

time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: February 7, 2001.

**Bernard T. Carreau,**  
Deputy Assistant Secretary, AD/CVD  
Enforcement II.

[FR Doc. 01-4281 Filed 2-20-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-063]

#### Certain Iron-Metal Castings From India: Notice of Court Decision

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

**ACTION:** Notice of court decision.

**SUMMARY:** On January 24, 2001, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination regarding the calculation of subsidies provided under section 80HHC of India's Income Tax Act.

**EFFECTIVE DATE:** February 21, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Robert Copyak, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 60 Fed. Reg. 44,849 (Aug. 29, 1995) (the 1990 period of review), the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS) and India's Cash Compensatory Support Scheme (CCS). In *Crescent Foundry Co. Pvt. Ltd., et al. v. United States*, Slip Op. 00-148 (CIT Nov. 9, 2000), the court remanded the final results of the 1990 administrative review and directed the Department to recalculate these subsidies by subtracting IPRS rebates and CCS rebate from taxable income before determining any section 80HHC benefit. The Department's subsequent remand determination reflected the Court's instructions and was affirmed in *Crescent Foundry Co. Pvt. Ltd., et al. v. United States*, Slip Op. 01-6 (CIT Jan. 24, 2001).

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 USC section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *Crescent Foundry Co. Pvt. Ltd., et al. v. United States*, Slip Op. 01-6 (CIT Jan. 24, 2001), constitutes a decision not in harmony with the Department's final affirmative results of countervailing duty administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: February 13, 2001.

**Holly A. Kuga,**

Acting Deputy Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-063]

#### Certain Iron-Metal Castings From India: Notice of Court Decision

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**ACTION:** Notice of court decision.

**SUMMARY:** On January 24, 2001, the United States Court of International Trade (CIT) affirmed the International Trade Administration's remand determination regarding the calculation of subsidies provided under section 80HHC of India's Income Tax Act.

**EFFECTIVE DATE:** February 21, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Robert Copyak, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In *Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review*, 60 Fed. Reg. 44,843 (Aug. 29, 1995) (the 1991 period of review), the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS) and India's Cash Compensatory Support Scheme (CCS). In *Kajaria Iron Castings Pvt. Ltd., et al. v. United States*, Slip Op. 00-147 (CIT Nov. 9, 2000), the court remanded the final results of the 1991 administrative review and directed the Department to recalculate these subsidies by subtracting IPRS rebates and CCS rebates from taxable income before determining any section 80HHC benefit. The Department's subsequent remand determination reflected the Court's instructions and was affirmed in *Kajaria Iron Castings Pvt. Ltd., et al. v. United States*, Slip Op. 01-5 (CIT Jan. 24, 2001).

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 USC section 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's opinion in *Kajaria Iron Castings Pvt. Ltd., et al. v. United States*, Slip Op. 01-5 (CIT Jan. 24, 2001), constitutes a decision not in harmony with the Department's final affirmative results of countervailing duty administrative review. Publication of this notice fulfills the *Timken* requirement.

Accordingly, the Department will continue to suspend liquidation pending the expiration of the period of appeal, or, if appealed, upon a "conclusive" court decision.

Dated: February 13, 2001.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 01-4287 Filed 2-20-01; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-427-819, C-428-829, C-421-809, C-412-821]

#### Low Enriched Uranium From France, Germany, the Netherlands, and the United Kingdom: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations

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

**ACTION:** Notice of extension of time limit for preliminary determinations in countervailing duty investigations.

**SUMMARY:** The Department of Commerce is extending the time limit of the preliminary determinations in the countervailing duty (CVD) investigations of low enriched uranium from France, Germany, the Netherlands, and the United Kingdom from March 2, 2001 until no later than May 7, 2001. This extension is made pursuant to section 703(c)(1)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

**EFFECTIVE DATE:** February 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Michael Grossman (France) at (202) 482-3146; Robert Copyak (Germany) at (202) 482-2209; Stephanie Moore (the

Netherlands) at (202) 482-3692; and Eric B. Greynolds (the United Kingdom) at (202) 482-6071, Office of AD/CVD Enforcement VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

##### Extension of Due Date for Preliminary Determinations

On December 27, 2000, the Department of Commerce (the Department) initiated the CVD investigations of low enriched uranium from France, Germany, the Netherlands, and the United Kingdom. See *Notice of Initiation of Countervailing Duty Investigations: Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom*, 66 FR 1085 (January 5, 2001). Currently, the preliminary determinations are due no later than March 2, 2001. However, pursuant to section 703(c)(1)(B) of the Act, we have determined that these investigations are "extraordinarily complicated" and are therefore extending the due date for the preliminary determinations to no later than May 7, 2001.

Under section 703(c)(1)(B), the Department can extend the period for reaching a preliminary determination until not later than the 130th day after the date on which the administering authority initiates an investigation if:

(B) The administering authority concludes that the parties concerned are cooperating and determines that—

(i) The case is extraordinarily complicated by reason of—

(I) The number and complexity of the alleged countervailable subsidy practices;

(II) The novelty of the issues presented;

(III) The need to determine the extent to which particular countervailable subsidies are used by individual manufacturers, producers, and exporters; or

(IV) The number of firms whose activities must be investigated; and

(ii) Additional time is necessary to make the preliminary determination.

Regarding the first requirement, we find that in each case all concerned parties are cooperating. Regarding the second requirement, we find that each of these four cases is extraordinarily complicated for the following reasons.

##### France

The French CVD investigation is extraordinarily complicated because of the novelty of the issues presented. We are investigating an allegation that the Government of France through its national electric utility, Electricite de France, purchased uranium from the producer of the subject merchandise at prices that constitute "more than adequate remuneration" under section 771(5)(E)(iv) of the Act. This is a novel issue because this is the first time the Department has investigated this type of subsidy allegation.

##### Germany, the Netherlands, and the United Kingdom

These three investigations are extraordinarily complicated because of the novelty of the issue presented. Petitioners have alleged that a single cumulative CVD rate applicable to all of Urenco Ltd.'s operations in Germany, the Netherlands, and the United Kingdom should be applied. Urenco Ltd. is the holding company for a group of companies located in Germany, the Netherlands, and the United Kingdom which produce enriched uranium for commercial sale. The Urenco Group was created in 1971, pursuant to the Treaty of Almelo, signed by the governments of Germany, the Netherlands and the United Kingdom. Therefore, the Department is investigating, and must determine, whether the subsidies provided by the three Treaty of Almelo countries to the Urenco Group's operations in Germany, the Netherlands, and the United Kingdom should be attributed to the sales of all of Urenco's international operations because Urenco is an "international consortium" under section 701(d) of the Act. To date, the provisions of section 701(d) have never been used in any CVD investigation or administrative review. Thus, we determine this to be a novel issue.

Accordingly, we deem these four investigations to be extraordinarily complicated and determine, with regard to the third requirement noted above, that additional time is necessary to make the preliminary determinations. Therefore, pursuant to section 703(c)(1)(B) of the Act, we are postponing the preliminary determinations in these investigations to no later than May 7, 2001.

This notice is published pursuant to section 703(c)(2) of the Act. Effective