

Manufacturer/exporter	Margin (percent)
PRC-wide	143.32

*CEIEC and Minmetals reported that they had no sales to the United States during the POR. The rate for each of these companies will therefore remain unchanged from that determined in Notice of Amended Final Determination and Antidumping Duty Order: Manganese Metal from the People's Republic of China, 61 FR 4415 (February 6, 1996) ("LTFV Investigation").

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price ("EP") and normal value ("NV") may vary from the percentages stated above. We have calculated exporter/importer-specific duty assessment rates based on the ratio of the total amount of duties calculated for the examined sales made during the POR to the total value of subject merchandise entered during the POR. In order to estimate entered value, we subtracted international movement expenses (e.g., international freight and marine insurance) from the gross sales value. This rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue appraisal instructions directly to the Customs Service.

The following amended cash deposit requirements will be effective upon publication of this notice of amended final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) for the companies named above that have separate rates and were reviewed (i.e., HIED and CMIECHN/CNIECHN), the cash deposit rates will be the rates listed above specifically for those firms; (2) for companies which established their eligibility for a separate rate in the LTFV Investigation but were found not to have exported subject merchandise to the United States during the POR (i.e., CEIEC and Minmetals), the cash deposit rates continue to be the currently applicable rates of 11.77% and 5.88%, respectively; (3) for all other PRC exporters, all of which were found not to be entitled to a separate rate, the cash deposit rate will continue to be 143.32%; and (4) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements will remain in effect until publication of

the final results of the next administrative review.

This notice serves as a reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review is in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22. This amendment to the final results is published in accordance with 19 CFR 353.28(c).

Dated: February 8, 1999.

Richard W. Moreland,
Acting Assistant Secretary for Import Administration.

[FR Doc. 99-3694 Filed 2-12-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Rutgers, The State University of New Jersey; 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 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 98-059. *Applicant:* Rutgers, The State University of New Jersey, Piscataway, NJ 08854. *Instrument:* Current Meter, Model RCM-9. *Manufacturer:* Aanderaa Instruments A/S, Norway. *Intended Use:* See notice at 63 FR 69263, December 16, 1998.

Comments: None Received. *Decision:* Denied. *Reasons:* The applicant submitted a memorandum (dated September 9, 1998) to the Procurement and Contracting Office of the University (Rutgers) titled "Justification for Purchasing RCM 9 Current Meter from Aanderaa Instrument A/S." The memorandum states that a search of the market located only two instruments capable of making the measurements required for the intended research on nitrogen flux through an ocean-estuary boundary. One instrument is made by Aanderaa Instruments A/S in Nesttun, Norway (Model RCM 9), and the other by InterOcean Systems Inc. (Model S4) in San Diego, CA.

The memo presents a table itemizing the prices for five sensors quoted by each vendor. The total price listed for the foreign model (RCM 9) is \$11,558 and the price for the US model (S4) is \$27,660. The applicant notes that "* * * the S4 has higher accuracy and resolution than RCM 9, which is the major contributor to the high price." The applicant states that the admitted performance superiority offered by the domestic product is beyond that required for its work and then indicates that its decision to purchase the foreign article was based on "cost-efficiency." To quote:

In our study, the accuracy provided by RCM 9 is sufficient. For example, the S4 will be able to measure the current velocity every half second, but the RCM 9 can only measure the current velocity every minute. Our study will focus on the variation over a tidal cycle, which is over 12.4 hours (744 minutes). Measurement of the current velocity every minute is more than sufficient to resolve the tidal variation. Therefore, we decided to purchase the RCM 9 based on accuracy/resolution and cost-efficiency.

Pursuant to 19 CFR p 301.2(s), cost is explicitly disallowed as a consideration for duty exemption of a scientific instrument. Duty-free entry is allowed only "* * * if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States" [19 CFR p 301.1(b)(2) and (3)].

Pursuant to 19 CFR p 301.2(s):

"Pertinent" specifications are those specifications necessary for the accomplishment of the specific scientific research and/or science-related educational purposes described by the applicant. Specifications or features (even guaranteed) which afford greater convenience, satisfy personal preferences, accommodate institutional commitments or limitations, or assure lower costs of acquisition, installation, operation servicing or maintenance are not pertinent.

Furthermore, 19 CFR p 301.5(e)(7) provides, in part, as follows:

Information provided in a resubmission that * * * contradicts or conflicts with information provided in a prior submission, or is not a reasonable extension of the information contained in the prior submission, shall not be considered in making the decision on an application that has been resubmitted. Accordingly, an applicant may elect to reinforce an original submission by elaborating in the resubmission on the description of the purposes contained in a prior submission and may supply additional examples, documentation and/or other clarifying detail, but the applicant shall not introduce new purposes or other material changes in the nature of the original application (emphasis added).

Consequently, in view of the applicant's own admission that the domestic instrument is capable of meeting its requirements, we conclude that a resubmission cannot establish, without introducing impermissible new purposes, that a scientifically equivalent domestic instrument is not available.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 99-3692 Filed 2-12-99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

University of Maryland, Baltimore; 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: 98-051. *Applicant:* University of Maryland, Baltimore, Baltimore, MD 21201. *Instrument:* Data Acquisition and Analysis Workstation, Model ORA 2001. *Manufacturer:* Optical Imaging Europe GmbH. *Intended Use:* See notice at 63 FR 59283, November 3, 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 an integrated hardware and software package designed for optical

imaging of intrinsic cortical signals based on a cooled CCD frame-transfer camera. The National Institutes of Health advises in its memorandum of December 11, 1998 that (1) these capabilities are 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. 99-3691 Filed 2-12-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010599B]

Small Takes of Marine Mammals Incidental to Specified Activities; Seismic Retrofit of the Richmond-San Rafael Bridge, San Francisco Bay, CA

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

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received a request from the California Department of Transportation (CALTRANS) for renewal of an authorization to take small numbers of Pacific harbor seals and possibly California sea lions by harassment incidental to seismic retrofit construction of the Richmond-San Rafael Bridge, San Francisco Bay, CA (the Bridge). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to reauthorize CALTRANS to incidentally take, by harassment, small numbers of marine mammals in the above mentioned area for a period of 1 year.

DATES: Comments and information must be received no later than March 18, 1999.

ADDRESSES: Comments on the application should be addressed to the Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225. A copy of the application, an Environmental Assessment (EA) and a list of references cited in this document may be obtained by writing to

this address or by telephoning one of the contacts listed here.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, or Irma Lagomarsino, Southwest Regional Office, NMFS, (562) 980-4016.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA now defines "harassment" as:

...any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.