

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-502]

Circular Welded Carbon Steel Pipes and Tubes from Thailand: Court Decision Not in Harmony with Final Results of Administrative Review

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

SUMMARY: On January 4, 2010, the U.S. Court for 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 *Saha Thai v. United States*, Ct. 08-380, Slip Op. 09-116. 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 order on circular welded carbon steel pipes and tubes from Thailand covering the period March 1, 2006 through February 28, 2007. *Circular Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review*, 73 FR 61019 (October 15, 2008) (Final Results).

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.; telephone: (202) 482-5255 OR (202) 482-1391, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On October 15, 2008, the Department published the final results of its administrative review of circular welded carbon steel pipes and tubes from Thailand. See *Final Results*. In the *Final Results*, after considering additional information and the arguments of both Saha Thai and Allied Tube and Conduit Corporation and Wheatland Tube Company (collectively, the petitioners), the Department granted an upward adjustment to export price in accordance with 772(c)(1) of the Tariff Act of 1930, as amended (the Act), which directs the Department to increase export price by "the amount of any import duties imposed by the

country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States." See Section 772(c)(1) of the Act. Consistent with the Department's practice in the two most recently completed administrative reviews of this order, we calculated this upward adjustment to export price for exempted import duties using Saha Thai's actual yield loss factor rather than the Government of Thailand's (GOT) average yield loss factor. See Final Results and accompanying Issues and Decision Memorandum at Comment 4.

In *Saha Thai v. United States*, Ct. 08-380, Slip Op. 09-116, on October 15, 2009, the CIT remanded the *Final Results*, directing the Department to recalculate Saha Thai's antidumping duty margin using the GOT average yield loss factor to calculate an adjustment to export price for exempted import duties. The Department issued its final results of redetermination pursuant to the CIT's October 15, 2009 ruling. See Results of the Redetermination Pursuant to Remand, dated December 11, 2009 (found at <http://ia.ita.doc.gov/remands/index.html>). The Department explained that it had followed the CIT's directive and had recalculated Saha Thai's antidumping duty margin using the GOT mandated yield loss factor to calculate the upward adjustment to export price for the exempted import duties. The Department's redetermination resulted in changes to the *Final Results* weighted-average margin from 4.26 percent to 4.21 percent. On January 4, 2010, the CIT sustained the Department's redetermination.

Timken Notice

In its decision in *Timken*, 893 F. 2d at 341, the CAFC held that, pursuant to section 516A(e) of 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 January 4, 2010 decision in *Saha Thai v. United States* 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, is 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 Saha Thai based on revised assessment rates calculated by the Department. The effective date of this notice is January 14, 2010, ten days from the date of the issuance of the court decision.

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

Dated: January 11, 2010.

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

[FR Doc. 2010-719 Filed 1-14-10; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 1-2010]

Foreign-Trade Zone 176—Rockford, IL; Application for Reorganization/Expansion Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Greater Rockford Airport Authority, grantee of Foreign-Trade Zone 176, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/09; correction 74 FR 3987, 1/22/09). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u) and the regulations of the Board (15 CFR part 400). It was formally filed January 6, 2010.

FTZ 176 was approved by the Board on March 1, 1991 (Board Order 511, 56 FR 10409, 3/12/91) and expanded on February 9, 2005 (Board Order 1368, 70 FR 9613, 2/28/05), August 3, 2006 (Board Order 1473, 71 FR 47483, 8/17/06 and on January 30, 2009 (Board Order 1603, 74 FR 6570, 2/10/09). The general-purpose zone currently consists of the following sites: *Site 1*: (1,308 acres)—seven parcels located in and around the Chicago Rockford International Airport (including the

airport property, existing and planned warehouse and distribution facilities, and the City Logistics Park) and a parcel located at 1635 New Milford School Road/1129 18th Avenue, Rockford; *Site 3*: (566 acres) CenterPoint Industrial Park (366 acres), located at the intersection of Route 38 and Brush Grove Road, and Interstate Transportation Center Industrial Park (200 acres), located on the west side of State Highway 38, Rockford; *Site 4*: (304 acres) ProLogis Center, located at the southwest corner of Interstate 39 and Interstate 88, Rochelle; *Site 6*: (74 acres) Rolling Hills Industrial Park, located at 2200 Lakeshore Drive, Woodstock; *Site 7*: (133 acres) Crossroads Commerce Center, located at Interstate 88 and Main Street, Rochelle; *Site 8*: (8 acres, 2 parcels) Abilities Center, located at 1907 Kishwaukee Street, and Counselor Scale Building, located at 2000/2100 South Kishwaukee Street, Rockford; *Site 9*: (16 acres) former Essex Wire Plant, located 2816 North Main Street, Rockford; *Site 10*: (867 acres, 2 parcels) Park 88 Industrial Park, located at Peace Road and Fairview Drive and at the southwest corner of Peace Road and Gurler Road, DeKalb; *Site 11*: (46 acres) Loves Park Corporate Center, located at Bell School Road and Riverside Drive, Loves Park; and, *Site 12*: (296 acres) Rock 39 Industrial Park, located on Baxter Road, east of Route 39 and west of Mulford Road, Cherry Valley, Illinois. Site 7 is subject to a sunset provision that would terminate authority on September 1, 2011 and Sites 8–12 are subject to a sunset provision that would terminate authority on January 31, 2014 where no activity has occurred under FTZ procedures before those dates.

The grantee's proposed service area under the ASF would be Winnebago, Stephenson, Ogle, Lee, DeKalb, and Boone Counties, and portions of Bureau, McHenry and Kane Counties, Illinois. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Rockford Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project to include all of the sites as "magnet sites" and 40 acres of Site 4 would be deleted due to changed circumstances.

In accordance with the Board's regulations, Claudia Hausler of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 16, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 31, 2010.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via <http://www.trade.gov/ftz>. For further information, contact Claudia Hausler at Claudia.Hausler@trade.gov or (202) 482-1379.

Dated: January 7, 2010.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010-746 Filed 1-14-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XT78

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Scientific and Statistical Committee (SSC) will hold a public meeting. **DATES:** The meeting will be held on Tuesday, February 16, 2010, from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Sheraton Four Points, 7032 Elm Road, Baltimore, MD 21240; telephone: (410) 859-3300.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Room 2115, Dover, DE 19904; telephone: (302) 674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Room 2115, Dover, DE 19904; telephone: (302) 674-2331, extension 19.

SUPPLEMENTARY INFORMATION: Topics to be discussed include new member

orientation (overview of Council process and role of the SSC), review and adoption of SSC Standard Operating Practices and Procedures, ABC Control Rule Framework and Council Risk Policy, review 2010 SSC meeting schedule, and an update on the Management Strategy Evaluation Study funded by Council.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the MAFMC's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Bryan at the Mid-Atlantic Council Office, (302) 674-2331 extension 18, at least 5 days prior to the meeting date.

Dated: January 12, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XT79

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Joint Canada-U.S. Review Panel (Panel) for Pacific hake/whiting will hold a work session that is open to the public.

DATES: The Joint Canada-U.S. Review Panel will be held beginning at 9 a.m., Monday, February 8, 2010 and will continue through Wednesday, February 10, 2010. The meetings will begin at 9 a.m. and end at 5:30 p.m. each day or until business for each day is completed.