

boundary and identify causes for the variability in nitrogen flux. Application accepted by Commissioner of Customs: November 6, 1998.

Docket Number: 98-060. Applicant: Iowa State University of Science & Technology, 3616 Administrative Services Building, Ames, IA 50011-3616. Instrument: Variable Temperature Scanning Tunneling Microscope. Manufacturer: Omicron Vakuum Physik, Germany. Intended Use: The instrument will be used for characterization and fundamental studies of submonolayer to multilayer metal films deposited on metal single crystal surfaces. The studies will involve depositing metals onto metal substrates at a given temperature and following the evolution of the surface structure for time periods as long as 12 hours using the instrument. The evolution of the films will be studied both during and after deposition. In addition, the instrument will be used for educational purposes in the courses Chemistry 576-Surface Chemistry and Chemistry 699-Research. Application accepted by Commissioner of Customs: November 19, 1998.

Docket Number: 98-061. Applicant: The University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439. Instrument: Ion Source. Manufacturer: Atomika Instruments, Germany. Intended Use: The instrument will be used as a desorption source in depth profiling and trace analysis of a wide variety of materials ranging from semiconductor wafers (Si, GaAs, HgCdTe) to solar wind collector foils of a diamond. The objective of this research is to analyze near-surface concentrations below one part per trillion (several orders of magnitude below the current capability anywhere in the world). Application accepted by Commissioner of Customs: November 24, 1998.

Docket Number: 98-062. Applicant: University of California, Davis, Department of Applied Science, Institute for Laser Science and Applications, Lawrence Livermore National Laboratory, 7000 East Avenue, Livermore, CA 94550. Instrument: Titanium Sapphire Oscillator. Manufacturer: Femtolasers Produktions, Germany. Intended Use: The instrument is intended to be used for the study of the interactions of ultrashort, ultrahigh intensity laser pulses with relativistic electron beams in vacuum in the following experiments: (a) production of ultrashort electron bunches in a rf photoinjector for the production of Coherent Synchrotron Radiation in a Free Electron Laser, (b) Vacuum Laser Acceleration of electron beams using either "pondermotive scattering" or

"chirped pulse inverse free electron lasers" and (c) production of short, intense bursts of x-rays using Compton Scattering for basic and applied physics applications. Application accepted by Commissioner of Customs: November 24, 1998.

Docket Number: 98-063. Applicant: University of Maryland, Center for Microanalysis and Microscopy, Department of Materials and Nuclear Engineering, Building 090, College Park, MD 20742. Instrument: Electron Microprobe, Model JXA-8900R. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument is intended to be used for studies of the chemical composition and elemental distribution of geological materials, engineering materials, biologic materials, thin films on substrates, and the chemistry of various other objects of interest. These studies will involve experiments consisting of focusing a high voltage electron beam on a solid sample (usually a polished grain mount or cross-section, thin section or other ceramic), generating characteristic x-rays, and measuring these x-rays quantitatively with wavelength and energy dispersive spectrometers. In addition, the instrument will be used for hands-on training in operation of the instrument. Application accepted by Commissioner of Customs: November 24, 1998.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 98-33333 Filed 12-15-98; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of California, Davis; 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 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 98-047. Applicant: University of California, Davis, Davis, CA 95616. Instrument: Plasma Generating Machine, Model SPS-1050. Manufacturer: Sumitomo Coal Mining Co., Japan. Intended Use: See notice at 63 FR 54676, October 13, 1998.

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 quick formation of dense, hard materials from powders using spark plasma sintering. The National Institute of Standards and Technology advised December 1, 1998 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.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 98-33332 Filed 12-15-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of Application to Amend Certificate.

**SUMMARY:** The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended 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.

**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 an amended 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 1800H, Washington, D.C. 20230. 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 87-5A001."

The American Film Marketing Association's ("AFMA") original Certificate was issued on April 10, 1987 (52 FR 12578, April 17, 1987) and previously amended on March 25, 1988 (53 FR 10267, March 30, 1988); August 29, 1989 (54 FR 36848, September 5, 1989); November 5, 1991 (56 FR 57515, November 12, 1991); and August 26, 1993 (58 FR 46161, September 1, 1993). A summary of the application for an amendment follows.

### Summary of the Application

*Applicant:* American Film Marketing Association ("AFMA"), 10850 Wilshire Blvd., 9th Floor, Los Angeles, California 90024-4321.

*Contact:* Jefferson C. Glassie, Legal Counsel, Telephone: (202) 639-6000.

*Application No.:* 87-5A001.

*Date Deemed Submitted:* December 9, 1998.

*Proposed Amendment:* AFMA seeks to amend its Certificate to:

1. Add the following companies as new "Members" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 C.F.R. 325.2(1)): Alain Siritzky Productions (ASP), Los Angeles, CA; Alfred Haber Distribution, Inc., Palisades Park, NJ; Alliance Communications Corporation, Beverly Hills, CA; Arama Entertainment, Inc.,

Encino, CA; Arrow Films International Inc., New York, NY; Artisan Entertainment, Santa Monica, CA; Associated Television International, Hollywood, CA; Bank of America NT & SA, Los Angeles, CA; Banque Paribas, Los Angeles, CA; Blue Rider Pictures, Santa Monica, CA; Bonneville Worldwide Entertainment, Encino, CA; Capella International, Inc., Beverly Hills, CA; Cecchi Gori Group, Los Angeles, CA; Chase Manhattan Bank, Los Angeles, CA; Cinema Arts Entertainment, Beverly Hills, CA; Cinema Completions International, Inc., Universal City, CA; Cinema Financial Services, Inc., New York, NY; Cinequanon Pictures International, Los Angeles, CA; City National Bank, Beverly Hills, CA; CLT-UFA, Beverly Hills, CA; Comerica Bank-California, Los Angeles, CA; Coutts & Co./Natwest Group, Beverly Hills, CA; Crystal Sky Communications, Los Angeles, CA; Discovery Communications, Inc., Bethesda, MD; Distant Horizon Ltd., Los Angeles, CA; Dream Entertainment, Los Angeles, CA; Film Finances, Inc., Los Angeles, CA; Film Roman, Inc., N. Hollywood, CA; Films (Guernsey) Limited, Los Angeles, CA; Franchise Pictures, Los Angeles, CA; Goldcrest Films International Ltd., Los Angeles, CA; Good Machine International, Inc., New York, NY; Green Communications, Burbank, CA; Hamdon Entertainment, Studio City, VA; Harmony Gold USA Inc., Los Angeles, CA; HBO Enterprises, New York, NY; IFM Film Associates, Inc., Los Angeles, CA; Imperial Entertainment Group, Beverly Hills, CA; Initial Entertainment, Los Angeles, CA; Interlight Pictures, W. Hollywood, CA; Intermedia, Beverly Hills, CA; International Keystone Entertainment, Inc., Malibu, CA; Kathy Morgan International (KMI), Los Angeles, CA; King World Productions, Inc., New York, NY; Kushner-Locke Company, The, Los Angeles, CA; Lakeshore International, Hollywood, CA; Lewis Horwitz Organization, Los Angeles, CA; Lions Gate Films International, Los Angeles, CA; Lumiere International, Los Angeles, CA; Marquee Entertainment Inc., Los Angeles, CA; MTG Media Properties, Ltd., New York, NY; Natexis Bank—BFCE, Los Angeles, CA; NBC Enterprises, Burbank, CA; Nu Image, Los Angeles, CA; Oasis Pictures, Los Angeles, CA; October Films International, New York, NY; P.M. Entertainment, Sunland, CA; Pacific Century Bank, Encino, CA; Pandora Cinema, Santa Monica, CA; Pearson Television International, Los Angeles, CA; Phoenician Entertainment, Sherman Oaks, CA; Playboy Entertainment

Group, Inc., Beverly Hills, CA; Quadra Entertainment, Beverly Hills, CA; Redwood Communications, Venice, CA; Regent Entertainment, Los Angeles, CA; Republic Bank California N.A., Beverly Hills, CA; RKO Pictures, Los Angeles, CA; Ryscher Entertainment, Santa Monica, CA; Seven Arts Entertainment, Hollywood, CA; Shooting Gallery, The, Beverly Hills, CA; Showcase Entertainment, Inc., Woodland Hills, CA; Silicon Valley Bank, Entertainment Division, Los Angeles, CA; Tomorrow Film Corp., Santa Monica, CA; Trident Releasing, Inc., Los Angeles, CA; United Film Distributors, Inc., Los Angeles, CA; and Village Roadshow Pictures Int'l., Burbank, CA;

2. Delete as "Members" of the Certificate: Alice Entertainment, Inc./Kidpix Entertainment, Inc.; Angelika Films, Inc.; Arista Films, Inc.; Carolco Service, Inc.; Cinetrust Entertainment Corp.; Dino De Laurentiis Communications; Double Helix Films; Film World Entertainments/Miracle Films; Fries Distribution Co.; Grand Am Ltd.; Hemdale Communications, Inc.; Inter-Ocean Film Sales, Ltd.; I.R.S. Media International; ITC Entertainment Group; Kings Road Entertainment, Inc.; Lone Star Pictures International, Inc.; Manley Productions, Inc.; The Movie Group, Inc.; New World International; Odyssey Distributors, Ltd.; Penta International, Ltd.; Reel Movies International, Inc.; The Samuel Goldwyn Company; Trans Atlantic Entertainment/I.R.S.; Turner Pictures Worldwide; West Side Studios; and 21st Century Film Corporation; and

3. Change the listing of the company name for the current "Members" cited in this paragraph to the new listing cited in parenthesis as follows: Image Organization, Inc. (Behaviour Worldwide, Inc.); Big Bear Licensing Corporation (Big Bear Licensing Corporation, Inc.); ABC Distribution Company (Buena Vista Film Sales); Cinevest Entertainment (Castle Hill Productions, Inc.); Paul International, Inc. (Crystal Sky Communications); Curb Organization (Curb Entertainment International Corp.); Gel Distribution (G.E.L. Productions); Full Moon Entertainment (Full Moon Pictures); Golden Harvest/Golden Communications (Golden Harvest Entertainment Co., Ltd.); American First Run Studios/Zantar (Keller Entertainment Group); I.N.I. Entertainment Group, Inc. (Liberty International Entertainment, Inc.); Lway Productions (Marquee Entertainment, Inc.); Noble Productions, Inc./Noble Film (Noble Productions, Inc.); Overseas Filmgroup Inc. (Overseas Film Group/First Look Pictures); Republic Pictures

International (Republic Entertainment, Inc.); Imperial Entertainment B.V. (Scanbox International, Inc.); Starway International Corporation (Starway International); The Summit Group (Summit Entertainment); and Troma, Inc. (Troma Entertainment, Inc.).

Dated: December 10, 1998.

**Morton Schnabel,**

*Director, Office of Export Trading, Company Affairs.*

[FR Doc. 98-33278 Filed 12-15-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

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

**ACTION:** Notice of Initiation of Process to Revoke Export Trade Certificate of Review No. 84-00015.

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

**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") [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. Pursuant to this authority, a certificate of review was issued on July 16, 1984 to AEON International Corporation.

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

The Department of Commerce sent to AEON International Corporation, on

July 6, 1998, a letter containing annual report questions with a reminder that its annual report was due on August 30, 1998. Additional reminders were sent on September 15, 1998, and on October 13, 1998. The Department has received no written response to any of these letters.

On December 10, 1998, and in accordance with Section 325.10 (c)[1] of the Regulations, a letter was sent by certified mail to notify AEON International Corporation that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with Section 325.10(c)[2] of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter [Section 325.10(c)[2] of the Regulations].

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions [Section 325.10(c)[3] of the Regulations].

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify [Section 325.10(c)[4] of the Regulations]. If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** [Sections 325.10(c)[4] and 325.11 of the Regulations].

Dated: December 10, 1998.

**Morton Schnabel,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 98-33279 Filed 12-15-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 101698G]

#### Marine Mammals; File No. 594-1467

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Georgia Department of Natural Resources, Nongame/Endangered Wildlife Program Coastal Office, One Conservation Way, Brunswick, GA 31520-8687, has been issued a permit to take right whales, humpback whales, bottlenose dolphins, Atlantic spotted dolphin and Pantropical spotted dolphins in the U.S. Southeast for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312); and

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250).

**FOR FURTHER INFORMATION CONTACT:** Ruth Johnson or Sara Shapiro 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On September 15, 1998, notice was published in the **Federal Register** (63 FR 49337) that a request for a scientific research permit to take species listed above had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*),