

space flight. Advice received from: National Institutes of Health, March 19, 1997.

**Docket Number:** 97-020. Applicant: University of Texas at Austin, Port Aransas, TX 78373. Instrument: IR Mass Spectrometer, Model DELTA<sup>plus</sup>, Manufacturer: Finnigan MAT, Germany. Intended Use: See notice at 62 FR 13600, March 21, 1997. Reasons: The foreign instrument provides: (1) A magnetic sector analyzer with stigmatic focusing, (2) internal precision of 0.006 (2 $\sigma$ ) per CO<sub>2</sub> ion and (3) absolute sensitivity of 1500 molecules CO<sub>2</sub> per mass 44 ion at the collector. Advice received from: National Institutes of Health, March 19, 1997.

The National Institutes of Health advises in its memoranda that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 97-12392 Filed 5-9-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Chicago; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

**Docket Number:** 97-011. Applicant: The University of Chicago, Chicago, IL 60637. Instrument: ICP Mass Spectrometer, Model ELEMENT. Manufacturer: Finnigan MAT, Germany. Intended Use: See notice at 62 FR 10543, March 7, 1997.

**Comments:** None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides: (1) A magnetic sector analyzer with inductively coupled plasma ion source, (2) sensitivity better than 50  $\times$  10<sup>6</sup>/second/ppm of indium and (3) a linear detection range from 0.1 ppt to 100 ppm. These capabilities are pertinent to the applicant's intended purposes and we know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 97-12391 Filed 5-9-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-122-815]

#### Pure Magnesium and Alloy Magnesium From Canada; Preliminary Results of the Fourth Countervailing Duty Administrative Reviews for the 1995 Period of Review

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

**ACTION:** Notice of preliminary results of countervailing duty administrative reviews.

**SUMMARY:** The Department of Commerce (the Department) is conducting administrative reviews of the countervailing duty orders on pure magnesium and alloy magnesium from Canada. For information on the net subsidy for the reviewed company, as well as for all non-reviewed companies, please see the *Preliminary Results of Reviews* section of this notice. If the final results remain the same as these preliminary results of administrative reviews, we will instruct the U.S. Customs Service (Customs) to assess countervailing duties as detailed in the *Preliminary Results of Reviews* section of this notice. Interested Parties are invited to comment. (See *Public Comment* section of this notice.)

**EFFECTIVE DATE:** May 12, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Sally Hastings or Cynthia Thirumalai, AD/CVD Enforcement, Group 1, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3464 or (202) 482-4087, respectively.

## SUPPLEMENTARY INFORMATION:

### Background

On August 31, 1992, the Department published in the **Federal Register** (57 FR 39392) the countervailing duty orders on pure and alloy magnesium from Canada. On August 12, 1996, the Department published a notice of "Opportunity to Request an Administrative Review" (61 FR 41771) of these countervailing duty orders. We received timely requests for review from NHCI on August 20, 1996 and from the Gouvernement du Québec (GOQ) on August 21, 1996 and we initiated these reviews, covering the period January 1, 1995 through December 31, 1995, on September 15, 1996 (61 FR 48882).

In accordance with 19 CFR 355.22(a), these reviews cover only the producer or exporter of the subject merchandise for which reviews were specifically requested. Accordingly, these reviews cover only NHCI. Also, these reviews cover seventeen programs.

On October 30, 1996, the Department issued questionnaires to NHCI, the Government of Canada (GOC), and the GOQ. The Department received questionnaire responses from NHCI, the GOC and the GOQ on December 3, 1996. The Department issued supplemental questionnaires to NHCI and the GOQ on April 10, 1997 and received supplemental questionnaire responses from both parties on April 24, 1997.

### Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). The Department is conducting these administrative reviews in accordance with section 751(a) of the Act.

### Scope of the Reviews

The products covered by these reviews are pure and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes. Secondary and granular magnesium are not included. Pure and alloy magnesium are currently provided for in subheadings 8104.11.0000 and 8104.19.0000, respectively, of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and Customs

purposes, our written descriptions of the scopes of these proceedings is dispositive.

### Analysis of Programs

#### *I. Programs Previously Determined to Confer Subsidies*

##### A. Exemption from Payment of Water Bills

Pursuant to a December 15, 1988 agreement between NHCI and La Société du Parc Industriel et Portuaire de Bécancour (Industrial Park), NHCI is exempt from payment of its water bills. Except for the taxes associated with its bills, NHCI does not pay the invoiced amounts of its water bills.

In the *Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada (Magnesium from Canada)* 57 FR 30948 (July 13, 1992), the Department determined that the exemption received by NHCI was limited to a specific enterprise or industry, or group of enterprises or industries because no other company receives such an exemption. In these reviews, neither the GOQ nor NHCI provided new information which would warrant reconsideration of this determination.

We preliminarily determine the countervailable benefit to be the amount NHCI would have paid absent the exemption. To calculate the benefit under this program, we divided the amount NHCI would have paid for water during the POR by NHCI's total POR sales of Canadian-manufactured products on an F.O.B. basis. We preliminarily determine that the net subsidy provided by this program is 0.50 percent *ad valorem*.

##### B. Article 7 Grants from the Québec Industrial Development Corporation

The Société de Développement Industriel du Québec (SDI) administers development programs on behalf of the GOQ. SDI provides assistance under Article 7 of the SDI Act in the form of loans, loan guarantees, grants, assumptions of costs associated with loans, and equity investments. This assistance involves projects capable of having a major impact upon the economy of Québec. Article 7 assistance greater than 2.5 million dollars must be approved by the Council of Ministers, and assistance over 5 million dollars becomes a separate budget item under Article 7. Assistance provided in such amounts must be of "special economic importance and value to the province." (See *Magnesium from Canada*, 57 FR 30949 (July 13, 1992).)

In 1988, NHCI was awarded a grant under Article 7 to cover a large

percentage of the cost of certain environmental protection equipment. In *Magnesium from Canada*, we determined that NHCI received a disproportionately large share of assistance under Article 7. On this basis, we determined that the Article 7 grant was limited to a specific enterprise or industry, or group of enterprises or industries. In these reviews, neither the GOQ nor NHCI provided new information which would warrant reconsideration of this determination.

For the reasons set forth in the *Final Results of the Third Countervailing Duty Administrative Reviews: Pure Magnesium and Alloy Magnesium from Canada*, 62 FR 18749 (April 17, 1997), we preliminarily determine in these reviews that the Article 7 assistance received by NHCI was a non-recurring grant because it represented a one-time provision of funds. In these reviews, neither the GOQ nor NHCI provided new information which would warrant reconsideration of this determination.

We calculated the benefit from the grant received by NHCI using the company's cost of long-term, fixed-rate debt as the discount rate and our declining balance methodology, consistent with 19 CFR 355.49. We divided that portion of the benefit allocated to the POR by NHCI's total sales of Canadian-manufactured products on an F.O.B. basis. We preliminarily determine the net subsidy provided by this program to be 2.68 percent *ad valorem*.

#### *II. Programs Preliminarily Found Not to be Used*

We preliminarily find that NHCI did not apply for or receive benefits under the following programs during the POR:

- St. Lawrence River Environment Technology Development Program, Program for Export Market Development,
- The Export Development Corporation,
- Canada-Québec Subsidiary Agreement on the Economic Development of the Regions of Québec,
- Opportunities to Stimulate Technology Programs,
- Development Assistance Program,
- Industrial Feasibility Study Assistance Program,
- Export Promotion Assistance Program,
- Creation of Scientific Jobs in Industries,
- Business Investment Assistance Program,
- Business Financing Program,
- Research and Innovation Activities Program,
- Export Assistance Program,

- Energy Technologies Development Program,
- Transportation Research and Development Assistance Program.

### Preliminary Results of Reviews

In accordance with 19 C.F.R. 355.22(c)(4)(ii), we calculated an individual subsidy rate for each producer/exporter subject to these administrative reviews. For the period January 1, 1995 through December 31, 1995, we preliminarily determine the net subsidy for NHCI to be 3.18 percent *ad valorem*. If the final results of these reviews remain the same as these preliminary results, the Department intends to instruct Customs to assess countervailing duties as indicated above. The Department also intends to instruct Customs to collect cash deposits of estimated countervailing duties as indicated above of the F.O.B. invoice price on all shipments of the subject merchandise from NHCI entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these administrative 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 section 777A(e)(2)(B) of the Act. The requested reviews 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, except Timminco Limited (which was excluded from the

orders during the investigation), at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by these orders are those established in *Pure and Alloy Magnesium from Canada: Final Results of the First (1992) Countervailing Duty 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, 1995 through December 31, 1995, 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, except for Timminco Limited (which was excluded from the orders during the original investigation).

#### Public Comment

Parties to these proceedings may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit an argument in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38, are due.

The Department will publish the final results of these administrative reviews, including the results of its analysis of issues raised in any case or rebuttal briefs or at a hearing.

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

Dated: May 5, 1997.

Robert S. LaRussa

Acting Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-602]

#### Certain Stainless Steel Cooking Ware From the Republic of Korea: Initiation and Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review, and Intent To Revoke Order In Part

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

**ACTION:** Notice of initiation and preliminary results of changed circumstances countervailing duty administrative review, and intent to revoke order in part.

**SUMMARY:** In response to a request from Peregrine Outfitters, Inc. (Peregrine), a U.S. importer, the Department of Commerce (the Department) is initiating a changed circumstances countervailing duty administrative review and issuing an intent to revoke, in part, the countervailing duty order on certain stainless steel cooking ware from the Republic of Korea. Peregrine requested that the Department revoke the order in part with regard to imports of stainless steel camping cooking ware from the Republic of Korea, as described by Peregrine. Based on the fact that Revereware, Inc. (petitioner) has expressed no interest in the importation of stainless steel camping cooking ware, as described by Peregrine, we intend to partially revoke this order.

**EFFECTIVE DATE:** May 12, 1997.

**FOR FURTHER INFORMATION CONTACT:** Amy S. Wei or James Terpstra, Office 4, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC. 20230; telephone (202) 482-4737.

#### SUPPLEMENTARY INFORMATION:

#### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (the Act), by the Uruguay

Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the **Federal Register** on May 11, 1995 (60 FR 25130).

#### Background

On January 24, 1997, at Peregrine's request, the Department revoked in part the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea with regard to stainless steel cooking ware (62 FR 3662).

On March 31, 1997, Peregrine subsequently requested that the Department conduct a changed circumstances administrative review to determine whether to partially revoke the countervailing duty order on certain stainless steel cooking ware from the Republic of Korea with regard to stainless steel camping cooking ware (52 FR 2140, January 20, 1987). In addition, the petitioner informed the Department that it does not object to the changed circumstances review and has no interest in the importation or sale of stainless steel camping cooking ware as described by Peregrine.

#### Scope of Review

The merchandise covered by this changed circumstances review is stainless steel camping cooking ware from the Republic of Korea. This changed circumstances administrative review covers all manufacturers/exporters of stainless steel cooking ware meeting the following specifications of stainless steel camping cooking ware: (1) Made of single-ply stainless steel having a thickness no greater than 6.0 millimeters; and (2) consists of 1.0, 1.5, and 2.0 quart saucepans without handles and 2.5, 4.0, 5.0 quart saucepans with folding bail handles and with lids that also serve as fry pans. This camping cooking ware can be nested inside each other in order to save space when packing for camping or backpacking. The order with regard to imports of other stainless steel cooking ware is not affected by this request.

#### Initiation and Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review, and Intent to Revoke Order In Part

Pursuant to section 751(d) of the Tariff Act of 1930, as amended (the Act), the Department may partially revoke a countervailing duty order based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances administrative