

**DEPARTMENT OF COMMERCE****International Trade Administration****University of North Dakota; 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 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 00-003. Applicant: University of North Dakota, Grand Forks, ND 58202-7129. Instrument: Scanning Tunneling Microscope, Model STM 25. Manufacturer: Omicron Associates, Germany. Intended Use: See notice at 65 FR 11986, March 7, 2000.

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: (1) ability to operate at temperatures as low as 25°K, (2) a vibrationally-isolated vacuum chamber capable to 10 – 11 mbar and (3) conduction of electron-tunneling spectroscopy measurements using the STM. The National Institute of Standards and Technology and a university research center for advanced microstructure devices advise that (1) these capabilities are pertinent to the applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use (comparable case).

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. 00-9996 Filed 4-20-00; 8:45 am]

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**DEPARTMENT OF COMMERCE****International Trade Administration****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 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 00-007. Applicant: University of Wisconsin-Milwaukee, 1900 E. Kenwood Boulevard, Room B30, Milwaukee, WI 53211. Instrument: Scanning Tunneling Microscope, Model STM 25DH. Manufacturer: Omicron Vakuumphysik GmbH, Germany. Intended Use: The instrument is intended to be used for the growth of epitaxial semiconductors by molecular beam epitaxy technique and characterization in situ with variable temperature scanning tunneling microscopy, reflection high energy electron diffraction, low energy electron diffraction and Auger electron spectroscopy. The ultimate goal of this project is to investigate and understand the processes at atomic level and to control and manipulate the motion of atoms on surfaces so that the more sophisticated device structures can be made. Application accepted by Commissioner of Customs: March 24, 2000.

Docket Number: 00-008. Applicant: University of Delaware Department of Chemical Engineering, Colburn Laboratory, 150 Academy Street, Newark, DE 19716. Instrument: Electron Microscope, Model JEM-2010F. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument is intended to be used for the study of the microstructure of metals, ceramics, semiconductors, superconductors, zeolites, polymers, colloids and biomaterials to obtain structural and compositional information on the materials. In addition, the instrument will be used for the training of faculty, staff and graduate students in the graduate course Transmission Electron Microscopy in Materials Science (MASC 823). Application accepted by Commissioner of Customs: April 3, 2000.

**Frank W. Creel,**  
*Director, Statutory Import Programs Staff.*  
[FR Doc. 00-9997 Filed 4-20-00; 8:45 am]  
**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****Export Trade Certificate of Review**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Revocation of Export Trade Certificate of Review No.89-00008.

**SUMMARY:** The Secretary of Commerce issued an export trade certificate of review to FEXCORP. Because this certificate holder has failed to file an annual report as required by law, the Secretary is revoking the certificate. This notice summarizes the notification letter sent to FEXCORP.

**FOR FURTHER INFORMATION CONTACT:**

Morton Schnabel, 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 ("the Act") (Pub. L. No. 97-290, 15 U.S.C. 4011-21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III ("the Regulations") are found at 15 CFR part 325 (1997). Pursuant to this authority, a certificate of review was issued on June 12, 1989 to FEXCORP.

A certificate holder is required by law to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate (Section 308 of the Act, 15 U.S.C. 4018, Section 235.14(a) of the Regulations, 15 CFR 325.14(a)). The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14(b) of the Regulations, 15 CFR 325.14 (b)). Failure to submit a complete annual report may be the basis for revocation (Sections 325.10(a) and 325.14(c) of the Regulations, 15 CFR 325.10(a) (3) and 325.14(c)).

On June 7, 1999, the Department of Commerce sent to FEXCORP a letter containing annual report questions with a reminder that its annual report was due on July 27, 1999. Additional reminders were sent on September 9, 1999 and on November 8, 1999. The Department has received no written response to any of these letters.

On January 11, 2000, and in accordance with Section 325.10(c)(1) of the Regulations, (15 CFR 325.10(c)(1)), the Department of Commerce sent a letter by certified mail to notify FEXCORP that the Department was

formally initiating the process to revoke its certificate for failure to file an annual report. In addition, a summary of this letter allowing FEXCORP thirty days to respond was published in the **Federal Register** on January 19, 2000 at 63 FR 42614. Pursuant to 325.10(c) (2) of the Regulations (15 CFR 325.10(c) (2)), the Department considers the failure of FEXCORP to respond to be an admission of the statements contained in the notification letter.

The Department has determined to revoke the certificate issued to FEXCORP for its failure to file an annual report. The Department has sent a letter, dated April 13, 2000, to notify FEXCORP International Inc. of its determination. The revocation is effective thirty (30) days from the date of publication of this notice. Any person aggrieved by this decision may appeal to an appropriate U.S. district court within 30 days from the date on which this notice is published in the **Federal Register** (325.10(c) (4) and 325.11 of the Regulations, 15 CFR 324.10(c) (4) and 325.11 of the Regulations, 15 CFR 325.10(c) (4) and 325.11).

Dated: April 18, 2000.

**Morton Schnabel,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 00-9993 Filed 4-20-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of Application.

**SUMMARY:** The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:** Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal

government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230, or transmitted by E-mail to oetca@ita.doc.gov. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 00-00002." A summary of the application follows.

#### Summary of the Application

*Applicant:* CONSOL Energy Inc. ("CEI"), 1800 Washington Road, Pittsburgh, Pennsylvania 15241.

Contact: William G. Rieland, Vice President, Sales, Telephone: (412) 831-4032.

*Application No.:* 00-00002.

*Date Deemed Submitted:* April 7, 2000.

Member (in addition to applicant): AMCI Export Corporation, Latrobe, PA.

CEI seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

#### Export Trade

#### Product

Bituminous coal.

#### Export Markets

The Export Markets include all parts of the world except the United States, (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

The proposed Export Trade Certificate of Review would extend antitrust protection to CEI to conduct the following export trade activities:

1. Gathering and sharing market intelligence about CEI's and member's mutual international competition and the outcome of purchasing decisions in foreign bituminous coal markets;

2. Allocating market opportunities between CEI and member. As sales opportunities arise in foreign countries CEI and member would jointly determine which company is best served to bid for the business. CEI and member would not compete against each other as foreign opportunities develop;

3. Jointly determining the appropriate price that the bidding member would apply to each foreign business opportunity;

4. Predetermine which of CEI's or member's coal production sources would be offered for sale on each foreign business opportunity;

5. Jointly developing logistical arrangements in order to move the bituminous coal to predetermined markets. These activities would include jointly arranging shipment schedules with railroads, barge carriers, vessel loading terminals, unloading terminals and ocean vessel owners; and

6. CEI and member would jointly negotiate vessel rates in order to improve the transportation economics of export bituminous coal shipments to their foreign customers.

Dated: April 14, 2000.

**Morton Schnabel,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 00-9994 Filed 4-20-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

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

**ACTION:** Notice of government owned inventions available for licensing.