of liquidation, December 8, 1997. This certification proposal has been reviewed by the Customs Service, which has agreed that it is administrable (*see* Memorandum to the File, dated June 10, 1998).

After examining this certification for consistency with the entry summary, the Customs Service will forward the certification to the Department of Commerce, Import Administration.

This affirmative final circumvention determination is in accordance with section 781(a) of the Act and 19 CFR 351.225.

Dated: October 5, 1998.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 98–27403 Filed 10–9–98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

### University of Minnesota; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This is a decision 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.

*Decision:* Denied. Applicant has failed to establish that domestic instruments of equivalent scientific value to the foreign instrument for the intended purposes are not available.

*Reasons:* Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for the following docket.

*Docket Number:* 98–019. *Applicant:* University of Minnesota, Department of Neurosurgery, Lions Research Building, 2001 Sixth Street, S.E., #421, Minneapolis, MN 55455. *Instrument:* Eye Tracking System. *Manufacturer:* Thomas Recording, Germany. *Date of Denial Without Prejudice to Resubmission:* July 1, 1998.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 98–27401 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Application for Duty-Free Entry of Scientific Instrument

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 an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is 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. Application may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

*Docket Number:* 98–047. *Applicant:* University of California, Davis, 1 Shields Avenue, Davis, CA 95616. *Instrument:* Plasma Generating Machine, Model SPS–1050. *Manufacturer:* Sumitomo Coal Mining Co., Japan. *Intended Use:* The instrument will be used to investigate the phenomena of the simultaneous synthesis and densification of hard material by a patented field-activated, pressure assisted combustion method that consists of exposing elemental powders to a pulsing high current while simultaneously subjected to high pressure. *Application accepted by Commissioner of Customs:* September 21, 1998.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 98–27402 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 092498A]**

### Small Takes of Marine Mammals Incidental to Specified Activities; Explosives Testing at Eglin Air Force Base, FL

**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 U.S. Air Force to take, by harassment and non-serious injury, bottlenose dolphins, spotted dolphin, and possibly other cetacean species incidental to explosive testing of obstacle and mine clearance systems at Eglin Air Force Base (Eglin). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize these takings for a period not to exceed 1 year.

**DATES:** Comments and information must be received no later than November 12, 1998.

**ADDRESSES:** Comments on this application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application and draft environmental assessments (EAs) may be obtained by writing to this address or by telephoning the contact listed here.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Hollingshead 301–713–2055, or David Bernhart, 727–570–5312.

**SUPPLEMENTARY INFORMATION:**

## Background

Section 101(a)(5)(A) 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 regulations are issued.

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 taking 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 U.S. citizens can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to 1 year. The MMPA 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