

*Prods., Inc. v. United States*, Ct. No. 06–00089, Slip Op. 07–40 (Ct. Int'l Trade March 16, 2007) (“*Gleason I*”).

On first remand, the Department reevaluated its position and determined that both models of welding carts were subject to the Order. The trial court affirmed the first remand results for model number 93851 in April 2008, but remanded the matter to Commerce to reexamine its findings for model 43615. See *Gleason Indus. Prods., Inc. v. United States*, 556 F. Supp. 2d 1344, 1347–49 (Ct. Int'l Trade 2008) (“*Gleason II*”). Commerce subsequently issued a second set of remand results in July 2008 in which it concluded that model 43615 lies outside of the scope of the antidumping duty order on hand trucks from the PRC. The trial court sustained Commerce's second remand results on October 22, 2008. See *Gleason III*. The United States Court of Appeals for the Federal Circuit subsequently affirmed the CIT's judgment in November 2009. See *Gleason Indus. Prods. Inc. v. United States*, Ct. No. 2009–1150 (Fed. Cir. November 4, 2009).

#### Timken Notice

In its decision in *Timken Co., v. United States*, 893 F. 2d 337, 341 (Fed. Cir. 1990) (“*Timken*”), the United States Court of Appeals for 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. The Court's decision in *Gleason III* on October 22, 2008, constitutes a final decision of that court that is not in harmony with the Department's scope ruling. This notice is effective as of November 1, 2008 and is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will issue revised instructions to U.S. Customs and Border Protection if the Court's decision is not appealed or if it is affirmed on appeal.

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

Dated: January 22, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010–1866 Filed 1–28–10; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XT74**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements; Public Workshops

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

**ACTION:** Notice of a technical workshop.

**SUMMARY:** NMFS, the Alaska Region, the Alaska Department of Fish and Game, and the International Pacific Halibut Commission will present a technical workshop to instruct customers how to use the eLandings Extensible Markup Language interface.

**DATES:** The workshop will be held on February 5, 2010, 9 a.m. to 5 p.m., Pacific Standard Time.

**ADDRESSES:** The workshop will be held at the Silver Cloud Inn Lake Union, 1150 Fairview Avenue North, Seattle, WA.

#### FOR FURTHER INFORMATION CONTACT:

Susan Hall, 907–586–7462.

**SUPPLEMENTARY INFORMATION:** This is a technical workshop intended for seafood industry software development and information technology staff, third-party system developers, seafood operations managers, and information technology consultants. The Extensible Markup Language (XML) interface is designed to facilitate an exchange of landings and production data between eLandings and the organizations' operational systems to facilitate one-time data entry.

There will be a morning and an afternoon session. The morning session will include an overview of the eLandings and the XML interface, as well as some hands-on experience importing XML documents. The afternoon session will consist of hands-on programming, tutorials demonstrating tools, and useful techniques for interface development.

The agenda and workshop materials are under development but may be reviewed at: <https://elandings.alaska.gov/confluence/display/tr/Agenda>.

Due to the inclusion of hands-on tutorials in both sessions, attendees should bring a laptop with wireless Internet capability. Programmers attending the afternoon session can review the Resources page at <https://elandings.alaska.gov/confluence/display/tr/Resources> and prepare their

development environment with the tools, which we will demonstrate at the workshop.

#### Special Accommodations

These workshops will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Susan Hall, 907–586–7462, at least five working days prior to the meeting date.

Dated: January 26, 2010.

**Emily H. Menashes,**

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

[FR Doc. 2010–1875 Filed 1–26–10; 4:15 pm]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part, and Deferral of Initiation of Administrative Review

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

**SUMMARY:** The Department of Commerce (“the Department”) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with our regulations, we are initiating those administrative reviews. The Department also received requests to revoke one antidumping duty order in part and to defer the initiation of an administrative review for the same antidumping duty order.

**EFFECTIVE DATE:** January 29, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–4697.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. The Department also received a timely request to revoke in part the antidumping duty order on Honey from Argentina with respect to one exporter. In addition, the

Department received a request to defer for one year the initiation of the December 1, 2008 through November 30, 2009 administrative review of the antidumping duty order on Honey from Argentina with respect to another exporter in accordance with 19 CFR 351.213(c). The Department received no objections to this request from any party cited in 19 CFR 351.213(c)(1)(ii).

#### Notice of No Sales

Under 19 CFR 351.213(d)(3), the Department may rescind a review where there are no exports, sales, or entries of subject merchandise during the respective period of review ("POR") listed below. If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it should notify the Department within 30 days of publication of this notice in the **Federal Register**. The Department will consider rescinding the review only if the producer or exporter, as appropriate, submits a properly filed and timely statement certifying that it had no exports, sales, or entries of subject merchandise during the POR. All submissions must be made in accordance with 19 CFR 351.303 and are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended ("the Act"). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on every party on the Department's service list.

#### Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection ("CBP") data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order ("APO") to all parties having an APO within five days of publication of this initiation notice and to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of this **Federal Register** notice.

#### Separate Rates

In proceedings involving non-market economy ("NME") countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994). In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate-rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate-rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's website at <http://www.trade.gov/ia> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase

and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding<sup>1</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,<sup>2</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on the Department's website at <http://www.trade.gov/ia> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate-rate status **unless** they respond to all parts of the questionnaire as mandatory respondents.

#### INITIATION OF REVIEWS:

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than December 31, 2010. Also in accordance with 19 CFR 351.213(c), we are deferring for one year the initiation

<sup>1</sup> Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceedings (e.g., an ongoing administrative review, new shipper review, etc.) and entities that lost their separate rate in the most recently complete segment of the proceeding in which they participated.

<sup>2</sup> Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Application.

of the December 1, 2008 through November 30, 2009, administrative review of the antidumping duty order on Honey from Argentina with respect to one exporter.

| Antidumping Duty Proceedings   | Period to be Reviewed |
|--|-----------------------|
| <p>ARGENTINA: Honey.<br/> A-357-812 .....<br/> AGLH S.A..<br/> Algodonera Avellaneda S.A..<br/> Alimentos Naturales-Natural Foods.<br/> Alma Pura.<br/> Bomare S.A. (Bodegas Miguel Armengol).<br/> Compania Apicola Argentina S.A..<br/> Compania Inversora Platense S.A..<br/> El Mana S.A..<br/> HoneyMax S.A..<br/> Interrupcion S.A..<br/> Mielar S.A..<br/> Miel Ceta SRL.<br/> Nexco S.A..<br/> Patagonik S.A..<br/> Productos Afer S.A..<br/> Seabird Argentina S.A..<br/> TransHoney S.A..</p>  | 12/01/08 - 11/30/09   |
| <p>INDIA: Carbazole Violet Pigment 23.<br/> A-533-838 .....<br/> Meghmani Pigments.</p>  | 12/1/08 - 11/30/09    |
| <p>INDIA: Certain Hot-Rolled Carbon Steel Flat Products.<br/> A-533-820 .....<br/> Essar Steel Limited.<br/> Ispat Industries Limited.<br/> JSW Steel Limited.<br/> Tata Steel Limited.</p>  | 12/1/08 - 11/30/09    |
| <p>JAPAN: Welded Large Diameter Line Pipe.<br/> A-588-857 .....<br/> JFE Steel Corporation.<br/> Nippon Steel Corporation.<br/> Sumitomo Corporation.<br/> Sumitomo Metal Industries, Ltd. (aka Sumitomo Metals Pipe &amp; Tube Company).</p>  | 12/1/08 - 11/30/09    |
| <p>THE PEOPLE'S REPUBLIC OF CHINA: Certain Cased Pencils<sup>3</sup>.<br/> A-570-827 .....<br/> China First Pencil Co., Ltd., and its affiliated companies Shanghai First Writing Instruments Co., Ltd., Fang Zheng Co., Ltd., Shanghai Great Wall Pencil Co., Ltd., and China First Pencil Huadian Co., Ltd..<br/> Orient International Holding Shanghai Foreign Trade Co., Ltd..<br/> Shanghai Three Star Stationery Industry Co., Ltd..<br/> Beijing Fila Dixon Stationery Company, Ltd. a/k/a Beijing Dixon Ticonderoga Stationery Company, Ltd. a/k/a Beijing Dixon Stationery Company, Ltd. and Dixon Ticonderoga Company.<br/> Shandong Rongxin Import &amp; Export Co., Ltd..</p>  | 12/1/08 - 11/30/09    |
| <p>THE PEOPLE'S REPUBLIC OF CHINA: Hand Trucks and Parts Thereof<sup>4</sup>.<br/> A-570-891 .....<br/> Qingdao Huazhan Hardware and Machinery Co., Ltd..<br/> New-Tec Integration (Xiamen) Co., Ltd..<br/> Sunshine International Corp..<br/> Yangjiang Shunhe Industrial Co..<br/> Zhejiang Yinmao Import and Export Co..<br/> Century Distribution Systems, Inc..</p>   | 12/1/08 - 11/30/09    |
| <p>THE PEOPLE'S REPUBLIC OF CHINA: Honey<sup>5</sup>.<br/> A-570-863 .....<br/> Ahcof Industrial Development Corp., Ltd..<br/> Alfred L. Wolff (Beijing) Co., Ltd..<br/> Anhui Honghui Foodstuff (Group) Co., Ltd..<br/> Anhui Honghui Import &amp; Export Trade Co., Ltd..<br/> Anhui Cereals Oils and Foodstuffs I/E (Group) Corporation.<br/> Anhui Native Produce Imp &amp; Exp Corp..<br/> APM Global Logistics (Shanghai) Co..<br/> Baiste Trading Co., Ltd..<br/> Cheng Du Wai Yuan Bee Products Co., Ltd..<br/> Chengdu Stone Dynasty Art Stone.<br/> Dongtai Peak Honey Industry Co., Ltd..<br/> Eurasia Bee's Products Co., Ltd..<br/> Fresh Honey Co., Ltd. (formerly Mgl. Yun Shen).<br/> Golden Tadco Int'l.<br/> Hangzhou Golden Harvest Health Industry Co., Ltd..<br/> Haoliuck Co., Ltd..</p> | 12/1/08 - 11/30/09    |

<sup>3</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of Certain Cased Pencils from the People's Republic of China ("PRC") who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

<sup>4</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of Hand Trucks and Parts Thereof from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

<sup>5</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of Honey from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

<sup>6</sup> If the above named company does not qualify for a separate rate, all other exporters of Malleable Cast Iron Pipe Fittings from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For the first administrative review of any order, there will be no assessment

of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period, of the order, if such a gap period is applicable to the POR.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (e.g., the filing of separate letters of appearance as discussed in 19 CFR 351.101(d)).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 USC 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: January 22, 2010.

**John M. Andersen,**

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

[FR Doc. 2010-1898 Filed 1-28-10; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XT13**

#### **Takes of Marine Mammals Incidental to Specified Activities; St. George Reef Light Station Restoration and Maintenance on Northwest Seal Rock, in the Northeast Pacific Ocean**

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

**ACTION:** Notice; issuance of incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the St. George Reef Lighthouse Preservation Society (SGRLPS), to incidentally harass, by Level B harassment only, four species of marine mammals during the specified activity.

**DATES:** This authorization is effective from January 27, 2010, through April 30, 2010.

**ADDRESSES:** A copy of the IHA and the application are available by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. A copy of the application may be obtained by writing to this address, by telephoning the contact listed here (*FOR FURTHER INFORMATION CONTACT*) or online at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Jeannine Cody (301) 713-2289, ext. 113 or Monica DeAngelis, NMFS Southwest Region, (562) 980-3232.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 101(a)(5)(D) of the MMPA (16 U.S.C. 1371 (a)(5)(D)) directs the Secretary of Commerce to authorize, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals of a species or population stock, for periods of not more than one year, by United States citizens who engage in a specified activity (other than commercial fishing) within a specific geographic region if certain findings are made and, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental taking of small numbers of marine mammals shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. The authorization must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and monitoring and reporting of such takings. NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of

marine mammals by harassment. Section 101(a)(5)(D) of the MMPA establishes a 45-day time limit for NMFS' review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, NMFS must either issue or deny the authorization.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

#### **Summary of Request**

NMFS received an application from the SGRLPS for the taking by harassment, of marine mammals incidental to conducting helicopter operations, lighthouse restoration, and light maintenance activities on the St. George Reef Lighthouse Station (Station) in Del Norte County in California. SGRLPS aims to restore and preserve the Station which is listed in the National Park Service's National Register of Historic Places. The group must also perform annual maintenance on the Station's optical light system to renew a U.S. Coast Guard (USCG) Private Aid to Navigation (PATON) permit. The Station is located on Northwest Seal Rock (NWSR) (41° 50' 24" N, 124° 22' 06" W) approximately nine kilometers (km) (6.0 miles (mi)) offshore of Crescent City, California in the northeast Pacific Ocean.

Acoustic and visual stimuli generated by helicopter landings/takeoffs, noise generated during restoration activities (e.g., painting, plastering, welding, and glazing) and maintenance activities (e.g., bulb replacement and automation of the light system), and human presence, may have the potential to cause the pinnipeds hauled out on NWSR to flush into the surrounding water or to cause a short-term behavioral disturbance. These types of disturbances are the principal means of marine mammal taking associated with these activities and the SGRLPS has requested an authorization to take 204 California sea lions (*Zalophus californianus*); 36 Pacific Harbor seals (*Phoca vitulina*); 172 Steller sea lions (*Eumetopias jubatus*); and six northern fur seals