

1, 1997 through March 31, 1998. No other interested party requested that the Department conduct an administrative review.

On September 29, 1998, the Department published in the **Federal Register** (63 FR 51893) a notice of initiation of administrative review with respect to TMC, an exporter/reseller of subject merchandise. On November 12, 1998, TMC filed a letter with the Department withdrawing its request that the Department conduct an administrative review. This withdrawal complies with section 351.213(d) of the Department's regulations, which grants parties 90 days from the publication of the notice of initiation of review to withdraw a request for review. See 19 CFR 351.213(d). Therefore, the Department is rescinding this administrative review.

This notice is in accordance with section 751 of the Act and section 351.213(d) of the Department's regulations.

Dated: December 1, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-32724 Filed 12-8-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-834-802]

Agreement Suspending the Antidumping Investigation on Uranium From Kazakhstan

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

ACTION: Notice of Amendment to the Agreement Between the United States Department of Commerce and the Republic of Kazakhstan Suspending the Antidumping Investigation on Uranium from Kazakhstan.

SUMMARY: The Department of Commerce ("Department") and the Republic of Kazakhstan ("Kazakhstan") have signed an Amendment ("Amendment") to the Agreement Suspending the Antidumping Investigation on Uranium from Kazakhstan ("Agreement").

EFFECTIVE DATE: October 7, 1998.

FOR FURTHER INFORMATION CONTACT:

James C. Doyle or Juanita H. Chen, Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, DC 20230;

telephone: (202) 482-0159 or (202) 482-0409, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 16, 1992, the Department and Kazakhstan signed the Agreement and, on October 20, 1992, the Agreement was published in the **Federal Register** (57 FR 49220, 49222). On August 11, 1998, the Department and Kazakhstan initialed an amendment to permit entry of certain uranium from Kazakhstan under the re-export provision of the Agreement ("Initialed Amendment"). The Department subsequently released the Initialed Amendment to interested parties for comment. After careful consideration by the Department of the comments submitted, and further consultations between the parties, the Department and Kazakhstan signed a final Amendment on September 29, 1998. The text of said final Amendment follows this notice. On October 2, 1998, to satisfy a condition subsequent, in compliance with the terms of the Amendment, Kazakhstan submitted a numerical chart to the record showing that the entire volume of Kazakhstan's imported enriched uranium and uranium received in consideration for Kazakhstan's uranium, both in terms of separate work units (SWU) and pounds U3O8 equivalent, would be re-exported.

Dated: November 27, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

Amendment to the Agreement Between the United States Department of Commerce and the Republic of Kazakhstan Suspending the Antidumping Investigation on Uranium From Kazakhstan

The United States Department of Commerce ("the Department") and the Government of the Republic of Kazakhstan ("Kazakhstan") hereby amend their Agreement Suspending the Antidumping Investigation on Uranium from Kazakhstan, signed October 16, 1992 ("the Agreement"), to permit entry, under Section IV.H of the Agreement, of uranium from Kazakhstan, identified in submissions to the Department dated December 30, 1997, January 22, 1998, February 2, 1998, March 3, 1998, April 30, 1998, and September 1, 1998. The Department and Kazakhstan acknowledge that they are also negotiating an amendment to this Agreement. As part of these negotiations, the parties shall seek to establish pre-shipment notification and approval procedures for shipments under Section IV.H.

Section IV.H of the Agreement is hereby amended by adding the following sentence:

The uranium identified as Kazakhstani uranium in submissions to the Department dated December 30, 1997, January 22, 1998,

February 2, 1998, March 3, 1998, April 30, 1998, and September 1, 1998, may enter the United States pursuant to this provision, consistent with the transaction described in such submissions, notwithstanding whether such transaction involves a sale in the United States. In addition, the Government of Kazakhstan must provide, on the record, a full description of the disposition of all uranium to be delivered pursuant to this Amendment, including all relevant contracts. All documents submitted in connection with such transactions are subject to verification. This Amendment will become effective upon the filing of such submission. All other requirements of this Section apply in full.

Signed on this 29th day of September, 1998.

For the Government of Kazakhstan:

Bolat Nurgaliev,

Ambassador to the United States, Republic of Kazakhstan.

For the United States Department of Commerce:

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-32723 Filed 12-8-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-063]

Certain Iron-metal Castings From India: Amended Final Results of Countervailing Duty Administrative Review in Accordance With Decision Upon Remand

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

ACTION: Notice of amendment to final results of countervailing duty administrative review in accordance with decision upon remand.

SUMMARY: On September 29, 1998, in *Creswell Trading Co. v. United States*, Slip Op. No 98-139., the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) redetermination on remand regarding the administrative review covering the period January 1, 1985, through December 31, 1985. In accordance with the CIT's instructions, the Department has recalculated the countervailing duty rates. The final countervailing duty rates for this review period are listed below in the *Results of Remand* section.

EFFECTIVE DATE: December 9, 1998.

FOR FURTHER INFORMATION CONTACT:

Robert Copyak or Richard Herring, Office of AD/CVD Enforcement VI, Import Administration, International

Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Room 4012, Washington, D.C. 20230; telephone (202) 482-2786.

SUPPLEMENTARY INFORMATION: On December 10, 1990, the Department published in the **Federal Register** (55 FR 50747) the final results of its administrative review of the countervailing duty order on certain iron-metal castings from India for the period January 1, 1985, through December 1, 1985. Subsequently, respondents challenged the Department's final results before the Court of International Trade (CIT) regarding the Department's methodology for calculating program rates for the subsidies provided under India's International Price Reimbursement Scheme (IPRS).

The IPRS is a program through which the Government of India ("GOI") provided rebates to castings exporters that purchased domestically-produced pig iron at prices set by the GOI. According to the GOI, the amounts of these rebates were calculated to equal the differences between the higher prices actually paid for domestic pig iron and alternative prices of pig iron available from sources outside of India. In the 1985 administrative review of the countervailing duty order, the Department determined that the IPRS program was countervailable in its entirety because the rebates provided preferential prices for exporters which were not available to domestic purchasers of pig iron. Indian exporters appealed to the CIT, claiming that the Department should have examined whether the IPRS program met the criteria for non-countervailability under Item (d) of the Illustrative List of Export Subsidies. The CIT agreed and remanded the case to the Department. *Creswell Trading Co. v. United States*, 783 F. Supp. 1418 (CIT 1992) ("*Creswell I*"). The Department again determined that the program was countervailable in its entirety because the Indian exporters did not provide sufficient information to conduct an Item (d) analysis. The CIT upheld the Department's position on the first remand of the 1985 review.

Creswell Trading Co. v. United States, 797 F. Supp. 1038 (CIT 1992) ("*Creswell II*").

The Indian exporters appealed *Creswell II* to U.S. Court of Appeals for the Federal Circuit (Federal Circuit). On February 2, 1994, in *Creswell Trading Co., v. United States*, 15 F.3d 1054 (Fed. Cir. 1994) ("*Creswell III*"), the Federal Circuit held that the Indian exporters had met their burden of producing evidence regarding prices for pig iron on

the world market. Consequently, the Federal Circuit instructed the CIT to remand the final results of the 1985 administrative review to the Department with instructions to conduct an Item (d) analysis of the IPRS program taking into consideration pig iron pricing information placed on the record by the Indian exporters. On April 25, 1994, pursuant to the opinion of the Federal Circuit in *Creswell III*, the CIT remanded the final results of the 1985 administrative review to the Department for the second time.

In the second remand, the Department found that the IPRS program fit within the general concept of the Item (d) exception in that the program attempted to rebate to Indian casting exporters the difference between the higher cost of Indian pig iron and the lower cost of foreign-sourced pig iron. The Department interpreted Item (d) to permit a comparison of delivered prices in order to give effect to the Item (d) language which required an analysis of "such terms and conditions" that made foreign-sourced pig iron "commercially available on world markets to [Indian] exporters." The Department determined that, because the payments to Indian exporters under the IPRS program enabled castings exporters to obtain pig iron on terms "more favorable than those available on world markets," the payments were excessive. Accordingly, the Department determined that the payments were countervailable to the extent they covered scrap used in the production of castings and to the extent ocean freight was excluded from the international benchmark price. In *Creswell Trading Co. v. United States*, 936 F. Supp. 1072 (CIT 1996) ("*Creswell IV*"), the CIT affirmed the Department's determination that the IPRS program fit within the ambit of the Item (d) exception. It also affirmed the Department's determination to countervail IPRS payments for scrap, but disapproved of the Department's determination that an Item (d) analysis requires comparing delivered prices to delivered prices, inclusive of ocean freight. On September 30, 1996, the Department submitted its third redetermination on remand, in which it excluded the cost of ocean freight from the international benchmark price for pig iron, and the CIT affirmed it in *Creswell Trading Co. v. United States*, 964 F. Supp. 409 (CIT 1997) ("*Creswell V*"). The Department then appealed *Creswell V* with respect to the exclusion of ocean freight from the world market price of pig iron. The Federal Circuit reversed, in part, the CIT's opinion in *Creswell V*, stating in relevant part that

the CIT "erred in holding that the oceanic shipping costs did not constitute countervailable subsidies under Item (d)." *Creswell Trading Co. v. United States*, 141 F.3d 1471, 1477 (1998) ("*Creswell VI*"). The Federal Circuit went on to state that:

Item (d) specifies that delivery of products by a foreign government to exporters on terms or conditions more favorable than are "commercially available" to those exporters on the world markets constitutes a countervailable subsidy. Item (d) thus recognizes that foreign governments may subsidize their domestic industries to allow them to compete effectively on the world market as long as the extent of the subsidization is not more favorable to their exporters than if those exporters had to participate in the world market without assistance. If the amount of the subsidization exceeds this point, it is excessive and this excessive amount is countervailable under Item (d). Accordingly, Item (d) mandates a comparison between the terms and conditions under which product was supplied to exporters by their governments and the terms and conditions to which those exporters would have been subject had they instead participated in the world market.

Id. Further, the Federal Circuit explained that:

A castings manufacturer procuring pig iron on the world market would have to pay the FOB price for the pig iron itself, plus the cost of shipping that iron to India. Accordingly, the world market price must include the cost of shipping. To the extent that the Indian government's world market price did not include oceanic shipping costs, its world market price was artificially low and its rebate artificially high by this amount. The price of pig iron that is not delivered to India cannot be fairly compared with the price of pig iron that is delivered. Thus, because of the omission of oceanic shipping costs from the calculation of the world market price, the IPRS program has in effect provided pig iron to India's castings manufacturers on terms and conditions more favorable than had those manufacturers actually procured pig iron on the world market.

Id. 141 F.3d at 1478.

Results of Remand

In accordance with the CIT's order dated June 24, 1998, the Department prepared final results of redetermination on remand with respect to the final results of the 1985 countervailing duty administrative review of iron-metal castings from India. Pursuant to the CIT's remand instructions, which were issued as a result of *Creswell VI*, the Department, in recalculating the countervailable subsidy conferred under India's IPRS program, included ocean freight in the international benchmark price for pig iron. The Department has recalculated the subsidies provided under the IPRS program consistent with

the opinion of the Federal Circuit in *Creswell VI*.

On September 29, 1998, the CIT affirmed the Department's redetermination. *Creswell Trading Co. v. United States*, Slip Op. No. 98-139. No comments were received by the CIT contesting the Department's redetermination. Therefore, in accordance with the results of remand affirmed by the CIT, we are amending the final results of administrative review. The final countervailing duty rates for the 1985 period of review are the following:

Carnation Enterprise Pvt. Ltd.—13.83%
Crescent Foundry Co. Pvt. Ltd.—30.09%
Govind Steel—51.39%
Kejriwal Iron & Steel Works—14.09%
R.B. Agarwalla & Co.—7.96%
R.S.I.—8.22%
Serampore Industries Pvt. Ltd.—22.09%
Uma Iron & Steel Co.—15.64%
Kajaria Castings Ltd.—44.84%
Super Castings Ltd.—29.40%
Country-wide Rate—22.09%

The Department will instruct the Customs Service to assess countervailing duties on all appropriate entries. The Department will issue liquidation instructions directly to the Customs Service. The above rate will not affect the cash deposit requirements currently in effect, which will continue to be based on the rates found to exist in the most recently completed review.

This amendment to the final results of countervailing duty administrative review notice is in accordance with section 751(a)(1) of the Tariff Act, as amended, (19 U.S.C. 1675(a)(1)) and § 355.22 of the Department's regulations (19 CFR 355.22 (1989)).

Dated: December 1, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-32721 Filed 12-8-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of 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 ownership interest in the invention 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 this invention may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899-2200; 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 invention for purposes of commercialization. The inventions available for licensing are:

NIST Docket Number: 96-002US.

Title: True Time Delay Generation Utilizing Broadband Light Source With Fiber Chirp Grating Array and Acousto-Optic Beam Steering And 2-D Architecture.

Abstract: System and method for rapidly reconfigurable two-dimensional true time delay generation for phased array antennas is described. The system utilizes a broadband light source, an array of fiber chirp gratings in a single fiber, and an acousto-optic spectrometer to generate a time-delayed linear grating. The grating is subsequently rotated to the desired angle utilizing an acousto-optic device having no moving parts.

NIST Docket Number: 97-049US.

Title: Method And Apparatus For Compression Of A Polarized Gas.

Abstract: A polarized ³He gas source has been developed which is capable of producing one standard liter of 10-15% polarized ³He gas in 2-3 hours. The gas source comprises an apparatus which compresses ³He gas produced by metastability-exchange optical pumping (at a pressure of a few mbar) to an output pressure of about 1 bar with up

to 70% preservation of the polarization. By cooling the storage cell to liquid nitrogen temperature during filling by the compressor, a final room temperature pressure of 4 bar has been obtained. The invention is a compact and relatively inexpensive device which is the result of extensive modifications to a standard diaphragm pump and appears to be ideally suited for use in a clinical setting where space is at a premium. The use of the polarized gas allows MRI studies of lungs and other air spaces, using conventional MRI systems or much smaller magnetic field levels.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98-32691 Filed 12-8-98; 8:45 am]

BILLING CODE 3510-13-M

COMMODITY FUTURES TRADING COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for three-year extension of OMB control #3038-0013—Exemptions from Speculative Limits.

SUMMARY: The Commodity Futures Trading Commission has submitted information collection 3038-0013, Exemptions from Speculative Limits to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. The information collected pursuant to this rule is in the public interest and is necessary for market surveillance.

ADDRESSES: Persons wishing to comment on this information collection should contact the Desk Officer, CFTC, Office of Management and Budget, Room 3228, NEOB, Washington, D.C. 20502, (202) 395-3897. Copies of the submission are available from the CFTC Clearance Officer, (202) 418-5160.

Title: Exemptions from Speculative Limits.

Control Number: 3038-0013.

Action: Extension.

Respondents: Businesses (excluding small business).

Estimated Annual Burden: 36 total hours.