

We compared COP to home market prices, net of movement charges, price adjustments, and discounts.

As a result of our COP investigation, we found no below-cost sales, and therefore did not disregard any home market sales as being below cost.

We calculated FMV on a monthly weighted-average basis. We compared all U.S. sales to sales of identical merchandise in Japan. In accordance with our practice in this case, we disregarded sample sales as being outside the ordinary course of trade. The sales in question represent small quantities of granular PTFE resin sold to testing facilities in Japan at prices substantially higher than the prices of the vast majority of Daikin's sales. Further, the sales in question were not for consumption, but for evaluation purposes. See PTFE Resin From Japan, 58 FR at 50345.

Where applicable, we made deductions for inland freight, discounts, and post-shipment price adjustments. To adjust for differences in circumstances of sale between the home market and the United States, we first deducted direct selling expenses incurred in the home market, which included credit and replacement of defective merchandise. For comparison to PP sales, we then added direct selling expenses incurred in the United States for replacement of defective merchandise, credit, and commissions (because no commissions were paid in the home market). Where applicable, in accordance with § 353.56(b)(1) of the Department's regulations, we offset U.S. commissions by deducting home market indirect selling expenses from FMV in an amount not exceeding those commissions. For comparison to ESP sales, in accordance with § 353.56(b)(2) of the Department's regulations, we deducted home market indirect selling expenses in an amount not to exceed the sum of U.S. commissions and indirect selling expenses incurred in the United States.

On January 5, 1994, the Court of Appeals for the Federal Circuit, in *The Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States*, 13 F.3d 398 (Fed. Cir. 1994), held that the Department could not deduct home market movement charges from FMV pursuant to its inherent power to fill in the gaps in the antidumping statute. Accordingly, we now adjust for home market movement expenses under the circumstance-of-sale (COS) provision of 19 CFR 353.56 and the offset provisions of 19 CFR 353.56(b)(1) and (2), as appropriate. In this review, home market movement expenses incurred between the

warehouse and the customer after the sale were treated as direct COS deductions. Home market movement expenses were also incurred between the factory and the warehouse before the sale, and we have adjusted for such expenses as indirect selling expenses under the commission offset provision of 19 CFR 353.56(b)(1) and under the ESP offset provision of 19 CFR 353.56(b)(2), as appropriate.

In order to adjust for differences in packing between the two markets, we deducted home market packing costs from FMV and added U.S. packing costs. We also adjusted for Japanese consumption tax in accordance with our decision in *Silicomanganese*.

#### Preliminary Results of Review

As a result of our comparison of USP with FMV, we preliminarily determine that the following dumping margins exist:

Manufacturer/exporter	Period	Margin (percent)
Daikin Industries	08/01/92-07/31/93	23.19

Interested parties may submit written comments on these preliminary results. Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held approximately 35 days from the date of publication. Case briefs and other written comments from interested parties may be submitted not later than 21 days from the date of publication. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 28 days from the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of this review, the Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of

this administrative review, as provided by section 751(a)(1) of the Tariff Act:

(1) The cash deposit rates for the reviewed companies will be those rates established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 91.74 percent, the rate made effective by the final results of the most recent administrative review of the order (see *PTFE Resin From Japan*, 58 FR at 50346). As noted in the Department's previous final results in this proceeding, this rate is the "all others" rate from the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary 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 occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 23, 1994.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-2233 Filed 1-27-95; 8:45 am]

BILLING CODE 3510-DS-P

#### National Institute of Standards and Technology

##### Patent Licenses; ND Resources, Inc.

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

**ACTION:** Notice of prospective grant of exclusive patent license.

**SUMMARY:** This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR

404.7(a)(1)(i) that the National Institute of Standards and Technology ("NIST"), U.S. Department of Commerce, is contemplating the grant of a field of use exclusive license to practice the invention embodied in U.S. Patent Serial No. 08/237,099, titled, "Method and Apparatus For Visualization Of Internal Stresses In Solid Non-Transparent Materials By Ultrasonic Techniques and Ultrasonic Computer Tomography Of Stresses" to ND Resources, Inc., having a place of business in Cincinnati, Ohio. The patent rights in this invention have been assigned to the United States of America.

**FOR FURTHER INFORMATION CONTACT:**

Bruce E. Mattson, National Institute of Standards and Technology, Technology Development and Small Business Program, Building 221, Room B-256, Gaithersburg, MD 20899.

**SUPPLEMENTARY INFORMATION:** The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

U.S. Patent Serial No. 08/237,099 relates to a process for the detection and mapping of internal stresses in the interior of bulk materials by scanning acoustic technique.

NIST may enter into a Cooperative Research and Development Agreement ("CRADA") to perform further research on the invention for purposes of commercialization. The CRADA may be conducted by NIST without any additional charge to any party that licenses the patent. NIST may grant the licensee an option to negotiate for royalty-free exclusive licenses to any jointly owned inventions which arise from the CRADA as well as an option to negotiate for exclusive royalty-bearing licenses for NIST employee inventions which arise from the CRADA.

The availability of the invention for licensing was published in the **Federal Register**, Vol. 59, No. 195 (October 11, 1994). NIST is also contemplating the grant of a field of use exclusive license for related patent, "Method And Apparatus For Visualization Of Internal Stresses In Solid Nontransparent Materials by Elastoacoustic Technique," U.S. Patent No. 5,307,680, to ND Resources, Inc. The notice of availability of U.S. Patent No. 5,307,680 for licensing was published in the **Federal**

**Register**, Vol. 58, No. 49 (March 16, 1993), and notice of prospective grant of exclusive license of U.S. Patent No. 5,307,680 was published in the **Federal Register**, Vol. 59, No. 187 (September 28, 1994). A copy of the patent application may be obtained from NIST at the foregoing address.

Dated: January 18, 1995.

**Samuel Kramer,**

*Associate Director.*

[FR Doc. 95-2191 Filed 1-27-95; 8:45 am]

**BILLING CODE 3510-13-M**

**National Oceanic and Atmospheric Administration**

[I.D. 122095E]

**Endangered Species; Permits**

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

**ACTION:** Notice of receipt of two applications for scientific research permits (P504F and P563A) and receipt of an application for modification 1 to scientific research permit 911 (P560).

Notice is hereby given that the U.S. Army Corps of Engineers in Walla Walla, WA (Corps) and the Northern Wasco County People's Utility District in The Dalles, OR (NWCPUD) have applied in due form for scientific research permits (P504F and P563A) and that Oregon State University in Corvallis, OR (OSU) has applied in due form for Modification 1 to scientific research Permit 911 (P560) to take listed species as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-227).

The Corps requests authorization to capture, tag, release, recapture, and re-release juvenile, endangered, artificially propagated spring/summer chinook salmon (*Oncorhynchus tshawytscha*) as part of a turbine passage survival study at Lower Granite Dam on the Snake River in WA. The purpose of the proposed research is to determine the immediate and delayed (48- to 120-hour) survival rates of run-of-river chinook salmon smolts passing through a turbine at the dam under different locations and operating conditions. This information will be used to: (1) Develop a turbine model study, which is part of a Corps project to minimize fish turbine passage mortality; (2) refine normal dam operations to minimize adverse effects to migrating juvenile fish, and; (3) provide a baseline for turbine survival

estimates needed under the changing conditions of a reservoir drawdown. The duration of the study will be from April 15 to June 10 in 1995 only.

NWCPUD requests a permit to conduct research with a take of the following endangered species: Juvenile Snake River sockeye salmon (*Oncorhynchus nerka*), juvenile, naturally produced and artificially propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), and juvenile Snake River fall chinook salmon (*Oncorhynchus tshawytscha*). NWCPUD will capture and handle these fish as part of an annual study to assess the run-of-river juvenile anadromous fish condition after passage through the screened turbine intake channel at Dalles Dam, located on the Columbia River. Continued observation of juvenile fish passing through the screened intake channel during the smolt migration provides specific information on possible unsuitable passage conditions below the water surface which are not directly observable. The duration of the permit will be 5 years. The research will take place from April to September each year.

Permit 911 authorizes OSU to harass, capture, and handle juvenile and adult, endangered, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) as part of a 2-year study to investigate the potential effects of climate change on thermal complexity and biotic integrity of Oregon rivers and streams, with an emphasis on the seasonal intrusion and resulting competition and predation of non-native coolwater and warmwater fish species into the historic habitats of native salmonids. For Modification 1, OSU requests an increase in the 2-year take of juvenile, endangered, Snake River spring/summer chinook salmon because they encountered larger fish densities than were expected in 1994 and they expect to exceed their current authorized juvenile take in 1995. OSU will be conducting their 1995 research activities from May 15 to September 30. Permit 911 expires on September 30, 1995.

Written data or views, or requests for a public hearing on this application should be submitted to the Chief, Endangered Species Division, Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226, within 30 days of the publication of this notice. Those individuals requesting a hearing should set out the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the