

*Abstract:* USDA collects information from bioenergy producers that request payments under the Bioenergy Program as the Secretary may require to ensure the benefits are paid only to eligible bioenergy producers for eligible commodities. Bioenergy producers seeking program payments have to meet minimum requirements by providing information concerning the production of bioenergy. Applicants must certify that they will abide by the Bioenergy Program Agreement's provisions.

*Respondents:* U.S. bioenergy producers who use eligible agricultural commodities to make bioenergy and have been accepted to participate in the Bioenergy Program.

*Estimated Annual Number of Respondents:* 300.

*Estimated Annual Number of Forms per person:* 11.

*Estimated Average Time to Respond:* 1 hour.

*Estimated Total Annual Burden Hours:* 3,300.

Comments are invited regarding (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumption used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for OMB approval.

Signed in Washington, DC on December 7, 2005.

**Teresa C. Lasseter,**

*Executive Vice-President, Commodity Credit Corporation.*

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BILLING CODE 3410-05-P

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Information Collection Activity; Comment Request

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

**DATES:** Comments on this notice must be received by February 13, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Richard C. Annan, Program Development & Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., STOP 1522, Room 5818 South Building, Washington, DC 20250-1522. Telephone: (202) 720-0784. FAX: (202) 720-4120.

**SUPPLEMENTARY INFORMATION:**

*Title:* 7 CFR part 1753, Telecommunications System Construction Policies and Procedures.

*OMB Control Number:* 0572-0059.

*Type of Request:* Extension of a previously approved collection.

*Abstract:* In order to facilitate the programmatic interest of the RE Act, and, in order to assure that loans made or guaranteed by RUS are adequately secured, RUS, as a secured lender, has established certain forms for materials, equipment and construction of electric and telecommunications systems. The use of standard forms, construction contracts, and procurement procedures helps assure RUS that appropriate standards and specifications are maintained, RUS' loan security is not adversely affected; and the loan and loan guarantee funds are used effectively and for the intended purposes.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 1 hour per response.

*Respondents:* Business or other for-profit and non-profit institutions.

*Estimated Number of Respondents:* 238.

*Estimated Number of Responses per Respondent:* 1.

*Estimate Total Annual Burden of Respondents:* 3,123 hours.

Copies of this information collection can be obtained from MaryPat Daskal, Program Development and Regulatory Analysis, Rural Utilities Service at (202) 720-7852.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and

assumption used; (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**James M. Andrew,**

*Administrator, Rural Utilities Service.*

[FR Doc. E5-7331 Filed 12-13-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-821-817]

#### Notice of Decision of the Court of International Trade; Silicon Metal From the Russian Federation

**ACTION:** Notice of Decision of the Court of International Trade.

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

**EFFECTIVE DATE:** December 14, 2005.

**SUMMARY:** On November 28, 2005, the United States Court of International Trade ("CIT") issued an order sustaining the Department of Commerce's ("the Department") *Second Remand Results*. See *Final Results of Redetermination Pursuant to Court Remand, Globe Metallurgical, Inc. vs. United States*, Consol. Ct. No. 03-00202 (October 21, 2005) (available at <http://www.ia.ita.doc.gov>) ("*Second Remand Results*"); see also, *Globe Metallurgical, Inc. v. United States*, Slip Op. 05-150 (CIT November 28, 2005) ("*Globe Metallurgical III*"). In the *First Remand Results*, the Department recalculated the antidumping margins for Bratsk Aluminum Smelter and Rual Trade Limited (collectively, "Bratsk") and ZAO Kremny and SUAL-Kremny-Ural Ltd. (collectively, "Kremny") to value the respondents' usage of recycled silicon metal sized zero to five millimeters. See *Final Results of Redetermination Pursuant to Court Remand, Globe Metallurgical, Inc. v. United States*, Consol. Ct. No. 03-00202 (January 5, 2005) (available at <http://www.ia.ita.doc.gov>) ("*First Remand Results*"). In the *Second Remand Results*, the Department recalculated the adverse facts available ("AFA") portion

of Kremny's antidumping duty margin using the revised antidumping duty margin for Bratsk calculated in the *First Remand Results*. 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 *Globe Metallurgical III* decision is "not in harmony" with the Department's final determination.

**FOR FURTHER INFORMATION CONTACT:**

Carrie Blozy at (202) 482-5403; AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 11, 2003, the Department published its *Amended Final Determination*, covering the period of investigation ("POI") from July 1, 2001, through December 31, 2001. See *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Metal From the Russian Federation*, 68 FR 6885 (February 11, 2003) ("*Final Determination*"), as amended by *Notice of Amended Final Determination of Sales at Less Than Fair Value: Silicon Metal From the Russian Federation*, 68 FR 12037 (March 13, 2003) ("*Amended Final Determination*"). Petitioners and Bratsk contested various aspects of the *Amended Final Determination*.

The Court remanded to the Department two aspects of its *Amended Final Determination* for reconsideration: (1) with respect to the Department's decision not to use Russian values to value the factors of production and other expenses, the Court ordered the Department to either use Russian post-non-market economy ("NME") values or explain why the market economy Russian values are not the best available information; and (2) with respect to the Department's treatment of silicon metal fines, the Court granted the Department's request to explain its exclusion of recycled silicon metal fines from the factor of production cost analysis. See *Globe Metallurgical, Inc. v. United States*, 350 F.Supp. 2d 1148 (CIT September 24, 2004) ("*Globe Metallurgical I*"). Subsequent to the Court's remand, Bratsk voluntarily dismissed its challenge of the Department's rejection of Russian post-NME values. Therefore this issue became moot.

In the Department's *First Remand Results*, the Department recalculated

Bratsk's and Kremny's margins to value the usage of recycled silicon metal sized zero to five millimeters.

On July 27, 2005, the CIT issued its opinion on the Department's *First Remand Results*. See *Globe Metallurgical, Inc. v. United States*, Slip Op. 05-90 (CIT July 27, 2005) ("*Globe Metallurgical II*"). The CIT affirmed the Department's determination to include recycled silicon metal fines sized zero to five millimeters in each producer's factors of production cost analysis and affirmed the calculation of Bratsk's antidumping duty margin. However, the Court further remanded the case back to the Department and ordered the Department to either recalculate the AFA portion of Kremny's antidumping duty margin using the revised antidumping duty margin for Bratsk calculated in the *Final Remand Results* or explain the use of the Bratsk margin from the *Amended Final Determination*. The Department recalculated Kremny's antidumping duty margin using the antidumping duty margin for Bratsk calculated in the *First Remand Results*. On October 25, 2005, the Department filed its *Second Remand Results*. On November 28, 2005, the CIT sustained the Department's *Second Remand Results* in all respects. See *Globe Metallurgical III*.

**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 *Globe Metallurgical III* was not in harmony with the Department's final determination. Therefore, publication of this notice fulfills the obligation. The Department will issue revised cash deposit instructions effective the date of publication of this notice in the **Federal Register** if the CIT's decision is not appealed, or if it is affirmed on appeal.

Dated: December 7, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-7343 Filed 12-13-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Georgia Institute of Technology, et al.  
Notice of Consolidated Decision on  
Applications for Duty-Free Entry of  
Electron Microscopes**

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Suite 4100W, Franklin Court Building, U.S. Department of Commerce, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 05-041. *Applicant:* Georgia Institute of Technology, Atlanta, GA 30332. *Instrument:* Dual Beam Electron Microscope, Model Quanta 200 3D Nanolab. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 70 FR 67450, November 7, 2005. *Order Date:* April 4, 2004.

*Docket Number:* 05-042. *Applicant:* Georgia Institute of Technology, Atlanta, GA 30332. *Instrument:* Electron Microscope, Model NOVA 200 3D Nanolab. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 70 FR 67451, November 7, 2005. *Order Date:* April 4, 2004.

*Docket Number:* 05-043. *Applicant:* Massachusetts General Hospital, Boston, MA 02114. *Instrument:* Electron Microscope, Model JEM-1011. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 70 FR 67451. *Order Date:* January 13, 2005.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument OR at the time of receipt of application by U.S. Customs and Border Protection.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

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**BILLING CODE 3510-DS-P**