

1170, 01/12/2009; correction 74 FR 3987, 01/22/2009; 75 FR 71069–71070, 11/22/2010) as an option for the establishment or reorganization of general-purpose zones;

*Whereas*, the State of Delaware, grantee of Foreign-Trade Zone 99, submitted an application to the Board (FTZ Docket 81–2011, filed 12/19/2011) for authority to reorganize and expand under the ASF with a service area of New Castle, Kent and Sussex Counties, Delaware, in and adjacent to the Wilmington U.S. Customs and Border Protection port of entry, FTZ 99's existing Site 1 would be categorized as a magnet site, and the grantee proposes one initial usage-driven site (Site 2);

*Whereas*, notice inviting public comment was given in the **Federal Register** (76 FR 80331, 12/23/2011) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore*, the Board hereby orders:

The application to reorganize and expand FTZ 99 under the alternative site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Site 2 if no foreign-status merchandise is admitted for a *bona fide* customs purpose by July 31, 2015.

Signed at Washington, DC, this 5th day of July 2012.

**Paul Piquado**,

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2012–17167 Filed 7–12–12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 1840]

#### Reorganization of Foreign-Trade Zone 64 (Expansion of Service Area) Under Alternative Site Framework Jacksonville, FL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-

Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Board adopted the alternative site framework (ASF) (74 FR 1170, 01/12/2009; correction 74 FR 3987, 01/22/2009; 75 FR 71069–71070, 11/22/2010) as an option for the establishment or reorganization of general-purpose zones;

*Whereas*, the Jacksonville Port Authority, grantee of Foreign-Trade Zone 64, submitted an application to the Board (FTZ Docket 18–2012, filed 03/19/2012) for authority to expand the service area of the zone to include Bradford, Putnam and St. Johns Counties, as described in the application, within and adjacent to the Jacksonville, Florida, U.S. Customs and Border Protection port of entry;

*Whereas*, notice inviting public comment was given in the **Federal Register** (77 FR 17012–17013, 03/23/2012) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore*, the Board hereby orders:

The application to reorganize FTZ 64 to expand the service area under the alternative site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project.

Signed at Washington, DC, this 5th day of July 2012.

**Paul Piquado**,

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2012–17159 Filed 7–12–12; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–820]

#### Certain Hot-Rolled Carbon Steel Flat Products From India: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On June 28, 2012, the United States Court of International Trade (the Court) sustained the Department of Commerce's (the Department) final results of redetermination pursuant to the Court's second remand order. *See United States Steel Corporation v. United States*, Court No. 08–00216, Slip Op. 12–91 (*U.S. Steel Corp. III*); Final Results of Redetermination Pursuant to Second Court Remand, CIT Court No. 08–00216 (May 22, 2012) (*Second Remand Results*). The Court previously upheld other aspects of the Department's final results of the 2005–2006 administrative review of the antidumping duty on certain hot-rolled carbon steel flat products from India. *See U.S. Steel Corp. v. United States*, No. 08–00216, 2012 WL 1259085 (Ct. Int'l Trade Apr. 11, 2012) (opinion on first remand results) (*U.S. Steel Corp. II*); Final Results of Redetermination Pursuant to Court Remand, CIT Court No. 08–00216 (Oct. 3, 2011) (*First Remand Results*); *U.S. Steel Corp. v. United States*, No. 08–00216, 2011 WL 2421154 (Ct. Int'l Trade June 14, 2011) (opinion on final results) (*U.S. Steel Corp. I*); *Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Final Results of Antidumping Duty Administrative Review*, 73 FR 31,961 (June 5, 2008) (*Final 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*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Results* and is amending the final results of the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from India covering the period December 1, 2005, through November 30, 2006, with

respect to the weighted-average dumping margin assigned to Essar Steel Limited (Essar).

**DATES:** *Effective Date:* July 9, 2012.

**FOR FURTHER INFORMATION CONTACT:** Victoria Cho or Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5075, and (202) 482-4161, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

Subsequent to the completion of the administrative review under the antidumping duty order on certain hot-rolled carbon steel flat products from India, U.S. Steel Corporation (U.S. Steel) and Nucor Corporation (Nucor) challenged certain aspects of the *Final Results* at the Court. On June 14, 2011, the Court remanded the *Final Results* and instructed the Department (1) to determine whether record evidence proved that Essar's contingent liability for deferred import duties under the duty-drawback program had been removed or permanently excused, and (2) to reevaluate the record evidence and change, or more fully explain, the selection of date of sale. *See U.S. Steel Corp. I*, 2011 WL 2421154 at \*1, 4.

On remand, the Department recalculated Essar's weighted-average dumping margin using the invoice date as the date of sale, and revised Essar's weighted-average dumping margin to deny an adjustment for duty drawback for a specific invoice. *See, generally, First Remand Results*. At that time, the Department declined to make certain changes to Essar's cost of production to account for exempted duties. *See id.* at 7-8.

On April 11, 2012, the Court sustained in part and remanded in part the Department's *First Remand Results*. Specifically, the Court remanded the proceeding for a second time and instructed the Department (1) to correct a ministerial error in computer programming and (2) to adjust normal value by adding exempted duties to Essar's cost of production or to explain why the Department must depart from its recently-affirmed practice of allowing for such adjustments to the cost of production. *See U.S. Steel Corp. II*, 2012 WL 1259085 at \*4.

On remand, the Department corrected the computer programming error. *See Second Remand Results* at 2-3. Moreover, in accordance with its established practice, the Department adjusted normal value by adding

exempted duties to Essar's cost of production. *See id.* at 3-4. As a result, Essar's weighted-average dumping margin changed from 5.22 percent to 9.01 percent. *See id.* at 5.

On June 28, 2012, the Court sustained the Department's *Second Remand Results* and entered judgment accordingly. *See U.S. Steel Corp. III*, Slip Op. 12-91 at 1-2.

**Timken Notice**

In its decision in *Timken*,<sup>1</sup> as clarified by *Diamond Sawblades*, the Federal Circuit has 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 not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The Court's June 28, 2012, judgment sustaining the *Second Remand Results* constitutes a final decision of the Court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirement 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. The cash deposit rate will remain the company-specific rate established for Essar for the subsequent and most recent period during which the respondent was reviewed.<sup>2</sup>

**Amended Final Determination**

Because there is now a final court decision, we are amending the *Final Results* with respect to Essar's weighted-average dumping margin for the period December 1, 2005, through November 30, 2006. The revised weighted-average dumping margin is as follows:

Exporter	Weighted average dumping margin (percent)
Essar Steel Limited .....	9.01

In the event the Court's ruling is not appealed, or if appealed, upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise

<sup>1</sup> *See Timken*, 893 F.2d at 341.

<sup>2</sup> *See Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part*, 75 FR 27297, 27298 (May 14, 2010).

exported by Essar using the revised assessment rate calculated by the Department in the *Second Remand Results*.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: July 3, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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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), Commerce.

**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 September 11, 2012.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@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