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**Sean Timmins,**

Global Trade Programs, Commercial Service Trade Missions Program.

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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]

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## 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](mailto: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](mailto: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