

determined that "(s)ales of merchandise that can be demonstrably linked with entries prior to the suspension of liquidation are not subject merchandise and therefore are not subject to review by the Department." See *French Wire Rod* at 47875; see also *Preamble* at 27314. This long-standing practice is based on the Department's interpretation of the statute and various policy considerations. Petitioners have not presented convincing arguments warranting a change in this practice.

Petitioners have disputed the Department's description of merchandise which entered prior to suspension of liquidation as being "not subject merchandise within the meaning of 771(25) of the Act." See *French Wire Rod* at 47875. We disagree with petitioners. Section 771(25) of the Act defines "subject merchandise" as meaning "the class or kind of merchandise that is within the scope of an investigation, a review, a suspension agreement, an order under this subtitle or section 1303 of this title, or a finding under the Antidumping Act, 1921." 19 USC 1677(25). Therefore, if merchandise is not within the scope of the order (or, as the case may be, the investigation, review, or suspension agreement), it is not subject merchandise. While we do not disagree with petitioners that the sales in question are of merchandise physically meeting the scope of the order, we believe that the statute's reference to "an investigation, a review, a suspension agreement, an order" necessarily limits the definition of subject merchandise to that merchandise which is subject to an investigation, a review, a suspension agreement, and/or an order. It is in this regard that the Department must consider the timing of the entries at issue.

In accordance with section 736(b) of the statute, the order on stainless steel plate in coils from Taiwan covers entries of merchandise beginning on the date of publication of the affirmative preliminary determination, which was November 4, 1998. That this date represents the first date of the antidumping order is evident from the order notice itself. See *Antidumping Duty Orders; Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 64 FR 27756 (May 21, 1999) ("In accordance with section 736(a)(1) of the Tariff Act, the Department will direct Customs officers to assess, upon further advice by the Department, antidumping duties * * * for all relevant entries of stainless steel plate in coils from * * *

Taiwan. * * * These antidumping duties will be assessed on all unliquidated entries of stainless steel plate in coils from * * * Taiwan * * * entered, or withdrawn from warehouse, for consumption on or after November 4, 1998, the date on which the Department published its notices of preliminary determination in the **Federal Register** (63 FR 59524 through 59544).").

The Department has a long-standing and consistent practice of excluding sales of merchandise entering prior to suspension of liquidation, on the grounds that such merchandise was not covered by the order, as long as the sales made after entry can be demonstrably linked to entries made prior to suspension of liquidation. See, e.g., *High-Tenacity Rayon Filament Yarn, Preliminary Results of Antidumping Duty Administrative Review*, 59 FR 32181, 32182 (June 22, 1994). While petitioners do not argue that such merchandise be assessed the new calculated rate, petitioners' assertion that such sales can serve as the basis for setting a cash deposit rate is inaccurate, because, as discussed above, the sales at issue are not of subject merchandise. As the Department stated in *French Wire Rod*: "{s}ales of non-subject merchandise are not an appropriate basis for the Department to estimate the duties that will be due on future entries of subject merchandise." 61 FR at 47878. Certainly, consideration of the establishment of a new cash deposit rate in *Stainless Steel Plate in Coils from Taiwan* is doubly inappropriate when a cash deposit rate based on sales of subject merchandise appropriately covered by the investigation has indeed been established.

Finally, we believe that the Department's finding of middleman dumping in the LTFV investigation does not constitute sufficient grounds to allow for the Department's consideration of the sales at issue. Regardless of the existence of middleman dumping, the sales at issue are CEP sales that have been demonstratively linked to entries made prior to the suspension of liquidation under the order. The identity of the exporter (e.g., whether the producer or the middleman) is irrelevant to the question of whether such merchandise is subject or non-subject.

For the foregoing reasons, the Department is hereby rescinding the administrative review based on the absence of entries into the United States of the subject merchandise during the period of review.

Final Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be. As discussed above, in this case, the available evidence indicates that there were no entries of stainless steel plate in coils produced or exported from Taiwan during the POR. Therefore, we have decided to rescind this review with respect to both Ta Chen and YUSCO in accordance with 19 CFR 351.213(d)(3). The cash-deposit rates for Ta Chen and YUSCO will remain as established in the original less-than-fair-value investigation.

This notice is published in accordance with 19 CFR 351.213(d)(4). Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 3, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01-8818 Filed 4-9-01; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Pennsylvania State University; 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 1996 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 01-005. *Applicant:* Pennsylvania State University, University Park, PA 16802-6300.

Instrument: Dilution Refrigerator and Superconducting Magnet System, Models 126-250 TOF and 6T-76-H3. *Manufacturer:* Leiden Cryogenics B.V., The Netherlands. *Intended Use:* See notice at 66 FR 10483, February 15, 2001.

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 capability for measurements in a magnetic field up to 6.0 tesla at temperatures down to 0.015° K with field uniformity to 0.15% in a 1.0 cm³ central region. A domestic manufacturer of similar equipment advised March 14, 2001 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 01-8822 Filed 4-9-01; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Government Owned Inventions Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government Owned Inventions Available for Licensing.

SUMMARY: The inventions listed below are owned in whole or in part by the U.S. Government, as represented by the Department of Commerce. The Department of Commerce's interest in the inventions is 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: National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, 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: NIST may enter into a Cooperative Research and Development Agreement ("CRADA") with the licensee to perform further research on the inventions for purposes of commercialization. The inventions available for licensing are:

NIST Docket Number: 98-029US.

Title: Method And Apparatus For Bias And Readout Of Bolometers Operated

On A Hysteretic Metal-Insulator Transition.

Abstract: This invention consists of a bias and readout scheme for resistive bolometers. It is chiefly intended for use with bolometer materials which exhibit a phase transition that is hysteretic. The most obvious example of such a bolometer material is vanadium dioxide, which has a metal-semiconductor phase transition at 68 degrees Celsius and a hysteresis of typically 5 degrees Celsius depending on material preparation. The existence of hysteresis precludes the use of a conventional DC bias or a conventional pulsed bias in a bolometer operated on the phase transition. In the technique we are disclosing, the bias consists of an AC current. (This is for phase transitions in which the resistance decreases with increasing temperature. For phase transitions in which the resistance increases with temperature, an AC voltage bias would be used.) The waveform of the AC bias consists of a short "reset" segment, in which the peak current is high enough to bring the bolometer completely into its metallic state, followed by a longer "data" segment, in which the bias current and bias power monotonically decrease, so as to sweep the bolometer's physical temperature downward across the phase transition. The frequency of the AC bias is determined by the condition that the slew rate in bias power during the data segment must always exceed the slew rate in signal power, for all signals of interest. The signal is read out by averaging the bolometer voltage over a time window lying entirely within the data segment. With this bias and readout scheme, the full slope of the bolometer R(T) characteristic is reflected in the output from small signals, which would not be the case for a conventional DC or pulsed bias scheme. Since the full slope of the R(T) characteristic is accessible, the bolometer can operate in the extreme electrothermal feedback regime, which provides major improvements in speed 1/f-noise, and sensitivity.

Dated: April 3, 2001.

Karen H. Brown,

Acting Director.

[FR Doc. 01-8767 Filed 4-9-01; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040301B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel and Scallop Plan Development Team (PDT) and Skate Oversight Committee in April 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held on April 26 and 27, 2001. See

SUPPLEMENTARY INFORMATION for specific dates and times.

ADDRESSES: The meetings will be held at the Comfort Inn Airport, 1940 Post Road, Warwick, RI 02886; telephone: (401) 732-0470.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Thursday, April 26, 2001, 9:30 a.m.— Skate Oversight Committee Meeting

The committee will finalize Skate Fishery Management Plan (FMP) Goals and Objectives. The agenda will include continued development of draft Skate FMP alternatives for public hearings; alternatives may include specifications for a skate permit and catch reporting system, prohibitions on the possession of certain skate species, management measures for the bait and/or wing fishery, limited access provisions, possession limits, minimum size restrictions, and/or any other appropriate measures. The committee will possibly consider a control date for skate fishing.

Thursday, April 26, 2001, 10:00 a.m. and Friday, April 27, 2001, 8:30 a.m.— Joint Scallop Advisory Panel and PDT Meeting

The Scallop Industry Advisory Panel will meet jointly with the Scallop PDT to develop management alternatives for