

In *Line Pipe from the PRC*, the Department found that suppliers of hot-rolled steel were government-owned with a single exception for the Huludao Companies. Accordingly, the Department determined that supplier to be a private company and thus did not include the hot-rolled steel from that supplier in the Huludao Companies' subsidy calculation. Petitioners, United States Steel Corporation and Maverick Tube Corporation, challenged *Line Pipe from the PRC* before the CIT, arguing in relevant part that the Department erred in finding that supplier of hot-rolled steel to the Huludao Companies to be a private company and not a state-owned enterprise. On September 10, 2009, the CIT granted the Department's request for a voluntary remand for the limited purpose of "reconsidering and, as necessary, correcting a potential error related to the factual finding concerning the ownership of a supplier of hot-rolled steel" to the Huludao Companies. *United States Steel Corp. et al. v. United States*, Consol. Court No. 09-00086 (Ct. Int'l Trade Sept. 10, 2009) (order granting motion for voluntary remand).

The Department issued its remand redetermination on October 20, 2009. See *United States Steel Corp. et al. v. United States*, Consol. Court No. 09-00086, Final Redetermination Pursuant to Remand (Oct. 20, 2009) (Final Redetermination). On remand, the Department determined its previous finding concerning the private ownership of the supplier of hot-rolled steel to the Huludao Companies to be in error. The Department corrected for that error by finding the supplier in question to be government-owned through the application of adverse facts available. See Final Redetermination at 3. As a result of that correction, the Department calculated a revised subsidy rate for the Huludao Companies of 33.43 percent and a revised all-others rate pursuant to section 705(c)(5)(A) of the Tariff Act of 1930, as amended (the Act), of 36.74 percent.¹ *Id.* at 4.

Amended Final Determination

On December 11, 2009, the CIT sustained the Department's remand redetermination in its entirety. See *United States Steel Corp. et al. v. United States*, Slip Op. 09-137 (Ct. Int'l Trade Dec. 11, 2009).

Because there is now a final and conclusive decision in the court proceeding, we are further amending *Line Pipe from the PRC* to reflect the

¹ The all-others rate was recalculated using a simple average of the two responding firms' subsidy rates. See *Line Pipe from the PRC*, 73 FR at 70962-63.

results of the Department's remand redetermination, *i.e.*, the inclusion of the previously excluded supplier to the subsidy calculations. Accordingly, we will instruct CBP to collect cash deposits of estimated countervailing duties at the rate of 33.00 percent of the free on board (f.o.b.) invoice price on all shipments of subject merchandise from the Huludao Companies entered or withdrawn from warehouse, for consumption, on or after publication date of this notice in the **Federal Register**. Additionally, we will instruct CBP to collect cash deposits of estimated countervailing duties at the rate of 36.53 percent of the f.o.b. invoice price on all shipments of subject merchandise from companies subject to the all-others rate pursuant to section 705(c)(5)(A) of the Act, entered or withdrawn from warehouse, for consumption, on or after publication date of this notice in the **Federal Register**.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: March 25, 2010.

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

[FR Doc. 2010-7216 Filed 3-30-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XV46

Fisheries Finance Program; Final Program Notice and Announcement of Availability of Federal Financial Assistance

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

ACTION: Announcement of availability of Federal financial assistance.

SUMMARY: NMFS announces the availability of long-term direct loans made under the Fisheries Finance Program (FFP). The FFP provides financing for the purchase of used vessels or the reconstruction of vessels (limited to reconstructions that do not add to fishing capacity); refinancing for existing debt obligations; financing or refinancing fisheries shoreside facilities or aquacultural facilities; and the purchase or refinancing of Individual Fishing Quota (IFQ) in the North Pacific. FFP loans are not issued for

purposes which could contribute to over capitalization of the fishing industry.

DATES: All loan funds available for FY 2010 must be obligated before September 30, 2010.

ADDRESSES: Applicants may obtain information and send loan applications to the nearest Financial Services Branch (FSB). FSB locations and contact information are:

1. Northwest Financial Services Branch, F/MB53, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NW, (BIN C15700), Seattle, WA 98115, Branch Chief: Scott Houghtaling, Phone: (206) 526-6122.

2. Northeast Financial Services Branch, F/MB51, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Suite 02-700, Gloucester, MA 01930-2209, Branch Chief: Ron Linsky, Phone: (978) 281-9154.

3. Southeast Financial Services Branch, National Marine Fisheries Service, F/MB52, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33702-2432, Branch Chief: Shawn Berry, Phone: (727) 824-5342.

In addition, information is available at www.nmfs.noaa.gov/mb/financial_services/ffp.htm

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The FFP's primary statutory authority is found in Title XI of the Merchant Marine Act, 1936, as amended and now recodified at 46 U.S.C. 53701, *et seq.* (Title XI). The Sustainable Fisheries Act (SFA) (Pub. L. 104-297) amended section 1104A(a)(7) of Title XI of the Merchant Marine Act (46 U.S.C. App. 1274) and section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) to authorize IFQ financing.

Title XI is the credit authority under which NMFS will make these loans. This authority is subject to the Federal Credit Reform Act of 1990 (FCRA) (2 U.S.C. 661) which requires estimated net loan losses (FCRA cost) to be appropriated at the time Congress authorizes annual loan ceilings.

The amount of annual FCRA credit authority available is a ratio of the FCRA cost rate and the FCRA cost appropriated. The current cost rate estimate based on the historical performance of FFP's loan programs is zero. Consequently, no loan subsidy is required. For Fiscal Year 2010 (FY10),

however, there is appropriated \$59,000,000.00 in loan authority for the traditional loan program and \$16,000,000.00 for the IFQ loan program.

It is estimated that these credit authorities will fund approximately 31 traditional loans and 54 IFQ loans. Applications will generally be reviewed in the order they are received. The FFP's traditional priorities are:

1. Aquacultural facilities construction, reconstruction, reconditioning, and acquisition
2. Fisheries shoreside facilities construction, reconstruction, reconditioning, and acquisition;
3. Fishing vessel reconstruction, reconditioning and acquisition. The FFP rule, however, prohibits loans that increase existing harvesting capacity, as does the FFP's loan authority appropriations language. FFP loans may not consequently originally finance either vessel construction or reconstruction that increases vessel harvesting capacity. The FFP will not make vessel loans in fisheries listed as overfished or subject to overfishing in the recent Status of the U.S. Fisheries, published by the National Marine Fisheries Service, at the time of application.

B. Catalog of Federal Domestic Assistance

The FFP is listed in the "Catalog of Federal Domestic Assistance" under number 11.415: Fisheries Finance Program.

II. Eligible Applicants

An applicant, either an individual or a business entity must be a citizen of the United States as described in 46 U.S.C. 104, or an entity who is a citizen for the purpose of documenting a vessel in the coastwise trade under 46 U.S.C. 50501.

Applicants for an IFQ loan must be eligible to hold the IFQ in the North Pacific fishery that is subject of the loan.

III. Loan Terms and Conditions

1. *Down payment.* Applicants for financing the purchase of traditional loan assets or IFQ (rather than refinancing) must fund 20 percent of the purchase cost from funds other than loan proceeds. Applications for refinancing a traditional loan can not exceed 80 percent of the project's depreciated actual cost. For IFQ applicants if the current market value of QS, whose purchase cost is being refinanced (rather than financed), is higher than its original purchase price, applicants may need less, or no, down payment. However, if the current value of QS whose purchase cost is being

refinanced (rather than financed) is lower than its original purchase price, applicants may be required to provide an additional down payment.

2. *Loan amount.* There is no maximum or minimum loan amount

3. *Interest rate.* Each loan's annual interest rate will be 2 percent higher than the U.S. Treasury's cost of borrowing public funds of an equivalent maturity. For example, the annual loan interest rate would, on January 15, 2010, have been approximately 6.09 percent for a 15-year maturity. Interest is simple interest and the rate is fixed.

4. *Maturity.* Loan maturity may not exceed 25 years, but may be shorter depending on the useful life of the assets being financed and credit and other considerations.

5. *Repayment.* Repayment will be by equal quarterly installments of principal and interest.

6. *Security.* For IFQ loans, the loan QS will, in every case, be the primary security for the loan. For traditional loans, the FFP will require, at a minimum, a pledge of the property being financed or refinanced or adequate substitute collateral. NMFS may require additional collateral to ensure the security position of the primary collateral. NMFS may require all parties with significant ownership interests (eg. the applicant, a corporation or partnership) to personally guarantee the loan repayment. Some credit risks may require additional security.

7. *Application fee.* The application fee is 0.5 percent of the loan amount for which an applicant applies. Half the application fee is fully earned at the time NMFS accepts the application. The other half is fully earned only when NMFS issues an approval in principle letter approving an application. Once it has issued an approval in principle letter, NMFS will not return the second half of the application fee.

IV. Administrative Requirements

1. In accordance with the provisions of the Debt Collection Improvement Act of 1996, a person may not obtain any Federal financial assistance in the form of a loan (other than a disaster loan) or loan guarantee if the person has an outstanding debt (other than a debt under the Internal Revenue Code of 1986) with any Federal agency which is in a delinquent status, as determined under standards prescribed by the Secretary of the Treasury.

2. Applicants may be subject to a name-check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are

presently facing such criminal charges as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

3. A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

4. Applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

i. *Nonprocurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension," and the related section of the certification form applies;

ii. *Anti-Lobbying.* Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352. "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000 the certification form applies.

5. An applicant classified for tax purposes as in individual, partnership, proprietorship, corporation, or medical corporation is required to submit a taxpayer identification number (TIN) (either social security number, employer identification number as applicable, or registered foreign organization number) on Form W-9, "Payers Request for Taxpayer Identification Number." Tax-exempt organizations and corporations (with the exception of medical corporations) are excluded from this requirement. Recipients who either fail to provide their TIN or provide an incorrect TIN may have funding suspended until the requirement is met.

Disclosure of a Recipient's TIN is mandatory for Federal income tax reporting purposes under the authority of 26 U.S.C., Section 6011 and 6109(d), and 26 CFR, Section 301.6109-1. This is to ensure the accuracy of income computation by the IRS. This information will be used to identify an individual who is compensated with DOC funds or paid interest under the Prompt Payment Act.

6. An audit of a Program loan may be conducted at any time. Auditors, selected at the discretion of the Department of Commerce's Office of

Inspector General, shall have access to any and all books, documents, papers and records of the obligor or any other party to a financing, that the auditor(s) deem pertinent, whether written, printed, recorded, produced or reproduced by any mechanical, magnetic or other process or medium.

Classification

Neither the Administrative Procedure Act nor any other law requires prior notice and opportunity for public comment about this document (which concerns loans). Consequently, the Regulatory Flexibility Act does not require a regulatory flexibility analysis.

This notice is not significant for purposes of E.O. 12866.

This notice contains and refers to collection-of-information requirements subject to the Paperwork Reduction Act. The application requirements contained in the Notice have been approved under OMB control number 0648-0012.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Dated: March 26, 2010.

John Oliver,

Deputy Assistant Administrator For Operations, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Monterey Bay National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The ONMS is seeking applications for the following vacant seats on the Monterey Bay National Marine Sanctuary Advisory Council: Conservation alternate and Education primary. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community

and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary.

Applicants who are chosen for the Education primary should expect to serve until February 2011 and applicants who are chosen for the Conservation alternate should expect to serve until February 2013.

DATES: Applications are due by April 30, 2010.

ADDRESSES: Application kits may be obtained from 299 Foam Street, Monterey, CA 93940 or online at <http://montereybay.noaa.gov/>. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT:

Nicole Capps, 299 Foam Street, Monterey, CA 93940, (831) 647-4206, nicole.capps@noaa.gov.

SUPPLEMENTARY INFORMATION: The MBNMS Advisory Council was established in March 1994 to assure continued public participation in the management of the Sanctuary. Since its establishment, the Advisory Council has played a vital role in decisions affecting the Sanctuary along the central California coast.

The Advisory Council's twenty voting members represent a variety of local user groups, as well as the general public, plus seven local, state and federal governmental jurisdictions. In addition, the respective managers or superintendents for the four California National Marine Sanctuaries (Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary and the Monterey Bay National Marine Sanctuary) and the Elkhorn Slough National Estuarine Research Reserve sit as non-voting members.

Four working groups support the Advisory Council: The Research Activity Panel ("RAP") chaired by the Research Representative, the Sanctuary Education Panel ("SEP") chaired by the Education Representative, the Conservation Working Group ("CWG") chaired by the Conservation Representative, and the Business and Tourism Activity Panel ("ETAP") chaired by the Business/Industry Representative, each dealing with matters concerning research, education, conservation and human use. The working groups are composed of experts from the appropriate fields of interest and meet monthly, or bi-monthly, serving as invaluable advisors to the Advisory Council and the Sanctuary Superintendent.

The Advisory Council represents the coordination link between the Sanctuary and the state and federal management agencies, user groups, researchers, educators, policy makers, and other various groups that help to focus efforts and attention on the central California coastal and marine ecosystems.

The Advisory Council functions in an advisory capacity to the Sanctuary Superintendent and is instrumental in helping develop policies, program goals, and identify education, outreach, research, long-term monitoring, resource protection, and revenue enhancement priorities. The Advisory Council works in concert with the Sanctuary Superintendent by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Superintendent in achieving the goals of the Sanctuary program within the context of California's marine programs and policies.

Authority: 16 U.S.C. 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: March 22, 2010.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Conservation Seat for the Flower Garden Banks National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The ONMS is seeking applications for the following vacant seat on the Flower Garden Banks National Marine Sanctuary Advisory Council: Conservation. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the