

ferrovanadium and nitrided vanadium, such as vanadium-aluminum master alloys, vanadium chemicals, vanadium waste and scrap, vanadium-bearing raw materials, such as slag, boiler residues, fly ash, and vanadium oxides.

The products subject to this order are currently classifiable under subheadings 2850.00.20, 7202.92.00, 7202.99.5040, 8112.40.3000, and 8112.40.6000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Antidumping Duty Order

In accordance with sections 735(a) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") made its final determination that ferrovanadium and nitrided vanadium from the Russian Federation ("Russia") is being sold at less than fair value (60 FR 27957, May 26, 1995). On July 3, 1995, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 735(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of the subject merchandise from Russia.

Therefore, all unliquidated entries of ferrovanadium and nitrided vanadium from Russia that are entered, or withdrawn from warehouse, for consumption on or after January 4, 1995, the date of publication of the Department's preliminary determination (60 FR 438), are liable for the assessment of antidumping duties.

In accordance with section 736(a)(1) of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the foreign market exceeds the United States price for all relevant entries of ferrovanadium and nitrided vanadium from Russia. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below.

The ad valorem weighted-average dumping margins are as follows:

Manufacturer/Producer/Exporter	Weighted-Average Margin
Galt Alloys, Inc	3.75

Manufacturer/Producer/Exporter	Weighted-Average Margin
Gesellschaft far Elektrometallurgie m.b.H. (and its related companies Shieldalloy Metallurgical Corporation, and Metallurg, Inc.) ..	11.72
Odermet	10.10
Russia-wide Rate	108.00

This notice constitutes the antidumping duty order with respect to ferrovanadium and nitrided vanadium from Russia. 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 is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: July 3, 1995.

Barbara R. Stafford,

Acting Assistant Secretary for Import Administration.

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[A-357-804]

Notice of Amendment to Final Determination and Antidumping Duty Order: Silicon Metal From Argentina

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

EFFECTIVE DATE: July 10, 1995.

FOR FURTHER INFORMATION CONTACT: Kristin Heim or Elizabeth Graham, Office of Countervailing Investigations, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3798 and 482-4105, respectively.

Summary

On May 30, 1995, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department) April 7, 1995, remand determination and entered Final Judgment. See *American Alloys, Inc. et al. v. United States of America*, Slip-Op 95-98, Court No. 91-10-00782 (CIT May 30, 1995).

On September 26, 1991, the Department published the Antidumping Duty Order of Silicon Metal from Argentina (56 FR 48779, September 26, 1991). The weight-averaged margin was determined to be 8.65 percent.

The Department prepared the final results of redetermination pursuant to a remand order dated December 9, 1994,

from the Court of International Trade, which was based upon the U.S. Court of Appeals for the Federal Circuit's opinion in *American Alloys, Inc. et al. v. United States*, 30 F.3d 1469 (Fed.Cir. 1994). In accordance with the Federal Circuit's order, the Department attempted to analyze whether indirect taxes rebated under Argentina's Reembolso program should be accounted for in the calculation of U.S. price (USP), pursuant to 19 U.S.C. 1677a(d)(1)(C), when determining the dumping margin. Because the respondent refused to allow verification, the Department made its remand determination on the basis of best information available (BIA) which resulted in a dumping margin of 17.87 percent.

Background

The Reembolso is a program through which the Government of Argentina provided tax and duty rebates to silicon metal exporters that purchased domestically produced and imported inputs. In the antidumping investigation, the Department determined that the USP should be adjusted upward by the amount of the rebated taxes which the respondent, Electrometalurgica Andina S.A.I.C. (Andina), received upon export of the subject merchandise to the United States. Petitioners challenged the methodology the Department used to make this determination, arguing that the Department had failed to investigate whether the taxes rebated under Reembolso were imposed directly upon silicon metal or inputs physically incorporated into silicon metal. In petitioners' view, this inquiry was necessary to determine which of the taxes rebated under the Reembolso program were directly related to the exported merchandise or components physically incorporated therein.

The CIT affirmed the Department's determination that this type of inquiry was relevant to a countervailing investigation, but not an antidumping investigation. The CIT also instructed the Department to examine more closely the tax pass-through issue. *American Alloys, Inc. v. United States*, 810 F. Supp. 1294, 1296 (CIT 1993). Petitioners subsequently appealed and the U.S. Court of Appeals for the Federal Circuit reversed and remanded the lower court's decision, holding that the Department must undertake a directly-related inquiry in the antidumping investigation of silicon metal from Argentina. *American Alloys, Inc. v. United States*, 30 F.3d 1469 (Fed.Cir. 1994). In addition, the Federal Circuit reversed the Court of International

Trade's ruling that the Department had to conduct a tax pass-through analysis in the home market. In so doing, the Federal Circuit found that the Department's verification in the investigation that taxes were included in the home market price was based on sufficient record evidence.

ITA Remand Results

The Department attempted to follow the Court's remand instructions to examine whether each tax was directly related to the merchandise in question and its physically incorporated components. In so doing, the Department requested the respondent, Andina, to identify which components used in the production of silicon metal were physically incorporated into silicon metal, and which of the taxes rebated under the Reembolso program were directly related to the silicon metal or the components physically incorporated therein. Andina filed its response and petitioners subsequently commented. The Department then issued a deficiency questionnaire requesting additional information which the Department concluded was necessary to complete a physical incorporation analysis and the directly related test. Andina responded and petitioners subsequently submitted comments on this response.

Due to the substantial amount of new information submitted by Andina, a verification was deemed necessary. Andina initially indicated its willingness to participate in a verification. However, Andina subsequently informed the Department that it would not allow a verification of the responses. Andina cited cost reductions, reduced personnel, preparation of annual financial statements and difficulty in locating documentation from the period of investigation (March 1 through August 31, 1990) as reasons for its decision not to participate in the verification.

Because the respondent refused to allow verification of its responses, the Department was forced to make its remand determination on the basis of BIA pursuant to section 776(c) of the Tariff Act of 1930, as amended, 19 U.S.C. 1677e(c). Accordingly, as BIA, the Department did not allow an adjustment to USP for the rebated taxes received under the Reembolso program. Therefore, we have calculated the dumping rates for Andina without making an upward adjustment to USP for the amount of the Reembolso tax rebated received. In addition, the adjustment to USP of the value-added tax (VAT) that was disallowed in the first remand can now be reinstated. In

adjusting USP for the VAT, we employed the methodology developed as a result of the Court's decision in *Federal-Mogul, et al. v. United States*, 834 F. Supp 1391 (CIT 1993). See Final Determination of Sales at Less Than Fair Value: Calcium Aluminate Cement, Cement Clinker and Flux from France, 59 FR 14136, March 25, 1994.

Based on our examination of the record, we determine the LTFV margin to be:

Producer/Manufacturer Exporter	Margin (per- centage)
Andina	17.87
All others	17.87

Dated: June 30, 1995.

Susan G. Esserman,
Assistant Secretary for Import Administration.

[FR Doc. 95-16837 Filed 7-7-95; 8:45 am]

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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: 95-048. Applicant: University of Nebraska - Lincoln, Physics and Astronomy Department, 205 Brace Lab, Lincoln, NE 68588-0111. *Instrument:* Integrated Sensors, Model MD100. *Manufacturer:* Integrated Sensors Ltd., United Kingdom. *Intended Use:* The instrument will be used for studies of singly and multiply charged ions of helium, neon, oxygen, and other common gases in order to further the knowledge of the structure of atoms and how they interact with beams of x-ray. *Application Accepted by Commissioner of Customs:* June 21, 1995.

Docket Number: 95-049. Applicant: Auburn University, 311 Ingram Hall, Auburn University, AL 36849. *Instrument:* Electron Microscope, Model

JEM-2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for study of the microstructure of metals, metal alloys, ceramics, intermetallic compounds, metal - matrix composites and polymers. The experiments to be conducted include:

1. characterization of multiphase intermetallic compounds,
2. dynamic investigations of nickel aluminides at elevated temperatures,
3. edge-on microscopy of intermetallic - metal joints,
4. microstructural and chemical characterization of nanoparticulate materials,
5. imaging of polymeric thin films,
6. high resolution imaging of structural ceramic materials, and
7. crystallographic characterization of phases by electron diffraction.

In addition, the instrument will be used for the training of faculty, staff and graduate students. *Application Accepted by Commissioner of Customs:* June 21, 1995.

Docket Number: 95-050. Applicant: North Carolina State University, Campus Box 7212, Raleigh, NC 27695-7212. *Instrument:* Mass Spectrometer, Model IMS-6f. *Manufacturer:* Cameca Instruments, France. *Intended Use:* The instrument will be used to determine the levels of impurities to the PPB and PPT level in materials of engineering importance using the SIMS techniques of dynamic depth profiling, static surface analysis, three dimensional depth profiling, surface mapping, etc. These techniques will be applied for both negative and positive ions, for both conducting samples and insulators using the appropriate primary ion beam with both electron and molecular flooding as needed to provide the optimum sensitivity and depth resolution. In addition, the instrument will be used for educational purposes in the Materials Science and Engineering materials characterization course, "Advanced Scanning Electron Microscopy and Surface Analysis" MAT 612. *Application Accepted by Commissioner of Customs:* June 21, 1995.

Frank W. Creel,
Director, Statutory Import Programs Staff.
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