

FR 19017) the notice of initiation of that administrative review.

Kokan and M/S Kay timely withdrew their request for a review on June 26, 1995, pursuant to 19 CFR 353.22(a)(5). As a result, the Department has terminated the review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675 and 19 CFR 353.22(a)(5)).

Dated: August 30, 1995.

**Roland L. MacDonald,**

*Acting Deputy Assistant Secretary for Compliance.*

[FR Doc. 95-22502 Filed 9-8-95; 8:45 am]

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### **North American Free Trade Agreement, Article 1904 Binational Panel Reviews; Notice of Decision of Binational Panel**

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Decision of Binational Panel.

**SUMMARY:** On August 30, 1995 the binational panel in Secretariat Case Number MEX-94-1904-02 issued its decision. This panel was convened to review the final antidumping duty determination made by the Secretaria de Comercio y Fomento Industrial (SECOFI) with respect to Imports of Cut-Length Plate, Covered by Customs Tariff Classifications 7208.32.01, 7208.33.01, 7208.42.01 and 7208.43.01 of the Tariff Schedule of the General Tax Import Law, Originating in and Entering from the United States of America. The panel majority remanded the determination to SECOFI to issue a new determination within 21 days (by September 20, 1995) that terminates the proceeding. A copy of the complete panel decision is available from the NAFTA Secretariat.

**FOR FURTHER INFORMATION CONTACT:** James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final

determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The binational panel review in this matter was conducted in accordance with these Rules.

### **Background**

On September 1, 1994, Bethlehem Steel Corporation filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. On the same date, a Request for Panel Review was also filed by US Steel Group, a unit of USX Corporation. Panel review was requested of the final antidumping duty determination made by the Secretaria de Comercio y Fomento Industrial with respect to Imports of Cut-Length Plate, Covered by Customs Tariff Classifications 7208.32.01, 7208.33.01, 7208.42.01 and 7208.43.01 of the Tariff Schedule of the General Tax Import Law, Originating in and Entering from the United States of America. This determination was published in the *Diario Oficial* on Tuesday August 2, 1994. The NAFTA Secretariat has assigned Case Number MEX-94-1904-02 to this request.

Complaints were filed by both requestors challenging SECOFI's final determination in three areas:

1. Jurisdictional and technical errors;
2. Errors in the calculation of the dumping margin; and
3. Errors in causation and injury determinations.

### **Standard of Review**

In reviewing SECOFI's final determination, the Panel determined that it must apply the standard of review and the general legal principles that a Mexican court (the Fiscal Tribunal) would apply when it reviews a final determination by SECOFI. The Panel interpreted this obligation to require it to apply Article 238 of the Federal Fiscal Code, in conjunction with Articles 237 and 239, to the maximum extent, consistent with the nature of the binational panel review process.

In deciding whether SECOFI's determination under this standard of review was in accordance with the

antidumping law of Mexico, the Panel also determined that it was required to examine the applicable provisions of the Mexican Constitution, treaties, statutes, legislative history, regulations, administrative practice and judicial precedents—all to the extent that the Mexican Fiscal Tribunal would have relied on such legal sources.

The Panel further found that the guarantees of legality and legal security contained in Articles 14 and 16 of the Mexican Constitution impact both the interpretation to be given to the standard of review and to the substance and procedure of any Mexican antidumping proceeding. A primary function of judicial review by Mexican courts and, consequently, by the Panel, is the enforcement of these guarantees. The Panel concluded that in order for the actions of Mexican authorities to be legal, the agency issuing or carrying out such functions or performing such acts, must be "competent": the existence of the acting entity or unit must be formally established in a legal provision; and that entity or unit must only act in accordance with the express authority granted it by Mexican law.

### **Panel Decision**

In its decision the majority of the Panel only addressed itself to Complainants' first areas of challenges—that SECOFI's actions were illegal because of jurisdictional errors—since as a consequence of its findings, the other areas of challenge became unnecessary to address.

The Panel decided the following:

1. The two administrative units that carried out the antidumping investigation and proceeding in its early stages (December 4, 1992–April 1, 1993), namely the *Direccion General de Practicas Comerciales Internacionales* (DGPCI) and the *Direccion de Cuotas Compensatorias* (DCC), were incompetent to do so. They were not duly created and established in the manner required by Mexican Law, and, therefore, their actions were illegal.
2. The visitation orders of July 13 and 14, 1993 were illegal because they were issued by an administrative unit that was incompetent to act.
3. The verification visits that took place on July 19–21, 1993 were performed in part by public officers (Director and Assistant Director of Investigation of Dumping and Subsidies) who lacked competence to act in that capacity because their administrative units had not been legally established.
4. The "external advisors" who participated in the verification visits also lacked competence to act.

**Order of the Panel**

Pursuant to NAFTA Article 1904.8, the Panel remanded SECOFI's Final Determination to SECOFI for action not inconsistent with its decision. In particular, it directed SECOFI to issue a new determination within 21 days that terminates the proceeding against the Complainants and provides that:

1. The exports of USX and Bethlehem of the goods subject to this proceeding enter Mexican territory with zero antidumping duties applied to them upon their importation; and

2. Any cash deposits or customs bonds relative to antidumping duties made or posted by the importers, in order to import the goods manufactured by USX and Bethlehem, be refunded or cancelled as appropriate.

Dated: September 5, 1995.

**James R. Holbein,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 95-22435 Filed 9-8-95; 8:45 am]

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**National Institute of Standards and Technology****Notice of Government Owned Inventions Available for Licensing**

**SUMMARY:** The inventions listed below are owned by the U.S. Government, as represented by the Department of Commerce, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

**FOR FURTHER INFORMATION CONTACT:** Technical and licensing information on these inventions may be obtained by writing to: Marcia Salkeld, National Institute of Standards and Technology, Office of Technology Commercialization, Physics Building, Room B-256, Gaithersburg, MD 20899; Fax 301-869-2751. Any request for information should include the NIST Docket No. and Title for the relevant invention as indicated below.

**SUPPLEMENTARY INFORMATION:** The inventions available for licensing are:

*NIST Docket No. 93-063*

*Title:* Polymeric Amorphous Calcium Phosphate Compositions.

*Description:* Polymeric composites that can provide long-term release of calcium and phosphate ions in biological environments at levels conducive to the formation of hydroxyapatite have been developed. These composites utilize as their filler phase amorphous calcium phosphate,

which is highly soluble and rapidly converts to hydroxyapatite. Such biomaterials have the potential to remineralize defective mineralized tissues such as bone or teeth.

*NIST Docket No. 94-043*

*Title:* Low Cost Renewable Polishing Lap.

*Description:* Researchers in the Precision Engineering Division at the National Institute of Standards and Technology have developed a new method for the fabrication of laps wherein the substrate never contacts the polishing media or part being polished. The invention provides the potential to eliminate contamination of the part and/or degradation of the substrate. The concept offers the potential to significantly lower costs in appropriate applications.

*NIST Docket No. 95-023D*

*Title:* Methods and Electrolyte Compositions for Electrodepositing Chromium Coatings.

*Description:* A NIST process deposits chromium plating up to 600 microns thick. The plating process uses nontoxic trivalent chromium to produce a plating three to four times harder, after heating, than depositions using hexavalent chromium.

Dated: September 5, 1995.

**Samuel Kramer,**

*Associate Director.*

[FR Doc. 95-22509 Filed 9-8-95; 8:45 am]

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**Open Forum on Laboratory Accreditation**

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice.

**SUMMARY:** This notice announces an Open Forum for discussion of issues in laboratory accreditation. The forum is co-sponsored by ACIL (formerly American Council of Independent Laboratories), the American National Standards Institute (ANSI), and the National Institute of Standards and Technology (NIST). We invite all interested parties to attend and participate in defining needs for a more streamlined system to eliminate current duplication and unnecessary costs in laboratory accreditation. We hope to stimulate discussion on means for achieving greater compatibility, coordination, and mutual recognition of competent laboratory accreditation programs.

**DATES:** The forum will take place on Friday, October 13, 1995, at 9 a.m.

**ADDRESSES:** The forum will be held in the Red Auditorium at the National Institute of Standards and Technology, Gaithersburg, Maryland.

To register to attend the Open Forum and pay the \$50 registration fee, interested parties may contact Lori Phillips, NIST, Administration Building, Room B-116, Gaithersburg, Maryland 20899, (301) 975-4513, facsimile (301) 948-2067.

**FOR FURTHER INFORMATION CONTACT:** Belinda Collins, Director, Office of Standards Services, NIST, (301) 975-4000, facsimile (301) 963-2871.

**SUPPLEMENTARY INFORMATION:****Background**

NIST, ACIL, and ANSI have explored issues facing both the private sector and government in laboratory accreditation. Multiple, duplicate assessments occur frequently for many laboratories, wasting resources for all parties. Procedures need to be developed, toward a goal of one assessment per laboratory, that are in accord with international guidelines and recognized by all who require laboratory accreditation. Laboratories, accreditors, industry, and federal and state governments must be considered, and the procedures must mesh with domestic and international requirements.

Problems of multiple and/or duplicate accreditations result from accreditation requirements that lack assurance for reciprocity, or constrain acceptance from outside sectors. Challenges raised by the National Research Council study, Standards, Conformity, Assessment and Trade, " \* \* \* domestic policies and procedures for assessing conformity of products and processes to standards require urgent improvement" must be addressed.

Speakers will address accreditation issues and problems related to trade needs, international perspectives, and U.S. economic impacts. They will consider the need for joint approaches by the private sector and government to further opportunities for greater acceptance of and reciprocity in laboratory accreditation programs.

**Forum Announcement***Laboratory Accreditation in the United States*

ACIL, ANSI, and NIST are cosponsoring an Open Forum for discussion of issues in laboratory accreditation. The forum will be an opportunity to define the needs for a more streamlined system to eliminate current duplication and unnecessary costs. There is widespread agreement