

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

[C-475-821]

**Certain Cut-to-Length Plate From Italy: Notice of Decision of the Court of International Trade**

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

**ACTION:** Notice of decision of the Court of International Trade: Certain cut-to-length plate from Italy.

**SUMMARY:** On March 26, 2004, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) Redetermination Results in all respects. See *ILVA Lamiere e Tubi S.p.A. v. United States*, Court No. 00-03-00127, Slip. Op. 04-29 (CIT, March 26, 2004) ("*Ilva v. United States*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("Federal Circuit") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public that the *Ilva v. United States* decision along with the CIT's earlier opinions and orders in this case, discussed below, were "not in harmony" with the Department's original results.

**EFFECTIVE DATE:** April 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Margaret Ward, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-4161.

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

On December 29, 1999, the Department of Commerce ("the Department") published a notice of its final determination in the countervailing duty investigation in certain cut-to-length carbon quality steel plate from Italy. See *Final Affirmative Countervailing Duty Determination: Certain Cut-to-length Carbon Quality Steel Plate from Italy*, 64 FR 73244 (December 29, 1999) ("*Italian Plate*"). ILVA S.p.A. and ILVA Lamiere e Tubi S.r.l ("Ilva") challenged this determination before the CIT arguing, in relevant part, that the Department misapplied its change in ownership methodology. On August 30, 2000, the CIT granted the Department's request for a voluntary remand, and remanded the *Italian Plate* proceeding to the

Department with instructions to: "issue a determination consistent with United States law, interpreted pursuant to all relevant authority, including the decision of the Court of Appeals for the Federal Circuit in *Delverde, S.r.l. v. United States*, 202 F.3d 1360 (Fed. Cir. 2000)." *ILVA v. United States*, Remand Order (CIT, August 30, 2000). The Department issued its remand results on December 28, 2000. *Final Results of Redetermination Pursuant to Court Remand: ILVA Lamiere e Tubi S.p.A. v. United States* Remand Order (CIT, August 30, 2000) (December 28, 2000).

On March 29, 2002, the CIT remanded the *Italian Plate* proceeding to the Department, and ordered the Department to reexamine the facts of the proceeding pursuant to its instructions. *Ilva v. United States*, Slip. Op. 02-32 (CIT, March 29, 2002). The Department complied with the court's instructions, under protest, and issued its second redetermination on July 2, 2002. *Results of Redetermination Pursuant to Court Remand: ILVA Lamiere e Tubi S.r.l and Ilva S.p.A.*, Remand Order (CIT, March 29, 2002) (July 2, 2002).

On July 29, 2003, the CIT affirmed the Department's second redetermination in part, and reversed it in part. *Ilva v. United States*, Slip. Op. 03-97 (CIT, July 29, 2003). The CIT affirmed the Department's application of the court ordered methodology, but remanded the proceeding, ordering the Department to resolve one issue, still outstanding, pursuant to the CIT's prescribed methodology. The Department complied with the court's instructions, under protest, and issued its third redetermination on August 28, 2003. *Results of Redetermination Pursuant to Court Remand: ILVA Lamiere e Tubi S.r.l and Ilva S.p.A.*, Remand Order (CIT, July 29, 2003) (August 28, 2003). On March 26, 2004, the CIT sustained the Department's Redetermination Results in all respects.

**Timken Notice**

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish notice of a decision of the CIT which is "not in harmony" with the Department's results. The CIT's decision in *Ilva v. United States* was not in harmony with the Department's final countervailing duty determination. Therefore, publication of this notice fulfills the obligation imposed upon the Department by the decision in *Timken*. In addition, this notice will serve to continue the suspension of liquidation. If this decision is not appealed, or if appealed, if it is upheld, the Department

will publish amended final countervailing duty results.

Dated: April 9, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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

[I.D. 041304A]

**Proposed Information Collection; Comment Request; Foreign Fishing Reporting Requirements**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before June 15, 2004.

**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 e-mail 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 Bob Dickinson, 301-713-2276, or [Bob.Dickinson@noaa.gov](mailto:Bob.Dickinson@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Foreign fishing activities can be authorized under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). The collection of information from permitted foreign vessels is necessary to monitor their activities and whereabouts in U.S. waters. Reports are also necessary to monitor the amounts of fish, if any, such vessels receive from U.S. vessels in joint venture operations, wherein U.S. vessels catch and transfer at-sea to permitted foreign vessels certain species for which