

**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 January 20, 2009.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 7845, 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 Diane Rodriguez, Program Analyst, Performance and National Programs Division, Room 7009, Economic Development Administration, Washington, DC 20230, telephone (202) 482-4495, facsimile (202) 482-2838 (or via the Internet at [drodriguez@eda.doc.gov](mailto:drodriguez@eda.doc.gov)).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Economic Development Administration (EDA) administers the Trade Adjustment Assistance for Firms Program, which is authorized by chapters 3 and 5 of title II of the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*) (Trade Act). EDA certifies firms as eligible to apply for Trade Adjustment Assistance (TAA), provides technical adjustment assistance to firms and other recipients, and provides assistance to organizations representing trade injured industries. In order to certify a firm as eligible to apply for TAA, EDA must verify: (1) A significant reduction in the number or proportion of the workers in the firm, a reduction in the workers' wage or work hours, or an imminent threat of such reductions; (2) sales or production of the firm have decreased absolutely, as defined in EDA's regulations, or sales or production, or both, of any article accounting for at least twenty-five (25) percent of the firm's sales or production have decreased absolutely; and (3) an increase in imports of articles like or directly competitive with those produced by the petitioning firm, which has contributed importantly to the decline in employment and sales or production of that firm. Additionally, the firm must demonstrate that U.S. customers have reduced or declined purchases from the firm in favor of

buying imported items. EDA uses information collected from Form ED-840P, and its attachments, to determine if a firm is eligible to apply for TAA. The use of the form standardizes and limits the information collected as part of the certification process and eases the burden on applicants and reviewers alike.

**II. Method of Collection**

The ED-840P form is downloadable from EDA's Web site at <http://www.eda.gov/InvestmentsGrants/Directives.xml> and can be e-mailed or submitted in hard copy to EDA.

**III. Data**

*OMB Control Number:* 0610-0091.

*Form Number(s):* ED-840P.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 200.

*Estimated Time per Response:* 8 hours.

*Estimated Total Annual Burden Hours:* 1,600.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

*Comments are invited on:* (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 cost) 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 other 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: November 14, 2008.

**Gwellnar Banks,**

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

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**BILLING CODE 3510-34-P**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

[Docket No. 0810231385-81390-01]

**Request for Public Comments on the Prospect of Removing 7A Commodities From De Minimis Eligibility**

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Notice of Inquiry.

**SUMMARY:** The Bureau of Industry and Security (BIS) is seeking public comment on the prospect of removing from de minimis eligibility commodities controlled for missile technology (MT) reasons under Category 7—Product Group A on the Commerce Control List except when the 7A commodities are incorporated as standard equipment in Federal Aviation Administration (FAA) (or national equivalent) certified civilian transport aircraft. If such a policy were implemented, foreign made items that incorporate U.S.-origin 7A commodities would be subject to the Export Administration Regulations, except when the 7A commodities are incorporated as standard equipment in FAA (or national equivalent) certified civilian transport aircraft. Specifically, BIS is seeking public input on the impact such a change would have on U.S. manufacturers of category 7A commodities, as well as the impact such a change would have on foreign manufacturers that incorporate U.S.-origin 7A commodities into their foreign-made products.

**DATES:** Comments must be received no later than January 20, 2009.

**ADDRESSES:** Written comments may be submitted via <http://www.regulations.gov>, by e-mail directly to BIS at [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov) or on paper to U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, Room H-2705, Washington DC 20230. Please input "7A/De minimis" in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Sharron Cook, Office of Exporter Services, Regulatory Policy Division, Bureau of Industry and Security at 202-482-2440, or fax 202-482-3355, or e-mail at [scook@bis.doc.gov](mailto:scook@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The term "*de minimis*" generally refers to matters that are of minor significance. The *de minimis* provisions of the Export Administration Regulations (EAR) promote U.S. export

control objectives as set forth in the Export Administration Act of 1979, as amended, (EAA) while limiting U.S. jurisdiction over non-U.S. products containing a *de minimis* percentage, by value, of U.S. content. To prevent the diversion of controlled U.S. items and foreign-made items incorporating a significant amount of U.S. content, a foreign-made item that contains more than the *de minimis* amount of controlled U.S.-origin content by value is subject to the EAR, i.e., a license may be required from BIS for the export abroad to another foreign country or in-country transfer of the foreign-made item. Prior to March 1987, the EAR set no *de minimis* levels for U.S. content in foreign-made items; foreign-made items were subject to the EAR if they contained any amount of U.S.-origin content, no matter how small. A rule published March 23, 1987 (52 FR 9147) revised what were then called the “parts and components” provisions to establish thresholds at which the amount of U.S.-origin commodities in foreign-made items would warrant exercise of U.S. jurisdiction over the foreign-made item when located outside the United States. The rule was established to alleviate a major trade dispute with allies who strenuously objected to U.S. assertion of jurisdiction over all reexports of non-U.S. items that contained even small amounts of U.S. content. A major revision of the EAR in 1996 (61 FR 12714) introduced the term “*de minimis*” and established *de minimis* thresholds for software and technology. The most recent revisions to the *de minimis* rules occurred on October 1, 2008, when BIS published a rule to change the *de minimis* calculation for foreign produced hardware bundled with U.S.-origin software, clarify the definition of ‘incorporate’ as it is applied to the *de minimis* rules, and to make certain other changes.

Commodities controlled by Category 7—Product Group A in the Commerce Control List are certain equipment and components related to navigation and avionics. Reviewing agencies have raised concerns that such commodities, when controlled for MT reasons, have the potential to provide a foreign product with unique military capabilities, even if the value of the commodity is below normal *de minimis* levels. Airline and national aviation safety controls help to minimize the risk of diversion for Category 7—Product Group A commodities installed in civilian aircraft. It is expected the commodities will remain in the aircraft and free from tampering with such

safety controls. However, when the commodities are exported in less costly end items with no national aviation safety authority controls, there may be a higher risk of diversion.

#### Requests for Comments

BIS is seeking public comments on the expected impact on U.S. manufacturers of commodities controlled by Category 7—Product Group A, as well as the expected impact on foreign manufacturers that incorporate U.S.-origin 7A commodities into their foreign-made products, if BIS were to remove from *de minimis* eligibility commodities controlled for MT reasons under Category 7—Product Group A, except when the commodities are incorporated as standard equipment in FAA (or national equivalent) certified civilian transport aircraft. Specific estimates related to number of exports, revenue, jobs, etc. that would be affected would be very useful. Also, the impact such a change would have on decisions to incorporate U.S.-origin items in future foreign products would also be useful. Examples of commercial foreign products that incorporate commodities controlled by Category 7—Product Group A would be helpful as well. Comments that include rational argument in support of the position taken in the comment are likely to be more useful than comments that merely assert a position without such support.

Finally, BIS is interested in concrete information (URL addresses, technical specifications, etc.) about the availability of equivalent commodities from foreign sources.

Dated: November 14, 2008.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-894]

#### Certain Tissue Paper Products From the People's Republic of China: Extension of Time Limit for Preliminary Results of 2007–2008 Administrative Review

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

**EFFECTIVE DATE:** November 20, 2008.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith or Gemal Brangman, AD/CVD Operations, Office 2, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-1766 or (202) 482-3773, respectively.

#### Background

On April 25, 2008, the Department of Commerce (“the Department”) published in the **Federal Register** a notice of initiation of administrative review of the antidumping duty order on certain tissue products from the People's Republic of China (“PRC”), covering the period March 1, 2007, through February 29, 2008. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 22337 (April 25, 2008). The preliminary results for this administrative review are currently due no later than December 1, 2008.

#### Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”), requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the date of publication of an order for which a review is requested. If it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend this deadline to a maximum of 365 days.

In this review, the respondents, Max Fortune Industrial Limited and Max Fortune (FETDE) Paper Products Co., Ltd. (collectively referred to as “Max Fortune”), requested that the Department revoke the antidumping duty order on certain tissue paper products from the PRC with respect to them pursuant to 19 CFR 351.222(b). The Department requires additional time to review and analyze the revocation request and the factors of production information submitted by Max Fortune in this administrative review and, if necessary, issue an additional supplemental questionnaire. The Department also requires additional time to conduct verification of Max Fortune's questionnaire responses. Thus, it is not practicable to complete this review within the original time limit. Therefore, the Department is fully extending the time limit for completion of the preliminary results by 120 days to 365 days, in accordance with section 751(a)(3)(A) of the Act. The preliminary results are now due no later than March 31, 2009. The final results continue to