

Department") made its final determination that pure magnesium from the Russian Federation was being sold at less than fair value (see Pure Magnesium and Alloy Magnesium from the Russian Federation (60 FR 16432, March 30, 1995)). On May 12, 1995, the Department published the antidumping duty order on pure magnesium from the Russian Federation (60 FR 25691). A ministerial error identified by a respondent, Interlink, was not corrected by the Department prior to the time the parties filed suit with the Court of International Trade (CIT). On December 6, 1995, the CIT granted the Department's request for leave to correct the ministerial error. This notice provides the results of that correction.

EFFECTIVE DATE: December 20, 1995.

FOR FURTHER INFORMATION CONTACT: Louis Apple, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1769.

Scope of Orders

The product covered by this order is pure primary magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of this order. Primary magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure primary magnesium is used as an input in producing magnesium alloy.

Pure primary magnesium encompasses:

- (1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as "ultra-pure" magnesium);
- (2) Products containing less than 99.95% but not less than 99.8% primary magnesium, by weight (generally referred to as "pure" magnesium); and
- (3) Products (generally referred to as "off-specification pure" magnesium) that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium.

"Off-specification pure" magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary

magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of this order is alloy primary magnesium, primary magnesium anodes, granular primary magnesium (including turnings and powder), and secondary magnesium.

Granular magnesium, turnings, and powder are classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8104.30.00. Magnesium granules and turnings (also referred to as chips) are produced by grinding and/or crushing primary magnesium and thus have the same chemistry as primary magnesium. Although not susceptible to precise measurement because of their irregular shapes, turnings or chips are typically produced in coarse shapes and have a maximum length of less than 1 inch. Although sometimes produced in larger sizes, granules are more regularly shaped than turnings or chips, and have a typical size of 2mm in diameter or smaller.

Powders are also produced from grinding and/or crushing primary magnesium and have the same chemistry as primary magnesium, but are even smaller than granules or turnings. Powders are defined by the Section Notes to Section XV, the section of the HTSUS in which subheading 8104.30.00 appears, as products of which 90 percent or more by weight will pass through a sieve having a mesh aperture of 1mm. (See HTSUS, Section XV, Base Metals and Articles of Base Metals, Note 6(b).) Accordingly, the exclusion of magnesium turnings, granules and powder from the scope includes products having a maximum physical dimension (*i.e.*, length or diameter) of 1 inch or less.

The products subject to these orders are classifiable under subheadings 8104.11.00, 8104.19.00 and 8104.20.00 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Case History

On March 22, 1995, the Department of Commerce ("the Department") made its final determination that pure magnesium from the Russian Federation was being sold at less than fair value (see Pure Magnesium and Alloy Magnesium from the Russian Federation (60 FR 16432, March 30, 1995)). On May 12, 1995, the Department published the

antidumping duty order on pure magnesium from the Russian Federation (60 FR 25691).

On May 11, 1995, respondent exporter, Interlink, alleged that a ministerial error had been made in that the Department incorrectly assigned a margin for its sales of subject merchandise supplied by Russian producer, Solikamsk Magnesium Works (SMW). Interlink requested that the Department clarify the antidumping duty order to show that Interlink is excluded with regard to subject merchandise supplied by SMW. The Department found the allegation constituted a ministerial error (see memo from The Magnesium Team to Barbara Stafford dated October 19, 1995). However, because the petitioner filed suit with the CIT before we could correct this error, we were unable to correct this error and publish the amended final determination and amended antidumping duty order. Subsequently, the CIT granted the Department leave to correct this ministerial error.

Amendment of Final Determination and Antidumping Duty Order

The Department has corrected the ministerial error in Interlink's margin calculation as follows: where the foreign market value (FMV) had been incorrectly based on an average of the factors of production for both SMW and the other Russian producer Avisma Titanium-Magnesium Works, the FMV now is based solely on SMW's factors of production. As a result the Department is amending its final determination and antidumping duty order of pure magnesium from the Russian Federation. The ad valorem weighted-average dumping margin for Interlink is as follows:

Interlink/Avisma—0.00

Interlink/SMW—0.00

Interlink/Other—100.25

This notice constitutes the amended antidumping duty order with respect to pure magnesium from the Russian Federation. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order are published in accordance with section 736(a) of the Act and 19 CFR 353.28(c).

Dated: December 14, 1995.

Barbara R. Stafford,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 95-30957 Filed 12-19-95; 8:45 am]

BILLING CODE 3510-DS-P

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/482-5131. This is not a toll-free number.

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 an amended Certificate should be issued. An original and five (5) copies 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 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 89-6A016."

Geothermal Energy Association's original Certificate was issued on 02/05/90. It was subsequently amended on 11/07/90, 04/17/91, 09/11/91, 10/25/93, and 09/26/94. A summary of the original Certificate was published in the Federal Register on 02/09/90 [55 FR 4647]. A summary of the application for amendment follows.

Summary of the Application:

Applicant: Geothermal Energy Association, 2001 Second St., Suite 5, Davis, CA 95616.

Application No.: 89-6A016.

Contact: Arthur John Armstrong, Attorney, (703) 356-3100.

Date Deemed Submitted: Dec. 7, 1995.

Proposed Amendment: The Geothermal Energy Association seeks to amend its Certificate to add the following additional entities as "Members" within the meaning of § 325.2(1) of the Regulations (15 C.F.R. 325.2(1)): Ormat International, Inc., Sparks, Nevada (Controlling entity: Ormat Technologies, Inc.); Resourat Group, Palm Desert, CA; and Ingram Cactus Co., Houston, TX (Controlling entity: Ingram Industries, Inc.). The amendment would delete Foster Valve Corporation and Ormat, Inc.

Dated: December 11, 1995.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 95-30950 Filed 12-19-95; 8:45 am]

BILLING CODE 3510-DR-P

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Completion of Panel Review

AGENCY: North American Free Trade Agreement, NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review of the final dumping determination made by the Secretaria de Comercio y Fomento Industrial, respecting Seamless Commercial Steel Tubes from the United States of America. The Binational Panel Review is terminated. (Secretariat File No. MEX-95-1904-01).

SUMMARY: On November 10, 1995, Gulf States Tube Division filed a Request for Panel review in the above referenced matter with the Mexican Section of the NAFTA Secretariat. On December 6, 1995, Gulf States filed a Notice of Motion requesting termination of this panel review. No other interested persons filed a request for Panel Review of this final determination. As of December 6, 1995, no Complaint nor Notice of Appearance had been filed by any interested person. Therefore, pursuant to subrules 71(2) and 78(a) of the NAFTA Article 1904 Panel Rules 159 FR 8686, February 23, 1994) this Notice of Completion of Panel Review was effective on March 17, 1995.

FOR FURTHER INFORMATION CONTACT:

James R. Holbein, United States Secretary, Binational Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

Dated: December 13, 1995

James R. Holbein,

United States Secretary, NAFTA Binational Secretariat.

[FR Doc. 95-30949 Filed 12-29-95; 8:45 am]

BILLING CODE 3510-GT-M

National Institute of Standards and Technology**Prospective Grant of Exclusive Patent License; Advanced Ceramics Research**

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of prospective grant of exclusive patent license.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology ("NIST"), U.S. Department of Commerce, is contemplating the grant of a field of use exclusive license in the United States to practice the invention embodied in U.S. Patent Number 4,772,524, titled, "Fibrous Monolithic Ceramic and Method For Production" to Advanced Ceramics Research, having a place of business in Tucson, Arizona.

FOR FURTHER INFORMATION CONTACT: Bruce E. Mattson, National Institute of Standards and Technology, Technology Development and Small Business Program, Building 221, Room B-256, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

U.S. Patent Number 4,772,524 is a process of making fibrous monolithic ceramic product of high density.

NIST may enter into a Cooperative Research and Development Agreement ("CRADA") to perform further research on the invention for purposes of commercialization. The CRADA may be conducted by NIST without any additional charge to any party that licenses the patent. NIST may grant the licensee an option to negotiate for royalty-free exclusive licenses to any jointly owned inventions which arise