provisions that were in effect prior to the URAA amendments. See

*Pure and Alloy Magnesium from Canada: Final Results of the First (1992) Countervailing Duty Administrative Reviews* (62 FR 13857 (March 24, 1997)). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1994 through December 1994, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

Dated: April 7, 1997.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration (Acting).*

[FR Doc. 97-9962 Filed 4-16-97; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 040997B]

RIN 0648-XX28

### New Bedford Harbor Trustee Council, Draft Restoration Plan and Environmental Impact Statement (RP/EIS)

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

**ACTION:** Notice of availability of draft restoration plan and environmental impact statement (RP/EIS).

**SUMMARY:** NMFS, acting as Administrative Trustee, announces the availability of the New Bedford Harbor Trustee Council's (Council) draft RP/EIS for the restoration of natural resources that have been injured by releases of hazardous substances, including polychlorinated biphenyls (PCBs), in the New Bedford Harbor Environment.

Written comments are requested on the draft RP/EIS.

**DATES:** Written comments are requested by June 2, 1997.

**ADDRESSES:** Written comments on the draft RP/EIS, requests for inclusion on the draft RP/EIS mailing list, and requests for copies of any documents associated with the draft RP/EIS should be directed to: New Bedford Harbor Trustee Council, c/o NMFS, F/NEO2, 1 Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:** Jack Terrill, Coordinator, 508-281-9136.

**SUPPLEMENTARY INFORMATION:** A Notice of Availability will be mailed to all agencies, organizations, and individuals who participated in the scoping process or were identified during the RP/EIS process. Copies of the RP/EIS have been sent to all participants who have already requested copies.

### A. Background

New Bedford Harbor is located in southeastern Massachusetts at the mouth of the Acushnet River on Buzzards Bay. Adjacent to the harbor are the communities of Acushnet, Dartmouth, Fairhaven, and New Bedford. New Bedford Harbor is contaminated with high levels of hazardous substances, including PCBs, and is therefore on the U.S. Environmental Protection Agency's (EPA) Superfund National Priorities List, as well as being identified as a priority Superfund site by the Commonwealth of Massachusetts. Hazardous materials containing PCBs were discharged directly into the Acushnet River estuary and Buzzards Bay and indirectly via the municipal wastewater treatment system into the same bodies of water. The sources of these discharges were electronics manufacturers who were major users of PCBs from the time that their operations commenced in the late 1940s until 1977, when EPA banned the use and manufacture of PCBs.

### B. Cooperating Agencies

There are three natural resource trustees on the Council representing the Department of Commerce, the Department of the Interior, and the Commonwealth of Massachusetts. The Secretary of Commerce has delegated trustee responsibility to NOAA, with NMFS having responsibility for restoration. The Secretary of the Interior has delegated trustee responsibility to the U.S. Fish and Wildlife Service. The Governor of Massachusetts has delegated trustee responsibility to the Executive Office of Environmental Affairs.

### C. Funding

The source of funding for the Council's actions is a \$21 million restoration fund, established as a result of settlements between the Federal government, the Commonwealth of Massachusetts, and the companies responsible for releasing PCBs into New Bedford Harbor. A separate account funds the Harbor cleanup. By law and under the terms of the settlement agreements, the Council must finalize a restoration plan for the New Bedford Harbor Environment before funding restoration projects, although necessary plans and studies may be funded before completion of the plan.

### D. Development of the Draft RP/EIS

The Trustees determined that an EIS was the most appropriate means to ensure public participation in the development of restoration alternatives, and to analyze the environmental impact of those alternatives. A Notice of Intent to prepare the RP/EIS was published in the **Federal Register** (60 FR 10835, February 28, 1995) and initial scoping meetings were held in February and March 1995. Restoration priorities were determined from the list of resources identified as having a high probability of injury within the New Bedford Harbor environment and which would be likely candidates for restoration. The restoration priorities are: (1) Marshes or wetlands; (2) recreation areas; (3) water column; (4) habitats; (5) living resources; and (6) endangered species.

### E. Request for Ideas

A request for restoration ideas was published in the **Federal Register** (60 FR 52164-52169, October 5, 1995). As a result, 56 restoration ideas were received from citizens, non-profit organizations, municipalities, academic institutions, state and Federal agencies, and private businesses. The ideas received are the alternatives analyzed in the RP/EIS. The ideas were reviewed by the Council's community and technical advisory committees and legal counsel. The Committees provided recommendations on which ideas should be preferred alternatives to the Council. The public was invited to comment and a public hearing was held on April 30, 1996. The Council then selected 12 preferred alternatives after considering the public comment and its committees' recommendation.

### F. Alternatives Analyzed in the Draft RP/EIS

The Council is proposing a combination of near-term, future and emergency actions, and plans and

studies, as appropriate, that together would form the basis of an estuary-wide plan to restore the affected environment. This plan evaluates general restoration alternatives as well as specific restoration actions, and establishes a process for the evaluation, selection, and implementation of future restoration actions.

### G. Preferred Alternatives

From among the 56 ideas, the Council selected 12 preferred alternatives for near-term implementation. These ideas, by restoration priority, are as follows:

- Marshes or Wetlands*
  - Hydrologic restoration of Padanaram Salt Marsh, Dartmouth
  - Hydrologic restoration of Nonquitt Marsh, Dartmouth
- Recreation Areas*
  - Recreation and habitat improvements to Fort Taber Park, New Bedford
  - Riverside/Belleville Avenue Marine Recreational Park, New Bedford
- Water Column*
  - Hurricane Barrier Box Culvert, New Bedford/Fairhaven
- Habitats*
  - Eelgrass habitat restoration, New Bedford Harbor and Clarks Cove
  - Land acquisition, Sconticut Neck, Fairhaven
- Living Resources*
  - Restoration and management of the New Bedford area shellfishery
  - Restoration of the Acushnet River herring run
- Endangered Species*
  - Buzzards Bay tern restoration and habitat stabilization
- Plans and Studies*
  - Wetlands restoration planning and implementation
  - New Bedford/Fairhaven Harbor Master Plan (aspects related to natural resources)

On finalization of this plan, the Council will begin implementation of selected near-term alternatives.

### H. Coordination with Ongoing Cleanup Actions

Since the Harbor cleanup is ongoing, restoration actions must be coordinated with that process to maximize environmental benefits while ensuring that neither process negates or interferes with the other. As cleanup of the Harbor proceeds, more restoration options will become practicable. The Council proposes an event-based process of idea solicitation and selection to choose future restoration actions, periodically selecting restoration actions that are practicable, effective, and appropriate in the context of the ongoing cleanup. Full public involvement in Council

decisionmaking will be maintained in all aspects of the process.

**Authority:** 42 U.S.C. 4321 *et seq.* and 9601 *et seq.*

Dated: April 10, 1997.

**Rolland A. Schmitten,**

*Assistant Administrator for Fisheries, National Marine Fisheries Services.*

[FR Doc. 97-9922 Filed 4-16-97; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041197A]

### 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 meeting.

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

**DATES:** The meetings will be held on May 12-15, 1997.

**ADDRESSES:** These meetings will be held at the Holiday Inn Crowne Plaza, 333 Poydras Street, New Orleans, LA; telephone: (504) 525-9444.

*Council address:* Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director; telephone: (813) 228-2815.

### SUPPLEMENTARY INFORMATION:

#### Council

#### May 14

8:30 a.m.—Convene.

8:45 a.m. - 12:00 noon—Receive public testimony on Mackerel Total Allocable Catch and Reef Fish Amendment 15, published on April 11, 1997, 62 FR 17776.

1:30 p.m. - 3:00 p.m.—Continue public testimony on Reef Fish Amendment 15.

3:00 p.m. - 5:30 p.m.—Receive a report of the Reef Fish Management Committee.

#### May 15

8:30 a.m. - 11:15 a.m.—Receive a report of the Mackerel Management Committee.

11:15 a.m. - 11:30 a.m.—Receive a report of the Shrimp Management Committee.