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[FR Doc. E9-1866 Filed 1-28-09; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-580-825]

Oil Country Tubular Goods, Other Than Drill Pipe, From Korea: Court Decision Not in Harmony With Final Results of Administrative Review

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

SUMMARY: On December 22, 2008, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) results of redetermination pursuant to the CIT's remand and entered final judgment in *Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, Consol. Ct. No. 06-00075, Slip Op. 08-139 (CIT December 22, 2008) (*Husteel v. United States II*). See *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, dated August 29, 2008, and *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, dated December 5, 2008 (available at <http://ia.ita.doc.gov/remands>). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on oil country tubular goods, other than drill pipe, from Korea covering the period of review (POR) of August 1, 2003 through July 31, 2004. See *Oil Country Tubular Goods, Other Than Drill Pipe, from Korea: Final Results of Antidumping Duty Administrative Review*, 71 FR 13091 (March 14, 2006) (*Final Results*).

DATES: *Effective Date:* December 22, 2008.

FOR FURTHER INFORMATION CONTACT: Scott Lindsay, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0780.

SUPPLEMENTARY INFORMATION:**Background**

On March 14, 2006, the Department issued its final results in the antidumping duty administrative review of oil country tubular goods, other than drill pipe, from Korea covering the POR of August 1, 2003 through July 31, 2004. See *Final Results*. In the *Final Results*, the Department found that the use of third country sales to a non-market economy (the People's Republic of China (PRC), in this case) is inappropriate for determining normal value, because these sales are not representative. *Id.* As such, in calculating normal value for SeAH Steel Corp. Ltd. (SeAH), the Department used SeAH's third country sales to Canada, and in calculating normal value for Husteel Co. Ltd. (Husteel), the Department utilized constructed value. Therefore, SeAH was assigned a rate of 6.84 percent, and Husteel was assigned a rate of 12.30 percent. *Id.*

In *Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, Consol. Ct. No. 06-00075, Slip Op. 08-62 (CIT June 2, 2008) (*Husteel v. United States I*), the CIT remanded the *Final Results*, holding that the Department's finding that sales into a non-market economy are not representative was not supported by substantial record evidence. The CIT directed the Department to either present persuasive record evidence that SeAH's and Husteel's sales into the PRC were not representative within the meaning of 19 U.S.C. 1677b(a)(1)(B)(ii)(I), or find the sales into the PRC to be representative, and then recalculate and assign SeAH and Husteel new antidumping duty assessment rates. On August 29, 2008, the Department issued its final results of redetermination pursuant to *Husteel v. United States I*. See *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States* (August 29, 2008) (*Remand Results*). The remand redetermination explained that, in accordance with the CIT's instructions, after finding sales to the PRC to be representative, the Department recalculated the assessment rate for SeAH and Husteel. Specifically, the

Department determined SeAH's new weighted-average margin to be 0.59 percent, and Husteel's new weighted-average margin to be 0.62 percent.

However, in the *Remand Results*, the Department inadvertently treated certain Korean inventory carrying costs as if they were denominated in U.S. dollars when they, in fact, had been denominated in Korean won. Therefore, in *Husteel Company Ltd. and SeAH Corp. Ltd., v. United States*, Consol. Ct. No. 06-000075, Slip Op. 08-127 (CIT November 21, 2008), the CIT upheld the Department's *Remand Results*, with the exception of the calculation of certain inventory carrying costs. The CIT ordered the Department to correct its calculation of Husteel's Korean inventory carrying costs. In accordance with the CIT's order, the Department corrected its calculation with regard to Husteel's Korean inventory carrying costs. See *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States* (December 5, 2008). As a result, Husteel's new dumping margin is now *de minimis*, and SeAH's margin remains 0.59 percent.

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision in *Husteel vs. United States II*, on December 22, 2008, constitutes a final decision of that court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from Husteel and SeAH based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: January 21, 2009.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import
Administration.

[FR Doc. E9-1940 Filed 1-28-09; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Multispecies Days-at-Sea Leasing Program

AGENCY: National Oceanic and
Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of
Commerce, as part of its continuing
effort to reduce paperwork and
respondent burden, invites the general
public and other Federal agencies to
take this opportunity to comment on
proposed and/or continuing information
collections, as required by the
Paperwork Reduction Act of 1995.

DATES: Written comments must be
submitted on or before March 30, 2009.

ADDRESSES: Direct all written comments
to Diana Hynek, Departmental
Paperwork Clearance Officer,
Department of Commerce, Room 7845,
14th and Constitution Avenue, NW.,
Washington, DC 20230 (or via the
Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:
Requests for additional information or
copies of the information collection
instrument and instructions should be
directed to Douglas Potts, National
Marine Fisheries Service, (978) 281-
9341 or Douglas.Potts@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

A proposed emergency rule for the NE
Multispecies Fishery Management Plan
(FMP) was published in the **Federal
Register** on April 24, 2003 (68 FR
200096). The emergency rule was used
to continue management measures
specified in the Settlement Agreement
Among Certain Parties, which were
implemented as ordered by the U.S.
District Court for the District of
Columbia (Court) in a Remedial Order
issued on May 23, 2002. The emergency
rule included several management
measures designed to reduce overfishing
on species managed under the NE
Multispecies FMP, including a Days-At-
Sea (DAS) Leasing Program, and was
published in order to continue the
measures until the implementation of

Amendment 13 to the NE Multispecies
FMP. The final rule, RIN 0648-AN17,
for implementing Amendment 13 to the
NE Multispecies FMP, was published in
the **Federal Register** on April 27, 2004
(69 FR 22906). Amendment 13 was
developed by the New England Fishery
Management Council (Council)
primarily to end overfishing on all
groundfish stocks and to rebuild all
groundfish stocks that are overfished.
Amendment 13 included substantial
reductions in the amount of effort
available to target groundfish stocks.
Therefore, Amendment 13 resulted in
considerable reductions in the number
of DAS for NE multispecies vessels.

The reduction in the DAS allocated to
NE multispecies permit holders limited
the ability of some vessels to participate
in the fishery, resulting in a loss of
revenue and/or the ability to operate at
a profit. In order to mitigate some of the
adverse economic impacts of the effort
reductions, the DAS Leasing Program
was established by the Council, among
other provisions, in Amendment 13.
The DAS Leasing Program enables
vessels to increase their revenue by
either leasing additional DAS from
another vessel or using them to increase
their participation in the fishery, or by
leasing their allocated DAS that they
may not use to another vessel.

II. Method of Collection

Applications will be submitted by
mail.

III. Data

OMB Control Number: 0648-0475.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-
profit organizations.

Estimated Number of Respondents:
1,400.

Estimated Time per Response: 5
minutes.

*Estimated Total Annual Burden
Hours:* 583.

*Estimated Total Annual Cost to
Public:* \$1,158.

IV. Request for Comments

Comments are invited on: (a) Whether
the proposed collection of information
is necessary for the proper performance
of the functions of the agency, including
whether the information shall have
practical utility; (b) the accuracy of the
agency's estimate of the burden
(including hours and cost) of the
proposed collection of information; (c)
ways to enhance the quality, utility, and
clarity of the information to be
collected; and (d) ways to minimize the
burden of the collection of information
on respondents, including through the

use of automated collection techniques
or other forms of information
technology.

Comments submitted in response to
this notice will be summarized and/or
included in the request for OMB
approval of this information collection;
they also will become a matter of public
record.

Dated: January 26, 2009.

Gwellnar Banks,

Management Analyst, Office of the Chief
Information Officer.

[FR Doc. E9-1947 Filed 1-28-09; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2009-OS-0011]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant
Secretary of Defense (Networks and
Information Integration)/DoD Chief
Information Officer. DoD.

ACTION: Notice.

In compliance with Section
3506(c)(2)(A) of the Paperwork
Reduction Act of 1995, the Office of the
Assistant Secretary of Defense
(Networks and Information Integration)/
DoD Chief Information Officer
announces a proposed new public
information collection and seeks public
comment on the provisions thereof.
Comments are invited on: (a) Whether
the proposed collection of information
is necessary for the proper performance
of the functions of the agency, including
whether the information shall have
practical utility; (b) the accuracy of the
agency's estimate of the burden of the
proposed information collection; (c)
ways to enhance the quality, utility, and
clarity of the information to be
collected; and (d) ways to minimize the
burden of the information collection on
respondents, including through the use
of automated collection techniques or
other forms of information technology.

DATES: Consideration will be given to all
comments received by March 30, 2009.

ADDRESSES: You may submit comments,
identified by docket number and title,
by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Federal Docket Management
System Office, 1160 Defense Pentagon,
Washington, DC 20301-1160.

Instructions: All submissions received
must include the agency name, docket