

not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

The Department needs additional time due to conduct the constructed export price verification and to analyze cost of production issues. Therefore, the Department finds that it is not practicable to complete the final results of the review within the original time limit and is extending the deadline for the completion of the final results for the antidumping duty order on welded ASTM A-312 stainless steel pipe from South Korea from 120 to 180 days from the date of publication of the preliminary results. Accordingly, the final results will now be due no later than June 22, 2009.

This notice is issued and published pursuant to sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: March 27, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

#### **Polyethylene Terephthalate (PET) Film, Sheet, and Strip From India: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review**

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

*Effective Date:* April 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** Elfi Blum or Sean Carey, 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) 482-0197 and (202) 482-3964, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 26, 2008, in response to a timely request from Jindal Poly Films, Limited of India (Jindal), the Department of Commerce (the Department) initiated an administrative review of the countervailing duty order on polyethylene terephthalate (PET)

film, sheet, and strip from India. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 73 FR 50308 (August 26, 2008). This administrative review covers the period January 1, 2007, through December 31, 2007. The preliminary results of this administrative review are currently due no later than April 2, 2009.

#### **Extension of Time Limit for Preliminary Results**

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(1), the Department shall issue preliminary results in an administrative review of a countervailing duty order within 245 days after the last day of the anniversary month of the order for which the administrative review was requested. However, if the Department determines that it is not practicable to complete the review within the aforementioned specified time limits, section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2) allow the Department to extend the 245-day period to 365 days.

Pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), we determine that it is not practicable to complete the results of this review within the original time limit. The Department needs additional time to analyze the supplemental questionnaire responses, which were recently submitted, and to determine whether any additional information is required. In accordance with section 751(a)(3)(A) of the Act, the Department has decided to extend the time limit for the preliminary results from 245 days to 365 days; the preliminary results will now be due no later than July 31, 2009. Unless extended, the final results continue to be due 120 days after the publication of the preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1) of the Department's regulations.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: March 27, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9-7438 Filed 4-1-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-421-807]

#### **Certain Hot-Rolled Carbon Steel Flat Products From the Netherlands: Notice of Court Decision Not in Harmony With Final Results of Administrative Review**

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

**DATES:** *Effective Date:* April 2, 2009

**FOR FURTHER INFORMATION CONTACT:** David Cordell or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0408 or (202) 482-0649, respectively.

**SUMMARY:** On March 24, 2009, the United States Court of International Trade (the Court) sustained the remand redetermination issued by the Department of Commerce (the Department) pursuant to the Court's remand order in the final results of the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from the Netherlands. *See Corus Staal v. US*, Court No. 07-221, Slip Op 09-21 CIT (March 24, 2009) (*Corus Staal Judgment*).

This case arises out of the Department's *Final Results* and *Amended Final Results* for the period of review (POR) period November 1, 2004, through October 31, 2005. *See Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands; Final Results of Antidumping Duty Administrative Review*, 72 FR 28676 (May 22, 2007), and Accompanying Issues and Decision Memorandum at Comment 6 (*Final Results*); *see also Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands; Amended Final Results of the Antidumping Duty Administrative Review*, 72 FR 34441 (June 22, 2007) (*Amended Results*). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is notifying the public that *Corus Staal Judgment* is not in harmony with the Department's *Final Results* and the *Amended Final Results*.

**SUPPLEMENTARY INFORMATION:** Pursuant to the remand order of the Court in *Corus Staal BV v. United States*, Slip Op. 08-144 (CIT, December 29, 2008) (*Corus Staal*), the Department released the Draft Results of Redetermination

Pursuant to Court Remand to interested parties on January 16, 2009. Corus and ArcelorMittal USA, Inc. (ArcelorMittal), domestic interested party, submitted comments on January 23, 2009. Corus and domestic producer U.S. Steel Corporation (U.S. Steel) submitted rebuttal comments on January 28, 2009.

On February 20, 2009, the Department filed its final results of redetermination pursuant to *Corus Staal* with the CIT. See Final Results of Redetermination Pursuant to Court Remand, *Corus Staal BV v. United States Court No. 07-00221*, Slip Op. 08-144 (CIT December 29, 2008) (Final Redetermination). In the Final Redetermination, the Department amended the final results of the 2004-2005 administrative review to rescind our duty absorption finding with respect to *Corus Staal BV* (Corus), "consistent with the Federal Circuit's interpretation of 19 U.S.C. 1675(a)(4) in *Agro Dutch Indus. Ltd. v. United States*, 508 F.3d 1024, 1028 (Fed. Cir. 2007) (*Agro Dutch*)." See *Corus Staal* at 26. Specifically, we no longer found that Corus absorbed antidumping duties during the period of review since Corus was, itself, the importer of record. This redetermination did not affect either the weighted-average margin or assessment rate calculated for Corus for the relevant period of review.

On March 24, 2009, the Court sustained all aspects of the remand redetermination. The Court reaffirmed the Department's calculation of Corus Staal's dumping margin during the administrative review and affirmed the Department's reversal of its duty absorption finding. Further, the Court also affirmed the Department's authority to issue instructions to U.S. Customs and Border Protection (CBP) to levy antidumping duties on entries.

In *Timken*, 893 F.2d at 341, the Federal Circuit 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 Court's decision in *Corus Staal Judgment* on March 24, 2009, constitutes a final decision of the court that is not in harmony with the Department's *Final Results* and *Amended 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 Court's ruling is not appealed or, if appealed, upheld by the Federal Circuit the Department will instruct CBP to assess antidumping duties on entries of the subject merchandise during the POR based on the *Amended Final Results*.

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

Dated: March 27, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9-7445 Filed 4-1-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Limits on Applications of Take Prohibitions

**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 June 1, 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 Steve Stone at (503) 231-2317, or [steve.stone@noaa.gov](mailto:steve.stone@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Section 4(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires the National Marine Fisheries Service (NMFS) to adopt such regulations as it "deems necessary and advisable to provide for the conservation of" threatened species. Those regulations may include any or all of the prohibitions provided in section 9(a)(1) of the ESA, which specifically prohibits "take" of any

endangered species ("take" includes actions that harass, harm, pursue, kill, or capture). The first salmonid species listed by NMFS as threatened were protected by virtually blanket application of the section 9 take prohibitions. There are now 22 separate Distinct Population Segments (DPS) of west coast salmonids listed as threatened, covering a large percentage of the land base in California, Oregon, Washington and Idaho. NMFS is obligated to enact necessary and advisable protective regulations. NMFS makes section 9 prohibitions generally applicable to many of those threatened DPS, but also seeks to respond to requests from States and others to both provide more guidance on how to protect threatened salmonids and avoid take, and to limit the application of take prohibitions wherever warranted (See 70 FR 37160, June 28, 2005; 71 FR 834, January 5, 2006; and 73 FR 55451, September 25, 2008). The regulations describe programs or circumstances that contribute to the conservation of, or are being conducted in a way that limits impacts on, listed salmonids. Because we have determined that such programs/circumstances adequately protect listed salmonids, the regulations do not apply the "take" prohibitions to them. Some of these limits on the take prohibitions entail voluntary submission of a plan to NMFS and/or annual or occasional reports by entities wishing to take advantage of these limits, or continue within them.

##### II. Method of Collection

Submissions may be in paper or electronic format.

##### III. Data

*OMB Control Number:* 0648-0399.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* State, local, or tribal government; business or other for-profit organizations.

*Estimated Number of Respondents:* 301.

*Estimated Time per Response:* 20 hours for a road maintenance agreement; 5 hours for a diversion screening limit project; 30 hours for an urban development package; 10 hours for an urban development report; 20 hours for a tribal plan; and 5 hours for a report of aided, salvaged, or disposed of salmonids.

*Estimated Total Annual Burden Hours:* 1,705.

*Estimated Total Annual Cost to Public:* \$1,000.