

assessment of countervailing duties due to the Department's discontinuation, effective March 17, 1999, of the suspensions of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs officers to reinstitute the suspensions of liquidation and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise.

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the countervailable subsidy rates noted below. The All Others rates apply to all producers and exporters of stainless steel sheet and strip in coils from France, Italy, and Korea not specifically listed below. The cash deposit rates are as follows:

Producer/exporter	Net subsidy rate (percent <i>ad valorem</i> )
France:	
Usinor .....	5.38
All Others .....	5.38
Italy:	
Acciai Speciali Terni S.p.A. ..	12.22
Arinox S.r.L. ....	1.03
All Others .....	12.09
Korea:	
Inchon .....	2.65
Dai Yang .....	1.58
Taihan .....	7.00
Sammi .....	59.30
All Others .....	1.68

The Korean steel producer POSCO is excluded from these orders because it received a *de minimis* net subsidy rate of 0.65 percent *ad valorem*.

This notice constitutes the countervailing duty orders with respect to stainless steel sheet and strip in coils from France, Italy, and Korea, pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of countervailing duty orders currently in effect.

These countervailing duty orders and amended final determination are published in accordance with section 706(a) and 705 of the Act and 19 CFR 351.211 and 351.224.

Dated: August 2, 1999.

**Susan H. Kuhbach,**

*Acting Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Procedures for Delivery of HEU Natural Uranium Component in the United States

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

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce is announcing the final Procedures for Delivery of HEU Natural Uranium Component in the United States.

**FOR FURTHER INFORMATION CONTACT:** James C. Doyle or Sally C. Gannon, Enforcement Group III, Office IX, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. and Constitution Avenue, NW., Washington, DC 20230, telephone: 202-482-3793.

#### Background:

On April 25, 1996, Congress passed the United States Enrichment Corporation Privatization Act ("USEC Privatization Act"), 42 U.S.C. 2297h, *et seq.* The USEC Privatization Act requires the U.S. Department of Commerce ("Department") to administer and enforce the limitations set forth in 42 U.S.C. 2297h-10(b) of the USEC Privatization Act. On January 7, 1998, in order to implement this statutory mandate, the Department issued the Procedures for Delivery of HEU Natural Uranium Component in the United States ("HEU Procedures"). The purpose of issuing the HEU Procedures is to enhance the predictability and transparency of the administration and enforcement of the above-referenced limitations.

On March 20, 1998, the Department issued Annex 1 to the HEU Procedures to clarify certain requirements detailed in the HEU Procedures. On July 6, 1998, the Department provided public notification of the HEU Procedures and Annex 1 to the HEU Procedures (see 63 FR 36391 (July 6, 1998)). On July 23, 1998, the Department issued a proposed Annex 2 to the HEU Procedures regarding re-importation requirements and requested public comment on Annex 2. The Department received comments from eight parties.

On October 8, 1998, in accordance with Section F of the January 7, 1998, HEU Procedures, the Department requested comments from parties on necessary or desirable changes to the HEU Procedures (see 63 FR 54108 (October 8, 1998)). The Department received comments from eight parties regarding the HEU Procedures. After careful review of the comments, and after consultations with various parties, the Department determined that revision and clarification of the HEU Procedures were warranted. On March 26, 1999, the Department provided public notification of the draft revised HEU Procedures and invited parties to provide comments (see 64 FR 14697 (March 26, 1999)).

Because the Department made substantive changes, in part as a result of parties' comments, the Department determined on May 7, 1999, that an additional opportunity to comment on the draft revised HEU Procedures was appropriate (see 64 FR 25867 (May 13, 1999)). The Department received comments from eleven parties. After careful review of these comments and consultations with various parties, the Department has made further revisions to the draft HEU Procedures. The Department hereby provides public notification of the final Procedures for Delivery of HEU Natural Uranium Component in the United States, the text of which follows in the Annex to this notice. These final HEU Procedures replace all prior versions of the HEU Procedures, including any annexes, as detailed above in the "Background" section of this notice.

Dated: July 26, 1999.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

#### Annex—Procedures for Delivery of HEU Natural Uranium Component in the United States

The United States Enrichment Corporation Privatization Legislation, 42 U.S.C. 2297h, *et seq.* ("USEC Privatization Act"), directs the Secretary of Commerce to administer and enforce Russian-origin uranium limitations set forth in 42 U.S.C. 2297h-10(b). Accordingly, the U.S. Department of Commerce ("Department") is implementing 42 U.S.C. 2297h-10(b) of the USEC Privatization Act by issuing these revised Highly-Enriched Uranium ("HEU") Procedures. The authority to implement the HEU Procedures does not derive from the Tariff Act of 1930, as amended. Therefore, these revised HEU Procedures are not subject to the Agreement Suspending the

Antidumping Investigation on Uranium from the Russian Federation ("Russian Suspension Agreement"), 57 FR 79235 (October 30, 1992), as amended.

#### A. Coverage

The uranium covered by the revised HEU Procedures is the  $U_3O_8$  or  $U_3O_8$  equivalent contained in the  $UF_6$  component of the low-enriched uranium derived from the HEU taken from dismantled nuclear warheads, deemed under United States law for all purposes to be of Russian origin, and delivered to the Russian Executive Agent pursuant to 42 U.S.C. 2297h-10(b) of the USEC Privatization Act ("HEU Natural Uranium Component").

#### B. Definitions

The following definitions apply to the terms of the HEU Procedures, including all Attachments thereto, and any documentation submitted to, or released by, the Department in connection with deliveries of HEU Natural Uranium Component.

1. **Account Administrator**—means the party that administers an account into which the Russian Executive Agent or a Designated Agent takes delivery of, and provides account balance information for, the HEU Natural Uranium Component prior to its sale pursuant to the USEC Privatization Act.

2. **Annual Maximum Deliveries**—means the delivery limitations to End-Users as set forth at 42 U.S.C. 2297h-10(b)(5):

#### ANNUAL MAXIMUM DELIVERIES TO END-USERS

Year	Millions lbs. $U_3O_8$ equiva- lent
1998 .....	2
1999 .....	4
2000 .....	6
2001 .....	8
2002 .....	10
2003 .....	12
2004 .....	14
2005 .....	16
2006 .....	17
2007 .....	18
2008 .....	19
2009 and each year thereafter .....	20

3. **Consumption**—means for use as nuclear fuel.

4. **Delivery**—means the physical or book transfer of the HEU Natural Uranium Component to the account of an End-User in the United States.

5. **Designated Agent**—means any party that has been authorized by the Ministry of Atomic Energy of the Russian Federation ("MINATOM") to

sell the HEU Natural Uranium Component.

6. **Designated Agent's Account**—means the account held in the name of the Designated Agent, or its wholly-owned subsidiary, into which only the HEU Natural Uranium Component is delivered pursuant to the USEC Privatization Act.

7. **End-User**—means an entity that purchases natural uranium for consumption in a nuclear reactor in the United States, owned or operated by itself or a parent, subsidiary, or other entity under common ownership or control.

8. **Executive Agent**—means either the United States or Russian Federation executive agent with the authority to implement the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 19, 1993 ("HEU Agreement").

9. **Secretary**—means the Secretary of Commerce or a designee. The Secretary has responsibility for the administration and enforcement of the limitations set forth in 42 U.S.C. § 2297h-10(b).

10.  **$U_3O_8$  to  $UF_6$  Conversion**—1 KgU in  $UF_6$  = 2.61283 lbs.  $U_3O_8$ e.

11. **Verification**—The process by which the Department examines the records of the party that provided the information being examined, and interviews company personnel who prepared such information and who are familiar with the sources of the data in the information, in order to establish the adequacy and accuracy of submitted information.

12. **Importer of Record**—means the person by whom, or for whose account, HEU Natural Uranium Component is imported.

13. **Resale Party**—means a seller of HEU Natural Uranium Component pursuant to Paragraph G.2.

#### C. Record Procedures and Commercial Confidentiality

##### 1. Public Record and Access

a. **HEU Record**: A separate record for documents and information generated under the HEU Procedures shall be created under the identifying title "HEU File" and maintained in the Central Records Unit.

b. **Central Records Unit**: Import Administration's Central Records Unit is located at B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW, Washington, DC 20230. The office hours of the Central Records Unit are between 8:30 A.M. and 5:00 P.M. on business days.

c. The Central Records Unit is responsible for maintaining a public and an official record for the HEU File. The public record will consist of all material contained in the official record that the Secretary determines is subject to release under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, *et seq.* (1998), and disclosed to the general public in the Central Records Unit. The Secretary will charge an appropriate fee for providing copies of documents. The official record will contain the foregoing information and information for which the submitter has claimed an exemption to release under FOIA. To the extent permitted by law, such official record will be accessible only to authorized government officials.

d. **FOIA Release and Treatment of Commercial and Financial Information**: Documents submitted to the Department are subject to release under FOIA, unless a party claims protection from release under a FOIA exemption. In order to claim protection from release, a party must specify the information which the party seeks to protect from release, provide an explanation as to why it should be protected, and bracket such information. See section 4.7 of the Department's FOIA regulations, set forth in 15 CFR Part 4 (1998). A party making a submission may not claim its own identity as protected from release under FOIA. Although the party making the submission is responsible for seeking protection from release under FOIA for any third-party information in its submission, and for identifying such information, the Department will endeavor to protect price, quantity, and customer identity information from release under all FOIA requests for the life of the HEU Agreement to the extent allowed under the FOIA statute. The party submitting such documentation may provide a releaseable public version along with the non-releaseable version. Further information on FOIA may be accessed at <http://www.usdoj.gov/foia>.

e. **Interim Record**: The Department will create the public record of the HEU File. Within 90 days from publication of the final revised HEU Procedures, the Department will return to parties any contracts and related contractual information submitted pursuant to the January 7, 1998, HEU Procedures and will notify parties who submitted additional information to the Department, pursuant to the January 7, 1998, HEU Procedures, of the opportunity to claim that documents are exempt from release under FOIA. The Department will also transfer other documentation relating to the HEU Procedures from the records of the

Russian Suspension Agreement (A-821-802) to the HEU File.

## 2. Record Submission Instructions

a. Where to file: For the Department to consider a submission to the record, persons must address and submit all documents to: The Secretary of Commerce, Attention: Import Administration, Central Records Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Submissions may be made between 8:30 A.M. and 5:00 P.M. on business days. Courtesy copies addressed to the appropriate employee, and designating the employee's mail stop room number, may be delivered to Room 1874 (Courier Delivery Entrance).

b. Required Header Information: Any submission made to the HEU File must contain the following information in the upper right hand corner of the document in the order presented below: HEU File, Number of Pages, Fully Releaseable under FOIA, or, Not Fully Releaseable under FOIA, Attn: Uranium Program, Room 7866.

c. Number of Copies: Each submission to the Department must be accompanied by three copies of the submission. Where claim of exemption from release under FOIA is made, the specific portion(s) of the submission for which exemption is claimed must be clearly identified when the submission is made. Upon receipt, the Central Records Unit will stamp the official date of filing on the submission.

## D. Allocation of Annual Maximum Deliveries to Designated Agents

The Department recognizes that MINATOM may allocate the Annual Maximum Deliveries of HEU Natural Uranium Component among any Designated Agent(s) which it authorizes to sell the HEU Natural Uranium Component. For each Designated Agent receiving a delivery allocation, MINATOM will issue a certificate identifying such Designated Agent, the duration of time for which the allocation is valid, and the maximum annual amount to be delivered under that certificate. The certificate(s) will also contain a statement that the material to be delivered to the Designated Agent(s) may be sold in the United States in accordance with 42 U.S.C. 2297h-10(b). No such certificate shall be valid and effective until such time as the Department receives a copy of such certificate. The cumulative quantities authorized by all such certificates for each year may not exceed the Annual Maximum Deliveries for such year.

## E. Re-Allocation

Annual deliveries allocated to a Designated Agent may be re-allocated to any other Designated Agent or to MINATOM within the same annual period subject to the Annual Maximum Deliveries, provided that MINATOM submits to the Department a copy of the amended and/or terminated certificate(s) from which the annual delivery allocation is to be withdrawn and a copy of the new certificate(s) re-allocating the annual delivery allocation.

## F. Delivery Forfeit and Flexibility

On December 31 of each year, any portion of the Annual Maximum Deliveries not delivered that year will be forfeited. In the unlikely event that there are transfer, transportation, or other difficulties beyond the control of the Designated Agent, the Department may provide for a 30-day grace period to complete the delivery. The Department must be notified in writing of a request for a 30-day grace period, detailing the reasons for the delivery delay.

## G. Swaps, Exchanges, Loans, or Resales of Material

1. Swaps, Exchanges or Loans: Swaps, exchanges or loans of HEU Natural Uranium Component may be conducted solely for the purpose of facilitating delivery, further processing and end-use as nuclear fuel. Notification of such permitted swaps, exchanges or loans is required to be provided to the Department at the time of the transactions, in the format set forth in Attachment One; however, no prior approval by the Department is required to proceed.<sup>1</sup> Examples of such permitted swaps, exchanges or loans are those designed to avoid transportation costs. The Department considers swaps, exchanges or loans that will result in sales for consumption in the United States, directly or indirectly, in excess

<sup>1</sup> Parties need not report as a swap or exchange hereunder a routine adjustment in nuclear material accounting documentation which is intended only to account for the delivery by an End-User, in the normal course of a processing transaction, of HEU Natural Uranium Component to be used in the production of a processed uranium product where: (i) prior to delivery of the HEU Natural Uranium Component, the processor produced the product using natural uranium other than the End-User's natural uranium to fulfill the contractual processing obligation to such End-User and delivered it to a downstream processor; (ii) the adjustment is intended only to ascribe the HEU Natural Uranium Component to the product delivered to the downstream processor and to return to the upstream processor natural uranium of the origin used to produce the product; and (iii) no monetary or other consideration is paid or given for the exchange of origins affected by the adjustment.

of the Annual Maximum Deliveries to be circumvention. Swaps, exchanges or loans are subject to verification by the Department at any time and at its discretion.

## 2. Resales:

a. The Department will permit parties to resell the HEU Natural Uranium Component. If the HEU Natural Uranium Component is resold, the End-User (or any other entity) making the resale must notify the Department of the date of the resale, the entity to whom it was sold, and the volume resold, in the format provided in Attachment One; however, no prior approval by the Department is required to proceed.

b. If an End-User resells the HEU Natural Uranium Component to any party other than another End-User, the material must be held in a separate account and quarterly reports on the account balance, in the format provided in Attachment Two, are required from the purchaser of the resold material.

c. An End-User may purchase HEU Natural Uranium Component on resale only from another End-User or an entity utilizing a separate account and providing quarterly reports to the Department as noted in Paragraph G.2.b above.

d. Resales remain subject to the requirements of 42 U.S.C. 2297h-10(b) of the USEC Privatization Act, these HEU Procedures, and are also subject to verification by the Department at any time and at its discretion. Resold material will not be subject to the Annual Maximum Deliveries in the year in which it is resold.

## H. Post-Delivery Notification

For all deliveries of HEU Natural Uranium Component, Designated Agents must submit to the Department, within ten (10) days of receipt, copies of all delivery confirmations provided to the Designated Agents from the appropriate Account Administrator. Such confirmations must contain the identity of the account holders from and to which the material was transferred, the quantity transferred, and the date of delivery.

## I. Quarterly Reports

### 1. Designated Agents

Designated Agents must submit for the HEU File quarterly reports and certifications detailing all activity relating to the movement of HEU Natural Uranium Component into and out of their respective accounts, in the format set forth in Attachment Two. These reports must be submitted on May 1, August 1, November 1, and February 1 of each year for the quarters

ending March 31, June 30, September 30, and December 31, respectively.

## 2. Account Administrators

Account Administrators must submit quarterly reports regarding the accounts holding the HEU Natural Uranium Component, in the format set forth in Attachment Three. These reports must be submitted on May 1, August 1, November 1, and February 1 of each year for the quarters ending March 31, June 30, September 30, and December 31, respectively.

## J. Verification

The Department reserves the right to verify any information submitted to the Department relating to deliveries under the USEC Privatization Act. Furthermore, the Department may restrict future deliveries from any account in which the reported activity is found to be in violation of these HEU Procedures and/or the Annual Maximum Deliveries if such violations are not rectified to the satisfaction of the Department and MINATOM.

## K. Consultations

Upon request, MINATOM and the Department will hold consultations subsequent to the filing of the quarterly reports due February 1 of each year for the purpose of exchanging/reviewing all data pertaining to deliveries of HEU Natural Uranium Component under these revised HEU Procedures during the previous year. Consultations may be held at other times as necessary.

## L. Importation/Re-Importation Requirements<sup>2</sup>

1. HEU Natural Uranium Component exported from the United States for further processing and subsequently re-imported:

The End-User, or its agent, or the importer of record must submit a notification letter and certifications as set forth in Attachment Four.

2. HEU Natural Uranium Component sold for delivery outside the territory of the United States to an End-User and subsequently imported to be consumed

by an End-User in accordance with Annual Maximum Deliveries:

The End-User or its agent must submit a notification letter and certifications as set forth in Attachment Four.

3. HEU Natural Uranium Component sold for consumption outside the United States to be imported into the United States for further processing and exportation:

The entity or importer of record must provide the information set forth in Attachment Five. In addition, the owner, or the importer of record, of this material must certify to the Department that the material will not be used in (and was not obtained under) any arrangement, swap, exchange, or other transaction designed to circumvent any of the Agreements while in the United States and that the owner, or the importer of record, will not circumvent (and has not circumvented) the Annual Maximum Deliveries. The owner, or the importer of record, must also provide the Department with the expected quantity ( $U_3O_8$  equivalent, less any processing losses) that will be exported from the United States. There will be no time or quantity limitations on the import of HEU Natural Uranium Component under this provision.

4. In all cases noted above, the owner of the HEU Natural Uranium Component or its agent must provide the Department with the required information ten (10) days prior to its expected entry into the United States. Within ten (10) days of receipt of the required information, the Department will provide to the United States Customs Service the appropriate instructions to clear the imports. The Department will notify the importer of record of the issuance of such instructions.

## M. Enforcement

If the Department finds that a Designated Agent has directly or indirectly exceeded its delivery allocation, the Department will require the Account Administrator or the appropriate entity to withhold any further release of HEU Natural Uranium

Component from the Designated Agent's Account, until the issue has been satisfactorily resolved among the Department, MINATOM, and the relevant Designated Agent. The Department will notify both the Account Administrator and the affected Designated Agent in writing of its enforcement action.

## N. Future Revisions

Any future changes to these HEU Procedures will be made only with public notice in the **Federal Register** and an opportunity for interested party comment.

## O. Revised Uranium Import Certification

All uranium importers, regardless of declared country of origin, must continue to submit to the U.S. Customs Service upon importation the certification in the format set forth in Attachment Six, unless said importer is submitting certification information set forth in Attachments 4 or 5.

## ATTACHMENT ONE

### Swaps, Exchanges, Loans, and Resales Notification Format

For each swap, exchange, loan, or resale under a provision of the HEU Procedures, provide the following information to the Department:

1. The quantity and origin(s) of the material.
2. The location(s) of the transaction.
3. The parties involved in the transaction.
4. The purpose of the transaction.
5. The date of the swap, exchange, loan or resale.

## ATTACHMENT TWO<sup>3</sup>

### Designated Agent or Resale Party Quarterly Report Form

Quarterly Delivery Report for (INSERT DATES AND DESIGNATED AGENT OR RESALE PARTY) HEU Natural Uranium Component

Beginning Balance (in  $U_3O_8$  equivalent): \_\_\_\_\_

Transaction date	Delivered from	Delivered to	Quantity (in $UF_6$ and $U_3O_8$ equivalent)	Transaction description	Comments

<sup>2</sup>The certifications required under this Paragraph are independent of the general importer certification requirements of the agreements suspending the antidumping investigations on uranium, as amended ("the Agreements").

Certification number three on Attachment Four (page two) and certifications numbers two and four on Attachment Five (page two) will continue to be required only to the extent they are applicable. At such time when the Agreements are no longer in

existence, the certifications under this Paragraph will be amended to reflect the absence of the Agreements.

Transaction date	Delivered from	Delivered to	Quantity (in UF <sub>6</sub> and U <sub>3</sub> O <sub>8</sub> equivalent)	Transaction description	Comments

Ending Balance (in U<sub>3</sub>O<sub>8</sub> equivalent):

(DESIGNATED AGENT OR RESALE PARTY) certifies that it holds an HEU Natural Uranium Component account at (STATE NAME OF ENTITY(IES)) and that all HEU Natural Uranium Component transferred from or into this (these) account(s) during calendar quarter (INDICATE DATES) has been transferred for one of the following reasons: (1) for use under an approved matched sale under 42 U.S.C. § 2297h-10(b) of the USEC Privatization Act and Article IV of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation, as amended; (2) for use in overfeeding in U.S. enrichment facilities pursuant to 42 U.S.C. § 2297h-10(b)(7); (3) for

delivery to an End-User, within the Annual Maximum Deliveries set forth in the USEC Privatization Act, at 42 U.S.C. § 2297h-10(b)(5); (4) for export out of the United States; (5) for further processing on behalf of (NAME OF ENTITY); or (6) for resale to (NAME OF ENTITY).

(DESIGNATED AGENT OR RESALE PARTY) further certifies that, for the time period during which the material was in its possession or control, none of the HEU Natural Uranium Component transferred from or into the account(s) during the calendar quarter (INDICATE DATES) has been loaned, swapped, exchanged or used in any arrangement that directly or indirectly circumvents the limitations set forth in 42 U.S.C. § 2297h-10(b) of the USEC Privatization

Act, the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation, as amended, or the Procedures for Delivery of HEU Natural Uranium Component in the United States, as revised.

Signature:

Printed Name:

Title:

### ATTACHMENT THREE

#### Account Administrator Quarterly Report Form

Quarterly Report for (INSERT DATES AND ACCOUNT ADMINISTRATOR) HEU Natural Uranium Component

Beginning Balance (in U<sub>3</sub>O<sub>8</sub> equivalent):

Transaction date	Delivered from	Delivered to	Quantity (in UF <sub>6</sub> and U <sub>3</sub> O <sub>8</sub> equivalent)	Transaction description	Comments

Ending Balance (in U<sub>3</sub>O<sub>8</sub> equivalent):

(ACCOUNT ADMINISTRATOR) certifies that to the best of its knowledge, the foregoing information is true and correct.

Signature:

Printed Name:

Title:

### ATTACHMENT FOUR (page one)

#### Importation/Re-Importation Notification Form and Certifications

TOPIC: Importation/Re-Importation of Uranium Under 42 U.S.C. 2297h-10(b) of the USEC Privatization Act

Pursuant to Paragraph L of the Procedures for Delivery of HEU Natural Uranium Component in the United States, as revised, we hereby submit information describing the importation or re-importation of Russian origin uranium subject to the limitations set forth in the USEC Privatization Act, at 42 U.S.C. 2297h-10(b):

#### Export (if Applicable)

1. Quantity of HEU Natural Uranium Component Exported (U<sub>3</sub>O<sub>8</sub> equivalent) out of U.S.:

2. Date of Export out of U.S. (if available):

#### Importation/Re-Importation

1. (NUMBER) lbs. of U<sub>3</sub>O<sub>8</sub> equivalent contained in (NUMBER) KgU with enrichment assay (NUMBER) wt % and tails assay (NUMBER) wt %, if applicable:

2. Port of Importation/Re-Importation:

3. Importer of Record:

4. Planned Date of Importation/Re-Importation:

5. End User:

6. Vessel/Airline Name:

Also, please find attached the importer of record declaration regarding country of origin, anti-circumvention and qualification of this material under 42 U.S.C. 2297h-10(b) of the USEC Privatization Act. We also agree to verification of this information if requested.

Signature:

Printed Name:

Title:

### ATTACHMENT FOUR (page two)

#### Importation/Re-Importation Notification Form and Certifications

#### CERTIFICATIONS TO U.S. CUSTOMS SERVICE

A. (END-USER or IMPORTER OF RECORD) hereby certifies that the HEU Natural Uranium Component of the uranium being imported into the United States is derived from Russian highly enriched uranium pursuant to the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons. The uranium being imported was converted in (INSERT COUNTRY), enriched in (INSERT COUNTRY) and/or fabricated in (INSERT COUNTRY).

B. (END-USER or IMPORTER OF RECORD) hereby certifies that the material being imported was not obtained under any arrangement, swap, exchange, or other transaction designed

<sup>3</sup> The Department will amend this certification to reflect changes, if any, in the existence of the

to circumvent the limitations set forth in 42 U.S.C. 2297h-10(b) of the USEC Privatization Act, 42 U.S.C. 2297h, *et seq.*, and the Procedures for Delivery of HEU Natural Uranium Component in the United States, as revised.

C. (END-USER or IMPORTER OF RECORD) hereby certifies that the material being imported was not obtained under any arrangement, swap, exchange, or other transaction designed to circumvent any of the agreements suspending the antidumping investigations on uranium, as amended.

D. (END-USER or IMPORTER OF RECORD) hereby certifies that the uranium being imported into the United States is in compliance with 42 U.S.C. 2297h-10(b) of the USEC Privatization Act, 42 U.S.C. 2297h, *et seq.* The material being imported represents (NUMBER) lbs.  $U_3O_8$  equivalent of (NUMBER) lbs.  $U_3O_8$  equivalent exported for further processing on (DATE) or delivered to an End-User outside the United States.

Signature:  
Printed Name:  
Title:

#### ATTACHMENT FIVE (page one)

##### Importation Notification Form and Certifications

TOPIC: Importation of Uranium Under 42 U.S.C. 2297h-10(b) of the USEC Privatization Act—Consumption Outside the United States

Pursuant to Section L of the Procedures for Delivery of HEU Natural Uranium Component in the United States, as revised, we hereby submit information describing our scheduled importation of Russian origin uranium into the United States for subsequent export:

1. Scheduled Date of Importation:
2. (NUMBER) lbs. of  $U_3O_8$  in (NUMBER) KgU with enrichment assay (NUMBER) wt % and tails assay (NUMBER) wt % (if applicable):
3. Port of Importation:
4. Importer of Record:
5. Vessel/Airline:
6. Parties Providing Further Processing and/or storage:
7. Anticipated Date of Export out of U.S. (if available):
8. Non-U.S. End-User:

Also, please find attached the importer of record declaration regarding country of origin, anticircumvention, and qualification of the material under 42 U.S.C. 2297h-10(b) of the USEC Privatization Act. We also agree to verification of this information if requested.

Signature:  
Printed Name:

Title:

#### ATTACHMENT FIVE (page two)

##### Importation Notification Form and Certifications

##### CERTIFICATIONS TO U.S. CUSTOMS SERVICE

1. (OWNER or IMPORTER OF RECORD) hereby certifies that the HEU Natural Uranium Component of the uranium being imported into the United States is derived from Russian highly enriched uranium pursuant to the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons. The uranium being imported was converted in (INSERT COUNTRY), and/or enriched in (INSERT COUNTRY), and/or fabricated in (INSERT COUNTRY) and is not intended for consumption in the United States.

2. (OWNER or IMPORTER OF RECORD) hereby certifies that the material being imported was not obtained under any arrangement, swap, exchange, or other transaction designed to circumvent any of the agreements suspending the antidumping investigations on uranium, as amended.

3. (OWNER or IMPORTER OF RECORD) hereby certifies that the material being imported was not obtained under any arrangement, swap, exchange, or other transaction designed to circumvent the limitations set forth in 42 U.S.C. 2297h-10(b) of the USEC Privatization Act, 42 U.S.C. 2297h, *et seq.*, and the Procedures for Delivery of HEU Natural Uranium Component in the United States, as revised.

4. (OWNER or IMPORTER OF RECORD) hereby further certifies that the material being imported will not be used in any arrangement, swap, exchange, or other transaction designed to circumvent any of the agreements suspending the antidumping investigations on uranium, as amended.

5. (OWNER or IMPORTER OF RECORD) hereby further certifies that the material being imported will not be used in any arrangement, swap, exchange, or other transaction designed to circumvent the limitations set forth in 42 U.S.C. 2297h-10(b) of the USEC Privatization Act, 42 U.S.C. 2297h, *et seq.* and the Procedures for Delivery of HEU Natural Uranium Component in the United States, as revised.

Signature:  
Printed Name:  
Title:

#### ATTACHMENT SIX

##### Certification For All Other Uranium Importers

##### CERTIFICATION TO U.S. CUSTOMS SERVICE

1. (OWNER or IMPORTER OF RECORD) hereby certifies that the material being imported was not obtained under any arrangement, swap, exchange, or other transaction designed to circumvent any of the agreements suspending the antidumping investigations on uranium, as amended, or the limitations set forth in 42 U.S.C. 2297h-10(b) of the USEC Privatization Act, 42 U.S.C. 2297h, *et seq.*, and the Procedures for Delivery of HEU Natural Uranium Component in the United States, as revised (FR Cite).<sup>4</sup>

Signature:  
Printed Name:  
Title:

[FR Doc. 99-20339 Filed 8-5-99; 8:45 am]  
BILLING CODE 3510-DS-P

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. ER99-3125-000, Docket No. ER99-3143-000, Docket No. ER99-3248-000, Docket No. ER99-3207-000, Docket No. ER99-3118-000, Docket No. ER99-3168-000, Docket No. ER99-3165-000 and Docket No. ER99-3197-000 (Not Consolidated)]

##### Minergy Neenah, L.L.C., Reliant Energy Indian River, L.L.C., Consolidated Edison Energy Massachusetts, Inc., Capital Center Generating Company, L.L.C., Duke Energy St. Francis, L.L.C., Astoria Generating Company, L.P., Tenaska Georgia Partners, L.P. and BIV Generation Company, L.L.C.; Notice of Issuance of Order

August 2, 1999.

Minergy Neenah, L.L.C., Reliant Energy Indian River, L.L.C., Consolidated Edison Energy Massachusetts, Inc., Capital Center Generating Company, L.L.C., Duke St. Francis, L.L.C., Astoria Generating Company, L.P., Tenaska Georgia Partners, L.P., and BIV Generation Company, L.L.C. (hereafter, "the Applicants") filed with the Commission rate schedules in the above-captioned proceedings, respectively, under which the Applicants will engage in wholesale electric power and energy transactions at market-based rates, and for certain waivers and authorizations. In particular, certain of the Applicants may

<sup>4</sup>Please insert into the certification the citation of this Federal Register notice.