

Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before July 22, 2008.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 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: Shirley Hooker, Export Trading Company Affairs, Industry Analysis, phone: (202) 482–5131, e-mail: [shirley\\_hooker@ita.doc.gov](mailto:shirley_hooker@ita.doc.gov) and fax: (202) 482–1790.

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

Title III of the Export Trading Company Act (hereinafter “the Act”) of 1982 (Pub. L. 97–290, 15 U.S.C. 4001 *et seq.*), authorizes the Secretary of Commerce to issue, with the concurrence of the Attorney General, an Export Trade Certificate of Review to any person that establishes that its proposed export trade, export trade activities, and methods of operation meet the four standards found in Section 303 (a) of the Act, 15 U.S.C. 4001 *et seq.* An Export Trade Certificate of Review provides the certificate holder and its members with limited antitrust immunity for specified export-related activities. Application for an Export Trade Certificate of Review is voluntary. The information to be collected is found at 15 CFR part 325—Export Trade Certificates of Review. The collection of information is necessary for both the Departments of Commerce and Justice to conduct an antitrust analysis, in order to determine whether the applicant’s proposed export-related conduct meets the standards in Section 303(a) of the Act. The collection of information constitutes the essential basis of the statutory determinations to be made by the Secretary of Commerce and the Attorney General.

The Department of Commerce conducts its economic and legal analysis of the information supplied by applicants through Export Trading Company Affairs and the Office of the General Counsel. In the Department of Justice, analysis is conducted by the Antitrust Division.

Title III was enacted to reduce uncertainty regarding the application of U.S. antitrust laws to export activities—especially joint export activities involving domestic competitors. Among

other benefits, the Export Trade Certificate of Review provides its holder and members named in the Certificate with (a) immunity from government actions under state and federal antitrust laws for the export conduct specified in the Certificate, and (b) some protection from frivolous private suits, by limiting liability in private actions to actual damages when the challenged activities are covered by an Export Trade Certificate of Review.

**II. Method of Collection**

Form ITA–4093P is sent by request to U.S. firms.

**III. Data**

*OMB Number:* 0625–0125.

*Form Number:* ITA–4093P.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; not-for-profit institutions, and state, local or tribal government.

*Estimated Number of Respondents:* 12

*Estimated Time per Response:* 32 hours.

*Estimated Total Annual Burden Hours:* 384.

*Estimated Total Annual Cost to Public:* \$55,296.

**IV. Request for Comments**

Comments are invited (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 costs) 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 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: May 20, 2008.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8–11582 Filed 5–22–08; 8:45 am]

**BILLING CODE 3510–DR–P**

**DEPARTMENT OF COMMERCE**

**Submission for OMB Review; Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* International Trade Administration.

*Title:* Foreign-Trade Zones Application.

*OMB Control Number:* 0625–0139.

*Form Number(s):* None.

*Type of Request:* Regular submission.

*Burden Hours:* 6,651.

*Number of Respondents:* 74.

*Average Hours per Response:* 38 to 151 hours (depending on type of application).

*Needs and Uses:* The Foreign-Trade Zone Application is the vehicle by which individual firms or organizations apply for foreign-trade zone (FTZ) status, subzone status, or expansion of an existing zone. The FTZ Act and regulations require that an application with a description of the proposed project be made to the FTZ Board (19 U.S.C. 81b and 81f; 15 CFR 400.24–26) before a license can be issued or a zone can be expanded. It is also required that applications contain detailed information on facilities, financing, operational plans, proposed manufacturing operations, need, and economic impact. The manufacturing activity in zones, which is primarily conducted in subzones, can involve issues related to domestic industry and trade policy impact. Such applications must include specific information on the Customs tariff-related savings that result from zone procedures and the economic consequences of permitting such savings. The FTZ Board needs complete and accurate information on the proposed operation and its economic effects because the Act and regulations authorize the Board to restrict or prohibit operations that are detrimental to the public interest.

*Affected Public:* State, local, or tribal government; not-for-profit institutions; and business or other for-profit organizations.

*Frequency:* On occasion.

*Respondent’s Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of

Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Fax number (202) 395-7285 or via the Internet at [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

Dated: May 20, 2008.

**Gwellnar Banks,**

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8-11600 Filed 5-22-08; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Dayton Research Institute, et al., Notice of Consolidated Decision on Applications, for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 2104, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Docket Number: 08-010.* Applicant: University of Dayton Research Institute, Dayton, OH 45469-0106. Instrument: Electron Microscope, Model FEI Quanta 600 FEG. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 73 FR 21310, April 21, 2008.

*Docket Number: 08-011.* Applicant: University of Minnesota Institute of Technology Characterization Facility, Minneapolis, MN 55455. Instrument: Electron Microscope, Model Tecnai G2 F30 Twin. Manufacturer: FEI Company, Netherlands. Intended Use: See notice at 73 FR 21310, April 21, 2008.

*Docket Number: 08-012.* Applicant: Alfred E. Mann Foundation for Scientific Research, Santa Clarita, CA 91355. Instrument: Electron Microscope, Model FEI Inspect S. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 73 FR 21310, April 21, 2008.

*Docket Number: 08-013.* Applicant: National Institutes of Health, Bethesda, MD 20892. Instrument: Electron Microscope, Model Tecnai G2 20 Twin. Manufacturer: FEI Company, Netherlands. Intended Use: See notice at 73 FR 21310, April 21, 2008.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: May 19, 2008.

**Faye Robinson,**

Director, Statutory Import Programs Staff, Import Administration.

[FR Doc. E8-11624 Filed 5-22-08; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-533-813)

#### Certain Preserved Mushrooms from India: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

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

**SUMMARY:** On May 8, 2008, the United States Court of International Trade (CIT) sustained the results of redetermination made by the Department of Commerce (the Department) pursuant to the CIT's remand in *Agro Dutch Industries Limited v. United States*, Slip Op. 07-185 (December 26, 2007) (*Agro Dutch II*). See *Agro Dutch Industries Limited v. United States*, Slip Op. 08-50 (May 8, 2008) (*Agro Dutch III*). 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 certain preserved mushrooms from India covering the period of review (POR) of February 1, 2000, through January 31, 2001. See *Certain Preserved Mushrooms From India: Final Results of Antidumping Duty Administrative Review*, 67 FR 46172 (July 12, 2002), and accompanying Issues and Decisions Memorandum (*Final Results*).

**EFFECTIVE DATE:** May 23, 2008.

#### FOR FURTHER INFORMATION CONTACT:

David Goldberger or Katherine Johnson, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4136 or (202) 482-4929, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 12, 2002, the Department issued its final results in the antidumping duty administrative review of certain preserved mushrooms from India covering the POR of February 1, 2000, through January 31, 2001. See *Final Results*. Agro Dutch challenged three aspects of the Department's *Final Results*: (1) that the use of partial facts available and adverse inferences for certain of its sales was improper; (2) that the methodology used to determine Agro Dutch's constructed value was in error; and (3) that the calculation of its imputed credit expenses was in error.

In *Agro Dutch Industries Limited v. United States*, Slip Op. 07-25 (February 16, 2007) (*Agro Dutch I*), the CIT upheld the Department's determinations on issues (2) and (3) regarding constructive value and imputed credit expense methodologies. However, with respect to the first issue, that the use of partial facts available and adverse inferences for certain of Agro Dutch's sales was improper, the CIT instructed the Department on remand to revisit its determination that the use of partial facts available and adverse inferences was warranted for the transactions where the Department applied them.

On March 3, 2007, the Department filed its remand redetermination and further explained its use and application of facts available in this review. In *Agro Dutch II*, the CIT did not accept the Department's explanation and again remanded the case to the Department, instructing the Department to either reopen the proceeding for the limited purpose of obtaining satisfactory answers to the Department's questions that generated the Department's use of partial facts available, or make a determination on the basis of facts available without imputing an adverse inference on the record evidence obtained during the review.

On April 3, 2008, the Department issued its final results of redetermination pursuant to *Agro Dutch II*. The remand redetermination explained that, in accordance with the CIT's instructions, the Department analyzed the information on the record and made its determination for certain Agro Dutch sales on the basis of facts