

**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-549-502]

**Certain Welded Carbon Steel Pipes and Tubes From Thailand: Notice of Court Decision and Suspension of Liquidation**

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

**SUMMARY:** On March 22, 2001, in *Allied Tube and Conduit, Corp. v. United States*, Court No. 99-11-00715, Slip. Op. 01-31 (CIT 2001), a lawsuit challenging the Department of Commerce's ("the Department's") final results of administrative review of the antidumping order on certain welded carbon steel pipes and tubes from Thailand, the Court of International Trade (CIT) affirmed the Department's remand determination and entered a judgment order. In its remand determination, the Department addressed the issue of use of facts available for the duty drawback amount received by producer/exporter Saha Thai Steel Pipe Co., Ltd. (Saha Thai). As a result of the remand determination, the final antidumping duty rate for Saha Thai was increased from 9.65 percent to 9.84 percent. This decision was not in harmony with the Department's original final determination. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department will continue to order the suspension of liquidation of the subject merchandise until there is a "conclusive" decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct Customs to liquidate Saha Thai's entries of subject merchandise during the March 1997-February 1998 period of review.

**EFFECTIVE DATE:** May 7, 2001.

**FOR FURTHER INFORMATION CONTACT:** Javier Barrientos or Sally Gannon, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2243 or (202) 482-0162, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

The Department published notice of its final results of administrative review of the antidumping order on certain welded carbon steel pipes and tubes, on October 21, 1999. *Certain Welded*

*Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Administrative Review*, 64 FR 56759 (October 21, 1999) (*Final Results*).

Following publication of the *Final Results*, Allied Tube and Conduit, Corp., petitioner in this case, filed a lawsuit with the CIT challenging the Department's date of sale and duty drawback determinations in the *Final Results*. On January 18, 2001, the CIT remanded the above-referenced proceeding to the Department of Commerce for reconsideration of the following issue: (1) To explain why the Department's duty drawback methodology, which employed facts available, is consistent with the objectives of the facts available provision, 19 U.S.C. 1677(e)(a), and accounts for gaps in respondent's information; or alternatively calculate a new duty drawback adjustment which is consistent with this objective. See *Allied Tube and Conduit Corp. v. United States*, Court No. 99-11-00715, Slip Op. 01-03 (CIT 2001). On February 14, 2001, the Department issued its Draft Results of Redetermination to the plaintiff and defendant-intervenor to comment.

In the Draft Results of Redetermination, we reconsidered our methodology in accordance with the CIT's order and determined that the simple average methodology applied did not adequately function as a modified duty drawback adjustment for respondent. Therefore, we recalculated the adjustment using the weighted average of the duty drawback unit values by invoice. Neither party submitted comments to the Department on the Draft Results of Redetermination. The Department's Final Results of Redetermination were identical to the Draft Results of Redetermination.

The CIT affirmed the Department's Final Results of Redetermination on March 22, 2001. See *Allied Tube and Conduit, Corp. v. United States*, Court No. 99-11-00715, Slip. Op. 01-31 (CIT 2001).

**Suspension of Liquidation**

The U.S. Court of Appeals for the Federal Circuit in *Timken* held that the Department must publish notice of a decision of the CIT or the Federal Circuit which is not "in harmony" with the Department's final determination. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the

expiration of the period to appeal the CIT's March 22, 2001 decision or, if that decision is appealed, pending a final decision by the Federal Circuit. The Department will instruct Customs to liquidate relevant entries covering the subject merchandise effective May 22, 2001, in the event that the CIT's ruling is not appealed.

Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 30, 2001.

**Bernard T. Carreau,**

*Deputy Assistant Secretary, Import Administration.*

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**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 042501E]

**Endangered and Threatened Species; Take of Anadromous Fish**

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

**ACTION:** Notice of availability and request for comment.

**SUMMARY:** Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has submitted a Fisheries Management and Evaluation Plan (FMEP) pursuant to the protective regulations promulgated for Upper Willamette River (UWR) steelhead under the Endangered Species Act (ESA). The FMEP specify the future management of inland recreational fisheries potentially affecting the UWR steelhead. This document serves to notify the public of the availability of the FMEP for review and comment before a final approval or disapproval is made by NMFS.

**DATES:** Written comments on the draft FMEPs must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on June 6, 2001.

**ADDRESSES:** Written comments and requests for copies of the draft FMEPs should be addressed to Lance Kruzic, Sustainable Fisheries Division, Hatchery and Inland Fisheries Branch, Roseburg Field Office, 2900 NW Stewart Parkway, Roseburg, OR 97470 or fax (541) 957-3386. The documents are also available on the Internet at <http://www.nwr.noaa.gov/>. Comments will not

be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:**

Lance Kruzic, Roseburg, OR at phone number 541-957-3381 or e-mail: [lance.kruzic@noaa.gov](mailto:lance.kruzic@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

This notice is relevant to the Upper Willamette River Steelhead (*Oncorhynchus mykiss*) Evolutionarily Significant Unit (ESU).

**Background**

ODFW has submitted to NMFS an FMEP (*Upper Willamette River Winter Steelhead in Sport Fisheries of the Upper Willamette Basin*) for inland recreational fisheries potentially affecting listed adult and juvenile UWR steelhead. These include fisheries occurring in the Willamette River and tributaries above Willamette Falls, including the North and South Santiam Rivers, and the Molalla River. The objective of the FMEP is to harvest known, hatchery-origin steelhead and other fish species in a manner that does not jeopardize the survival and recovery of the UWR steelhead ESU. All fisheries included in this FMEP will be managed such that only hatchery-origin steelhead that are adipose fin clipped may be retained. Impacts levels to listed UWR steelhead are specified in the FMEP. Population viability analysis and risk assessments in the FMEP indicate the extinction risk for listed steelhead under the proposed fishery impact levels to be low. A variety of monitoring and evaluation tasks are specified in the FMEP to assess the abundance of steelhead, determine fishery effort and catch of steelhead and angler compliance. A review of compliance with the provisions of the FMEP will be conducted by ODFW annually and a comprehensive review to evaluate the effectiveness of the FMEP will occur at a minimum of every 5 years.

ODFW has provided NMFS a draft of the *Conservation Assessment of Steelhead Populations in Oregon* (Assessment) as part of the FMEP submittal. The Assessment provides the population viability analysis and risk assessment developed for ODFW's FMEP. This Assessment is also available for review and comment.

As specified in the July 10, 2000 ESA 4(d) rule for salmon and steelhead (65 FR 42422), NMFS may approve an FMEP if it meets criteria set forth in § 223.203 (b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and comment.

**Authority**

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to activities associated with fishery harvest provided that an FMEP has been approved by NMFS to be in accordance with the salmon and steelhead ESA 4(d) rule (65 FR 42422, July 10, 2000).

Dated: April 30, 2001.

**Margaret Lorenz,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 01-11421 Filed 5-4-01; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF EDUCATION**

**Notice of Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 6, 2001.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type

of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 1, 2001.

**John Tressler,**

*Leader, Regulatory Information Management, Office of the Chief Information Officer.*

*Office of the Undersecretary*

*Type of Review:* New.

*Title:* National Study of Title I Schools—Data Collection Instruments.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 22,000.

Burden Hours: 23,225.

*Abstract:* This National Study of Title I Schools will be the main source of nationally-representative school-level information on the implementation of Title I provisions and standards-based reform generally, over a three-year period from the 2001-02 through 2003-04 school years. The study will examine and describe how Title I schools are using standards-based reforms to assist in improving learning, with a particular focus on implementation of provisions in the Title I program that are designed to support such improvements. The study will also examine more specifically the quality of instruction and instructional support in Title I schools, with a focus on implementation of Title I provisions designed to support more effective instruction and instructional support.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C.