produced U.S. uranium. The proposal also establishes certain procedures necessary for its efficient administration within the auspices of the suspension agreements and the Tariff Act of 1930, as amended.

Eligible Contracts and Permitted Volumes

- An eligible contract is defined as a natural uranium supply contract signed before March 27, 1995, that was identified in response to the Department's September 22, 1995, Federal Register notice. No other natural uranium contracts, regardless of origin, shall be eligible for inclusion within the terms of the third country enrichment proposal;
- The permitted volume for each contract is the nominal volume contained in each eligible contract.[1] If there is no specific nominal volume identified in the contract, the permitted volume shall be the midpoint between the highest and lowest volumes stipulated in the contract. For any contract containing an option for an additional volume which was exercised prior to March 27, 1995, the permitted volume shall be the nominal/midpoint volume of the eligible contract plus the volume of the exercised option. Similarly, for any contract which was amended prior to March 27, 1995 to provide for an additional volume, the permitted volume shall be the nominal/midpoint volume plus the volume specified in such amendment. For any contract containing an option for an additional volume which was exercised prior to March 27, 1995, and which was amended prior to March 27, 1995 to provide for an additional volume, the permitted volume shall be the sum of the nominal/midpoint volume, the optional volume, and the volume specified in the amendment.
- For each eligible contract, 75 percent of the permitted volume will be allowed entry with no conditions other than the ordinary entry requirements for non-subject uranium;
- For each eligible contract, the remaining 25 percent of the permitted volume will be allowed entry only if such importation is pursuant to a matching sale confirmed by the Department by June 30, 1996, for an equal amount of newly produced U.S. uranium;
- If uranium has been imported into the United States prior to the effective date of this notice and pursuant to an eligible contract, then an equal portion of uranium may be imported, but only if the importation is pursuant to a matching sale confirmed by the Department by June 30, 1996, for an equal amount of U.S.-produced uranium. Furthermore, both the volume of uranium already imported and the volume that may be imported only if matched will be deducted from the permitted volume before the 75/25 split is applied;

Administrative Procedures

- All eligible contracts must be submitted to the Department and are releasable in their entirety only to those interested parties which specifically request access under administrative protective order;
- All holders of eligible contracts must agree to permit Department verification of information regarding shipment of the permitted volumes, including, but not limited to, analyses of the tails assays and enrichment percentages to derive feed-to-product ratios;
- In order to facilitate Customs clearance of shipments of permitted volumes, holders of eligible contracts shall provide the Department with appropriate shipping information at least 10 days in advance of the date the shipment is due to reach the United States. Upon receipt of complete and accurate shipping information, the Department will provide Customs with clearance within five days. Certifications or licenses from the appropriate suspension agreement countries shall not be required;
- The Department will administer each eligible contract on a contract-by-contract basis.
- The Department will administer any such matching sales consistent with the Department's existing practice, as specified in Section IV of the Amendment to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation, and appropriate Statements of Administrative Intent, and any subsequent amendments incorporating such practice.

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BILLING CODE 3510–DS–P

[1] Most natural uranium supply contracts specify a nominal volume around which buyers and sellers expectations converge. Typically these contracts also bracket the target volume with minimum and/or maximum volumes.

[C–122–815]

Preliminary Results of First Countervailing Duty Administrative Reviews: Pure Magnesium and Alloy Magnesium From Canada

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

EFFECTIVE DATE: March 19, 1996.

FOR FURTHER INFORMATION CONTACT: David Boyland or Sue Strumbel, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4198 or (202) 482–1442, respectively.

Case History

On August 3, 1993, the Department published in the Federal Register a notice of ''Opportunity to Request an Administrative Review'' (58 FR 41239) of the countervailing duty orders on pure and alloy magnesium from Canada (57 FR 39392 (August 31, 1992)). On August 3 and 24, 1993, Norsk Hydro Canada Inc. (NHCI) and the Magnesium Corporation of America (Magcorp) requested that the Department conduct administrative reviews of the countervailing duty orders. We initiated the reviews for the period December 6, 1991 through December 31, 1992, on September 30, 1993 (58 FR 51053). (*See* also Period of Review section below). The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

On December 17, 1993, the Department issued questionnaires to NHCI, the Government of Canada (GOC), and the Government of Quebec (GOQ). The Department received questionnaire responses from NHCI, GOC, and GOQ on February 22, 1994.

On January 31, 1994, Magcorp alleged that NHCI was receiving subsidized electricity. On February 18, 1994, Magcorp was notified by the Department that its allegation could not be considered because it was filed 120 days after the initiation of this review (*see* 19 CFR 353.31(c)(1)).

Applicable Statute

The Department is conducting these administrative reviews in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments*, (May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the

subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act (*see* 60 FR 80, January 3, 1995).

Scope of Review

The products covered by these reviews are pure and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes. Secondary and granular magnesium are not included. Pure and alloy magnesium are currently provided for in subheadings 8104.11.0000 and 8104.19.0000, respectively, of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and Customs purposes, our written descriptions of the scopes of these proceedings is dispositive.

Period of Review

For purposes of calculating the net subsidy, the period of review (POR) is January 1, 1992 through December 31, 1992. The subject merchandise covered by this review, however, includes all entries made on or after December 6, 1991 and on or before December 31, 1992. (*See* April 28, 1994 memorandum to Susan H. Kuhbach, Director, Office of Countervailing Investigations, for a further explanation.) NHCI accounted for all exports of subject merchandise during the period of review.

Analysis of Programs

Programs Previously Determined to Confer Subsidies

1. Exemption From Payment of Water Bills

Pursuant to a December 15, 1988 agreement between NHCI and Le Societe du Parc Industriel et Portuaire de Becancour (Industrial Park), NHCI is exempt from payment of its water bills. Except for the taxes associated with its bills, NHCI does not pay the invoiced amounts of its water bills.

In the *Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada (Magnesium from Canada)* 57 FR 30948 (July 13, 1992), the Department determined that the exemption received by NHCI was limited to a specific enterprise or industry, or group of enterprises or industries because no other company receives such an exemption. In this review, neither the GOQ nor NHCI provided new information which would warrant reconsideration of this determination. Additionally, in *Magnesium from Canada* the Department determined the countervailable benefit to be the money NHCI would have paid absent the exemption. During the course of this review, NHCI argued that, even though their water bills were based, in part, on forecasted water consumption, the countervailable benefit should be confined solely to the unpaid POR water bills as they relate to actual water consumption.

For reasons which cannot be disclosed in this notice due to the business proprietary status assigned to certain information, the Department preliminarily determines, as it did in *Magnesium from Canada*, that the countervailable benefit of this program is the sum of the POR water bills—which are partially based on forecasted consumption—that NHCI would have paid absent the exemption it received. (*See also* June 28, 1995 memorandum to Paul L. Joffe, Deputy Assistant Secretary for Import Administration.)

To calculate the benefit under this program, we divided the amount NHCI would have paid for water during the POR by NHCI's total POR sales of Canadian-manufactured products. On this basis, we preliminarily determine that the net subsidy provided by this program is 1.31 percent *ad valorem*.

2. *Article 7 Grants From the Quebec Industrial Development Corporation*

The Societe de Developpement Industriel du Quebec (SDI) administers development programs on behalf of the GOQ. SDI provides assistance under Article 7 of the SDI Act in the form of loans, loan guarantees, grants, assumptions of costs associated with loans, and equity investments. This assistance involves projects capable of having a major impact upon the economy of Quebec. Article 7 assistance greater than 2.5 million dollars must be approved by the Council of Ministers, and assistance over 5 million dollars becomes a separate budget item under Article 7. Assistance provided in such amounts must be of ''special economic importance and value to the province.'' (*See Magnesium from Canada*, 57 FR 30949 (July 13, 1992)).

In 1988, NHCI was awarded a grant under Article 7 to cover a large percentage of the cost of certain environmental protection equipment. In *Magnesium from Canada*, we determined that NHCI received a disproportionately large share of assistance under Article 7. On this basis, we determined that the Article 7 grant was limited to a specific enterprise or industry, or group of enterprises or industries. In this review, neither the GOQ nor NHCI provided new information which would warrant reconsideration of this determination.

In *Magnesium from Canada*, the Department found that the grant provided under Article 7 was nonrecurring because it represented a one-time provision of funds. Before a Binational panel the Department also argued that Article 7 was a nonrecurring grant because it was authorized in a single act and completely disbursed within a relatively short period of time. The Binational review panel upheld the Department's decision that the grant was nonrecurring.

Principles enunciated in the *General Issues Appendix* to the *Certain Steel* investigations support the Department's finding that Article 7 assistance represents a nonrecurring grant. (*See General Issues Appendix (*GIA), 58 FR 37226 (July 9, 1993)). The *GIA* modified the test used to make the determination as to whether a grant is recurring or nonrecurring. Under the current test, a grant is generally considered nonrecurring if: (1) the benefit provided is exceptional, (2) the recipient cannot expect to receive benefits under the program on an ongoing basis from review period to review period, or (3) the provision of funds by the government must be approved every year.

The Article 7 grant received by NHCI was exceptional in the sense that it was a one-time grant authorized by a single act of the GOQ. Additionally, NHCI cannot expect to receive Article 7 grants on an ongoing basis from review period to review period. Finally, in order for NHCI to receive additional Article 7 benefits in the future, additional government approval would be required. Therefore, applying the current recurring/nonrecurring test, the Article 7 grant received by NHCI should be considered nonrecurring.

The *GIA* also lists benefits which the Department generally considers nonrecurring. This list includes ''grants for the purchase of fixed assets.'' As noted above, NHCI's Article 7 grant was for the purchase of fixed assets (*i.e.*, environmental protection equipment). Therefore, based on the reasons discussed above, we preliminarily determine that the Article 7 grant received by NHCI was nonrecurring.

We calculated the benefit from the grant received by NHCI using the

company's cost of long-term, fixed-rate debt as a discount rate and our declining balance methodology as described in section 355.49(b) of the Department's *Proposed Regulations*. We used 14 years as our allocation period, which is the average useful life of the assets in the magnesium industry. We divided that portion of the benefit allocated to the period of investigation by NHCI's total sales of Canadian manufactured products and preliminarily calculated a net subsidy of 8.55 percent *ad valorem* for NHCI.

Because the Article 7 grant was disbursed in the form of interest rebates respondent argues that the Department should employ the interest rebate methodology articulated in the *Certain Steel* investigations (*see e.g., Final Affirmative Countervailing Duty Determinations: Certain Steel Products from Italy*, 58 FR 37327 (July 9, 1993)). In Certain Steel and subsequent investigations, the Department's practice has been to analyze the benefit from an interest rebate in either of two ways. If the borrower knows that an interest rebate will be provided prior to taking on the debt, the Department employs its loan methodology and reduces the interest rate charged by the amount of interest rebated. If the borrower does not know of the interest rebate prior to taking on the debt, the Department treats the interest rebate as a grant.

In this administrative review, respondent has provided additional information showing that the majority of Article 7 assistance took the form of interest rebates on loans taken out after the Article 7 assistance was awarded. Respondent asserts that, since it knew it would be receiving Article 7 assistance prior to taking out these loans, the Department should employ its loan methodology and reduce the interest paid by the amount of the Article 7 assistance received. Moreover, according to respondent, because these loans were not outstanding during the POR and the Department confines the allocation period of a subsidized loan to the life of the loan, the majority of benefits from Article 7 assistance are no longer countervailable (*see section 353.49(c)(1) of the Proposed Regulations*).

In addressing respondent's argument, we note that there are significant differences between the Article 7 assistance provided to NHCI and the interest rebate programs that the Department has encountered in the past and for which the above-referenced *Certain Steel* methodology provides guidance.

We first note the attenuated relationship between the Article 7 assistance and the group of loans subsequently taken out by NHCI. This is in contrast with the direct and tangible relationship that the Department typically observes when examining interest rebate programs and the underlying loans whose interest is being rebated (*see e.g. Final Affirmative Countervailing Duty Determination; Certain Steel Products from the United Kingdom* (58 FR 37393, 37397 (July 9, 1993)).

The agreement NHCI signed with the GOQ primarily conditions the disbursement of funds upon the achievement by NHCI of pre-established targets related to the purchase of specific fixed assets. The requirement to accumulate interest costs prior to the disbursement of the grant was clearly secondary and far less specific. The disbursement of the grant was not tied to the amount borrowed, the number of loans taken out, the interest rate charged on those loans or the specific dates on which interest payments were made. Once NHCI was able to demonstrate that certain costs had been incurred in purchasing specific fixed assets, it was only required to show that an equivalent amount of interest expense had been paid to receive the next disbursement. No evidence was provided to show a link between the loans and the Article 7 assistance.

Secondly, the interest rebate programs in *Certain Steel* and subsequent cases for which the Department employed its loan methodology, operated to lower the financing cost of purchasing particular fixed assets. The subsidy recipients in these programs obtained financing to make an investment and a portion of the interest incurred in financing the investment was rebated by the government. In contrast, the Article 7 assistance received by NHCI actually lowered the cost of the fixed assets themselves, not simply the cost of financing the purchase of those assets.

The Article 7 assistance received by NHCI effectively reimbursed a large percentage of the price of certain fixed assets. As noted above, the Article 7 payments were primarily conditioned upon NHCI meeting pre-established targets related to the purchase and installation of fixed assets. While the payments could not be more than the amount of interest incurred, the overall cap on the payments received was not limited to the interest on loans taken out to finance the acquisition of the fixed assets in question. Instead, the cap included all interest on loans taken out by NHCI. As a result, the Article 7 payments covered more than the cost of financing the purchase of fixed assets, they covered the cost of the equipment itself.

For the reasons outlined above, in this preliminary determination, we disagree with respondent's contention that the Department should treat Article 7 assistance as a series of interest rebates rather than a nonrecurring grant. (*See also* June 28, 1995 memorandum to Paul L. Joffe, Deputy Assistant Secretary for Import Administration.)

Programs Preliminarily Found Not to be Used

We preliminarily find that NHCI did not apply for or receive benefits under the following programs during the period of review: St. Lawrence River Environmental Technology Development Program, Program for Export Market Development, the Export Development Corporation, Canada-Quebec Subsidiary Agreement on the Economic Development of the Regions of Quebec, Opportunities to Stimulate Technology Programs, the Development Assistance Program, the Industrial Feasibility Study Assistance Program, the Export Promotion Assistance Program, the Creation of Scientific Jobs in Industries, the Business Investment Assistance Program, the Business Financing Program, the Research and Innovation Activities Program, Export Technologies Development Program, the Financial Assistance Program for Research Formation and for the Improvement of the Recycling Industry, the Transportation Research and Development Assistance Program.

Preliminary Results of Review

We preliminarily determine the net subsidy for the period January 1, 1992 through December 31, 1992, to be 9.87 percent. If the final results of this review remain the same as these preliminary results, the Department intends to instruct the Customs Service to assess countervailing duties at 9.87 percent of the F.O.B. invoice price on all shipments of the subject merchandise, except Timminco Limited (which was excluded from the order during the original investigation), exported on or after December 6, 1992 and on or before December 31, 1992. The Department also intends to instruct the Customs Service to collect a cash deposit of 9.87 percent on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days

after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR § 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order up until 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due under 19 CFR 355.38(c).

The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal briefs.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 12, 1996.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–6571 Filed 3–18–96; 8:45 am]

BILLING CODE 3510–DS–P

Export Trade Certificate of Review

ACTION: Notice of Issuance of an amended Export Trade Certificate of Review, Application No. 89-6A016.

SUMMARY: On March 6, 1996, the Department of Commerce issued an amendment to the Export Trade Certificate of Review granted to the Geothermal Energy Association. The original Certificate was issued on February 5, 1990 and notice of issuance was published in the Federal Register on February 9, 1990 (55 FR 4647).

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1993).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Geothermal Energy Association's Export Trade Certificate of Review has been amended to:

1. Add the following entity as a ''Member'' to the Certificate within the meaning of section 325.21 of the Regulations (15 C.F.R. 325.2(1)): Resource Group, Palm Desert, CA.

2. Delete Foster Valve Corporation substituting Ingram Cactus Company, as a ''Member'' Houston, TX; and delete Ormat Inc., substituting Ormat International, Inc. as a ''Member,'' Sparks, NV.

A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: March 13, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96–6508 Filed 3–18–96; 8:45 am]

BILLING CODE 3510–DR–P

National Oceanic and Atmospheric Administration

[I.D. 031396A]

Limited Access Management of Federal Fisheries In and Off of Alaska; Season Opening

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

ACTION: Notice of fishing season dates.

SUMMARY: NMFS is opening the directed fishery for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) program. The season will open on 12:00 noon, Alaska local time (A.l.t.), March 15, 1996, and will close 12:00 noon, A.l.t., November 15, 1996. This period runs concurrently with the IFQ season for Pacific halibut announced by the International Pacific Halibut Commission (IPHC).

EFFECTIVE DATE: March 15, 1996, 12:00 noon, A.l.t., through November 15, 1996, 12:00 noon, A.l.t.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586-7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) with fixed gear in the IFQ regulatory areas defined in § 676.11 have been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Northern Pacific Halibut Act (16 U.S.C. 773–773k). Persons holding quota share, which represents a transferable harvest privilege, receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, is contained in the preamble to the final rule implementing the IFQ Program published in the Federal Register, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 676.23(b), which requires that directed fishing for sablefish managed under the IFQ program be announced by the Director, Alaska Region, NMFS by publication in the Federal Register. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Director, Alaska Region, NMFS and the halibut season, chosen by the IPHC. The directed fishing season for sablefish with fixed gear managed under the IFQ program will open on 12:00 noon, A.l.t., March 15, 1996, and will close 12:00 noon, A.l.t., November 15, 1996. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC.

Dated: March 13, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–6488 Filed 3–18–96; 8:45 am]

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