

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: 95-106. **Applicant:** Pennsylvania State University, Department of Chemistry, 152 Davey Laboratory, University Park, PA 16802. **Instrument:** Cold Stage for Time-of-Flight SIMS. **Manufacturer:** Kore Technology, Ltd., United Kingdom. **Intended Use:** The instrument will be used for studies of organic, inorganic and biological solids to determine whether a certain biological molecule is bound inside or outside the nucleus of a frozen biological cell. **Application Accepted by Commissioner of Customs:** October 24, 1995.

Docket Number: 95-107. **Applicant:** U.S. Department of Commerce, National Institute of Standards and Technology, Bldg. 222, Rm A113, Gaithersburg, MD 20899. **Instrument:** Electron Microscope, Model CM300. **Manufacturer:** Philips, The Netherlands. **Intended Use:** The instrument will be used to study the chemical and crystallographic composition, morphology, and their related spatial placement of a variety of inorganic and organic materials, such as ceramics, metals, minerals, and polymers. **Application Accepted by Commissioner of Customs:** October 26, 1995.

Docket Number: 95-108. **Applicant:** VA Medical Center of Gainesville, 1601 SW Archer Road, Gainesville, FL 32608-1197. **Instrument:** Electron Microscope, Model CM100. **Manufacturer:** Philips, The Netherlands. **Intended Use:** The instrument will be used for studies of tissue from different organs, cultured cells, and cell blocks prepared from body cavity fluids. The studies will involve investigations of cell characterizations such as cytoplasmic membrane projections, presence or absence of cell junctions, type of

junctions, and cytoplasmic organelles at the ultrastructural level to differentiate between cell types and their origin. In addition, the instrument will be used for training pathology residents.

Application Accepted by Commissioner of Customs: October 26, 1995.

Docket Number: 95-109. **Applicant:** University of California, Room 301, McCone Hall, Berkeley, CA 94720. **Instrument:** Energy Dispersive Spectrometer. **Manufacturer:** Oxford Instruments, United Kingdom. **Intended Use:** The instrument will be used for studies of various materials including mineral grain separates, whole rock thin sections, soil particles, meteorites, archeological artifacts, experimental glass and crystalline charges, volcanic ashes, rare earth semiconductors, superconducting oxides, silicide and nitride ceramics, and super alloys. In addition, the instrument will be used for educational purposes in the course Geology 401. **Application Accepted by Commissioner of Customs:** October 25, 1995.

Docket Number: 95-110. **Applicant:** National Institute of Standards and Technology, Quince Orchard Road, Gaithersburg, MD 20899. **Instrument:** Mass Spectrometer, Model JMS-700. **Manufacturer:** JEOL, Japan. **Intended Use:** The instrument will be used for the quantitative and qualitative determination of compounds of biomedical interest in complex matrices through studies of the properties of concentration, molecular weight, molecular structure, and ion structure. **Application Accepted by Commissioner of Customs:** October 26, 1995.

Docket Number: 95-111. **Applicant:** University of Wisconsin-Madison, Integrated Microscopy Resource, 1525 Linden Drive, Madison, WI 53706. **Instrument:** Mode-locked Solid State Laser. **Manufacturer:** Microlase Optical Systems, Ltd., United Kingdom. **Intended Use:** The instrument will be used as a fluorescence excitation source for the study of the dynamics of the internal cellular architecture of living biological specimens. The objective of these experimental observations is to understand how the internal machinery of a cell functions during development. In addition, the instrument will be used in courses for advanced microscopy techniques for undergraduates, graduate students and visiting academic research workers. **Application Accepted by Commissioner of Customs:** October 26, 1995.

Docket Number: 95-112. **Applicant:** The Scripps Research Institute, 10666 North Torrey Pines Road, La Jolla, CA 92037. **Instrument:** Electron Microscope, Model CM100. **Manufacturer:** Philips,

The Netherlands. **Intended Use:** The instrument will be used for electron microscopic studies of the structure of the following biological materials which have been isolated from various plants and tissue and culture cells: (1) endoplasmic reticulum and Golgi membranes, (2) plant cells, (3) actin cytoskeletal complexes, (4) nuclear envelope membranes, (5) plasma membranes, and (6) clathrin, dynamin, and GAP junctions. **Application Accepted by Commissioner of Customs:** October 16, 1995.

Frank W. Creel

Director, Statutory Import Programs Staff
[FR Doc. 95-29729 Filed 12-5-95; 8:45 am]

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Indiana University Medical Center, Notice of 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 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95-043. **Applicant:** Indiana University Medical Center, Indianapolis, IN 46202-5289. **Instrument:** Radiation Therapy Simulator, Model Simulix-MC. **Manufacturer:** Oldelft, The Netherlands. **Intended Use:** See notice at 60 FR 33190, June 27, 1995.

Comments: None Received. **Decision:** Denied. **Reasons:** In its justification for duty exemption, the applicant states: The structural, performance and operational characteristics of the foreign and domestic units are similar. However, the foreign unit possessed a greater number of the structural and operational characteristics required, without incurring a greater expense.

The applicant lists the structural and operational features of the foreign instrument which led to the purchase decision. The applicant states that each feature of the foreign instrument is also available on the domestic instrument (manufactured by Varian Corporation) and provides cost data as follows: Shadow Tray: ... With the domestic unit, an additional cost of \$6495.00 would have to be incurred by the institution. Lasers: ...With the domestic unit, an additional cost of \$15,000 would have to be incurred by the institution.

Last Image Hold: ... With the domestic unit, an additional cost of \$11,350 would have to be incurred by the institution.

The application is deficient for the reason that the applicant's purchase of the foreign article was based, not on grounds that the domestic instrument is not scientifically equivalent as required by 15 CFR 301.5(1), but on lower cost of the foreign article.

Pursuant to 15 CFR Part 301.2(s): 'Pertinent' specifications are those specifications necessary for the accomplishment of the specific scientific research and/or science-related educational purposes described by the applicant. Specifications or features (even if guaranteed) which afford greater convenience, satisfy personal preferences, accommodate institutional commitments or limitations, or assure lower costs of acquisition, installation, operation, servicing or maintenance are not pertinent. (Emphasis added.)

Also, 15 CFR 301.5(d)(1)(i) provides in part:

The determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign instrument with similar pertinent specifications of comparable domestic instruments... If the director finds that a domestic instrument possesses all of the pertinent specifications of the foreign instrument, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value for such purposes as the foreign instrument is intended to be used.

Finally, the regulations provide in 15 CFR 301.5(e)(7) as follows: Information provided in a resubmission that... contradicts or conflicts with information provided in a prior submission..., shall not be considered in making the decision on an application that has been resubmitted. Accordingly, an applicant may elect to reinforce an original submission by elaborating in the resubmission on the description of the purposes contained in a prior submission and may supply additional examples, documentation and/or other clarifying detail, but the applicant shall not introduce new purposes or other material changes in the nature of the original application. (Emphasis added.)

Consequently, in view of the applicant's categorical statements cited above, no pertinent, scientifically relevant specifications or features independent of cost can be cited by the applicant. Accordingly, we find

pursuant to Section 301.5(d)(1)(i) that the domestic and foreign instruments are scientifically equivalent.

We conclude that affording the applicant an opportunity to resubmit its application cannot result in a statement of purpose or need consonant with the regulations. The application is denied, pursuant to Section 301.5(d)(1)(i) for the reason that "there is being manufactured in the United States an instrument of equivalent scientific value for such purposes as the foreign instrument is intended to be used.

Frank W. Creel

Director, Statutory Import Programs Staff
[FR Doc. 95-29730 Filed 12-5-95; 8:45 am]

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University of California, Notice of 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 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95-068. *Applicant:* University of California, Berkeley, CA 94720-3104. *Instrument:* Mass Spectrometer, Model JMS-AX505WA. *Manufacturer:* JEOL, Japan. *Intended Use:* See notice at 60 FR 48505, September 19, 1995.

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 double focusing magnetic sector design with mass range to 1200 and resolution to 20 000.

This capability is 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. 95-29731 Filed 12-5-95; 8:45 am]

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C-201-505

Porcelain-on-Steel Cookingware from Mexico; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On September 26, 1995, the Department of Commerce (the Department) published in the Federal Register its preliminary results of administrative review of the countervailing duty order on porcelain-on-steel cookingware from Mexico for Acero Porcelanizado, S.A. de C.V. (APSA). The review covers the period January 1, 1994 through December 31, 1994. We have completed this review and determine the net subsidy to be *de minimis* for APSA. The Department will instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from APSA exported on or after January 1, 1994, and on or before December 31, 1994.

EFFECTIVE DATE: December 6, 1995.

FOR FURTHER INFORMATION CONTACT: Norma Curtis or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1995, the Department published in the Federal Register (60 FR 49565) the preliminary results of its administrative review of the countervailing duty order on porcelain-on-steel cookingware from Mexico. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). We invited interested parties to comment on the preliminary results. We received no comments. The review covers the period January 1, 1994 through December 31, 1994. The review involves one company and ten programs.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Act. Unless otherwise indicated, all citations to the statute and to the Department's