

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

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), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 00-029. *Applicant:* National Institute of Standards and Technology, U.S. Department of Commerce, 100 Bureau Drive, MS 8221, Gaithersburg, MD 20899-8221.

Instrument: Vacuum Balance and Vacuum Chamber. *Manufacturer:* Metrotec Engineering ag, Switzerland. *Intended Use:* The instrument will be used for developing methods for ultra-precise vacuum mass measurement and for characterization of the stability of mass standards under vacuum. These new capabilities will play a crucial and indispensable role in the ongoing research to replace the artifact-based definition of the unit of mass with one based on fundamental constants. Application accepted by Commissioner of Customs: September 28, 2000.

Docket Number: 00-032 *Applicant:* The University of Michigan, Environmental Health Sciences Department, School of Public Health,

109 S. Observatory, Ann Arbor, MI 48109-2029. *Instrument:* Aerosol Generator. *Manufacturer:* Topas GmbH, Germany. *Intended Use:* The instrument is intended to be used for the generation of particulate aerosols in a small-scale wind tunnel. The aerosols, composed of dusts of different materials including glass beads, Arizona road dust, and fused alumina will be used for the study and development of personal aerosol samplers. Experiments will consist of testing the efficiency of polyurethane preselector foams and testing of personal aerosol samplers to determine aspiration efficiency. The objective of this research is to apply the knowledge gained in previous research to the development of new small-scale, user-friendly personal sampling systems for the inhalable and thoracic fractions of airborne particles. In addition, the instrument will be used for educational purposes in various environmental and industrial health courses involving laboratory research for students at various stages in the Ph.D. program. Application accepted by Commissioner of Customs: September 28, 2000.

Frank W. Creel,

Director, Statutory Import Programs Staff.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-489-502]

Certain Welded Carbon Steel Pipe and Tube and Welded Carbon Steel Line Pipe From Turkey: Amended Final Results of Countervailing Duty Administrative Reviews in Accordance With Decision Upon Remand

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

ACTION: Notice of Amendment to Final Results of Countervailing Duty Administrative Reviews in Accordance with Decision Upon Remand.

SUMMARY: On July 5, 2000, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department) *Final Results of Redetermination on Remand Pursuant to Mannesmann-Sumebank Boru Endustrisi T.A.S. v. United States, Slip*

Op. 00-50 (CIT May 3, 2000), (Slip Op. 00-74). These Final Results apply to the Department's countervailing duty administrative reviews of the countervailing duty orders on certain welded carbon steel pipe and tube and welded carbon steel line pipe from Turkey covering the period January 1, 1996 through December 31, 1996. In accordance with the CIT's instructions, the Department has recalculated the subsidy rates using a sales denominator inclusive of exchange rate gains and losses.

EFFECTIVE DATE: October 18, 2000.

FOR FURTHER INFORMATION CONTACT:

Stephanie Moore or Michael Grossman, AD/CVD Enforcement Office VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-2786.

SUPPLEMENTARY INFORMATION: On April 16, 1998, the Department published in the **Federal Register** (63 FR 18885) the final results and partial rescission of its administrative reviews of the countervailing duty orders on certain welded carbon steel pipe and tube and welded carbon steel line pipe from Turkey for the period January 1, 1996 through December 31, 1996.

Subsequently, respondents challenged the Department's final results before the CIT regarding the Department's determination to calculate the benefits from the freight rebate program at the time of receipt, and the Department's methodology of excluding foreign exchange gains, "kur farki," from the denominator of the subsidy equation.

In the 1996 administrative reviews of the countervailing duty orders, the Department determined that benefits from the freight rebate program are bestowed at the time of receipt. The Department also determined that foreign exchange gains should be excluded from the sales denominators because foreign exchange gains are not income that is derived from sales, but income from fluctuations of the relative value of the dollar versus the Turkish Lira. Therefore, the Department excluded foreign exchange gains from the sales denominators.

On December 23, 1999, the CIT affirmed the Department's determination regarding the freight rebate program. However, the CIT remanded to the Department to either

include foreign exchange gains in the denominator of the subsidy margin calculation or provide an adequate explanation of how this case differs from prior determinations, where the subsidy margin calculation was performed in this manner. The CIT also stated that if the Department took the latter course of action, it must also explain why Turkish generally accepted accounting principles (GAAP) and respondents' accounting methods are unreliable and distortive. See *Mannesmann-Sumerbank Boru Endustrisi T.A.S. v. United States*, 86 F. Supp. 2d 1266, 1275 (CIT 1999). In accordance with that remand order, on March 17, 2000, the Department submitted its first *Final Results of Redetermination on Remand*, which explained how the prior determinations cited by the court reflected a practice no longer ascribed to by the Department, and why Turkish GAAP and the respondents' accounting methods are irrelevant in regards to the issue at hand.

The CIT, in its May 3, 2000, decision found that the Department's explanation failed to substantiate its practice or its reasonableness, and remanded to the Department to recalculate the subsidy rates using a sales denominator inclusive of exchange rate gains and losses. (Slip Op. 00-50). On June 2, 2000, the Department recalculated the subsidy rates using a sales denominator inclusive of exchange rate gains and losses, as instructed by the CIT. On July 5, 2000, the CIT sustained the Department's second *Final Results of Redetermination on Remand*. (Slip Op. 00-74).

Results of Remand

In accordance with the court's second remand instructions, the Department has recalculated the benefits under each program, and the company-specific total *ad valorem* rates for the 1996 period. Therefore, we are amending the final results of administrative reviews.

The final countervailing duty rates for the 1996 period of review are as follows:

Manufacturer/exporter of line pipe	Ad valorem rate
Mannesmann-Sumerbank	3.75%
Manufacturer/exporter of pipe and tube	Ad valorem rate
Borusan Group	2.85%

The Department will instruct the Customs Service to assess countervailing duties on all appropriate entries. The Department will issue

liquidation instructions directly to the Customs Service. The above rates will not affect the cash deposit requirements for pipe and tube currently in effect, which will continue to be based on the rates found to exist in the most recently completed review. The order on line pipe was revoked effective January 1, 2000, pursuant to section 751(c) of the Tariff Act, as amended. See *Notice of Final Results of Sunset Review and Revocation of Countervailing Duty Order: Welded Carbon Steel Line Pipe from Turkey*, 64 FR 30305 (June 7, 1999).

This amendment to the final results of countervailing duty administrative reviews notice is in accordance with section 751(a)(1) of the Tariff Act, as amended, (19 U.S.C. 1675 (a)(1)), 19 CFR 351.213, and 19 CFR 351.221(b)(5).

Dated: October 10, 2000.
Troy H. Cribb,
Acting Assistant Secretary for Import Administration.
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DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE Formerly Known as the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Fiscal Year 2001 Mental Health Rate Updates

AGENCY: Office of the Secretary, DoD.
ACTION: Notice of updated mental health per diem rates.

SUMMARY: This notice provides for the updating of hospital-specific per diem rates for high volume providers and regional per diem rates for low volume providers; the updated cap per diem for high volume providers; the beneficiary per diem cost-share amount for low volume providers for FY 2001 under the TRICARE Mental Health Per Diem Payment System; and the updated per diem rates for both full-day and half-day TRICARE Partial Hospitalization Programs for fiscal year 2001.

EFFECTIVE DATE: The fiscal year 2001 rates contained in this notice are effective for services occurring on or after October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Stan Regensberg, Office of Medical Benefits and Reimbursement Systems, TRICARE Management Activity, telephone (303) 676-3742.

SUPPLEMENTARY INFORMATION: The final rule published in the **Federal Register** on September 6, 1988, (53 FR 34285) set

forth reimbursement changes that were effective for all inpatient hospital admissions in psychiatric hospitals and exempt psychiatric units occurring on or after January 1, 1989. The final rule published in the **Federal Register** on July 1, 1993, (58 FR 35-400) set forth maximum per diem rates for all partial hospitalization admissions on or after September 29, 1993. Included in these final rules were provisions for updating reimbursement rates for each federal fiscal year. As stated in the final rules, each per diem shall be updated by the Medicare update factor for hospitals and units exempt from the Medicare Prospective Payment System. For fiscal year 2001, Medicare has recommended a rate of increase of 3.4 percent for hospitals and units excluded from the prospective payment system. TRICARE will adopt this update factor for FY 2001 as the final update factor. Hospitals and units with hospital-specific rates (hospitals and units with high TRICARE volume) and regional specific rates for psychiatric hospitals and units with low TRICARE volume will have their TRICARE rates for FY 2000 updated by 3.4 percent for FY 2001. Partial hospitalization rates for full day and half day programs will also be updated by 3.4 percent for FY 2001. The cap amount for high volume hospitals and units will also be updated by the 3.4 percent for FY 2001. The beneficiary cost-share for low volume hospitals and units will also be updated by the 3.4 percent for FY 2001. Consistent with Medicare, the wage portion of the regional rate subject to the area wage adjustment will be updated to 71.553 percent for FY 2001. The following reflect an update of 3.4 percent.

REGIONAL SPECIFIC RATES FOR PSYCHIATRIC HOSPITALS AND UNITS WITH LOW TRICARE VOLUME

United States census region	Rate@
Northeast:	
New England	\$560
Mid-Atlantic	537
Midwest:	
East North Central	464
West North Central	438
South:	
South Atlantic	554
East South Central	599
West South Central	505
West:	
Mountain	504
Pacific	594
@Wage portion of the rate, subject to the area wage adjustment	71.553 percent