

- Update on Status of Title IX Project. [Discussion of this agenda item was held in closed session.]
  - Update on Status of 2010 Enforcement Report. [Discussion of this agenda item was held in closed session.]
  - National Conference Update.
  - Approval of Concept Papers for FY 2010 Briefing Topics.
  - Amendments to Title IX Briefing Report.
  - Approval of MEPA Briefing Report.
- III. State Advisory Committee Issues.
- Iowa SAC.
  - Massachusetts SAC.
- IV. Management & Operations.
- Motion To Permit Commissioners' Special Assistants To Join Commissioners' Line for Telephonic Meetings.
- V. Approval of September 24, October 8, October 15 and October 30 Meeting Minutes.
- VI. Staff Director's Report.
- VII. Adjourn.

#### CONTACT PERSON FOR FURTHER

**INFORMATION:** Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376-8591. TDD: (202) 376-8116.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Pamela Dunston at least seven days prior to the meeting at 202-376-8105. TDD: (202) 376-8116.

Dated: December 8, 2009.

**David Blackwood,**  
General Counsel.

[FR Doc. E9-29577 Filed 12-8-09; 4:15 pm]

BILLING CODE 6335-01-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 55-2009]

#### Foreign-Trade Zone 74—Baltimore, MD: Application for Subzone Michelin North America, Inc. (Tire Distribution and Wheel Assembly); Elkton, MD

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Baltimore, grantee of FTZ 74, requesting special-purpose subzone status for the distribution facility of Michelin North America, Inc. (MNA), located in Elkton, Maryland. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on December 3, 2009.

MNA's facility (130 employees, approximately 71 acres/756,600

enclosed square feet) is located at 515 Fletchwood Road, Elkton, Maryland. The facility is primarily used for the storage and distribution of tires and tire accessories (duty rates range from duty-free to 4.0%); however, the applicant is also requesting manufacturing authority to perform wheel assembly at the proposed subzone.

On its distribution activity, FTZ procedures could exempt MNA from customs duty payments on the foreign products that are exported (3 to 7% of shipments). On its domestic sales, the company would be able to defer duty payments until merchandise is shipped from the facility and entered for consumption. Certain tires from China are temporarily subject to additional duties imposed in a Section 421 safeguard case; such tires will be admitted to the proposed subzone under privileged foreign status (19 CFR 146.41) or domestic (duty paid) status (19 CFR 146.43).

As noted above, the applicant is also requesting to perform wheel assembly (up to 100,000 units annually) using domestic and foreign components on behalf of auto manufacturer clients. Foreign-sourced components include tires (HTSUS 4011.10, 4011.20, 4011.61, 4011.62, 4011.63, 4011.92, 4011.93, 4011.94, 4011.99, duty-free to 4.0%), wheel rims (HTSUS 8708.70, duty-free to 2.5%), flaps (HTSUS 4012.90, duty-free to 4.2%), valves (HTSUS 8481.80, 2% to 5.6%), tubes (HTSUS 4013.10, 3.7%), gaskets (HTSUS 4016.93, 2.5%), sensors (HTSUS 8525.10, duty-free), and nuts (HTSUS 7318.16, duty-free).

FTZ procedures could exempt MNA from customs duty payments on the foreign components used in production for export to non-NAFTA countries. On shipments for U.S. consumption and to NAFTA markets, MNA could elect the wheel assembly duty rate (generally dutiable as an auto part—2.5%) for the foreign components (mostly tires, dutiable at 4%) listed above. The auto part duty rate (2.5%) would apply if the wheel assemblies are shipped via zone-to-zone transfer to U.S. motor vehicle assembly plants with subzone status.

FTZ designation would further allow Michelin to realize logistical benefits through the use of certain customs procedures and duty savings on scrap and waste. The request indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, Diane Finver of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case

record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 8, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to February 23, 2010.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via <http://www.trade.gov/ftz>.

For further information, contact Diane Finver at [Diane.Finver@trade.gov](mailto:Diane.Finver@trade.gov) or (202) 482-1367.

Dated: December 3, 2009.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. E9-29472 Filed 12-9-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-807]

#### Certain Steel Concrete Reinforcing Bars from Turkey: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

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

**SUMMARY:** On June 15, 2009, and November 23, 2009, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) results of redetermination pursuant to the CIT's remand orders in *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. v. United States*, Court No. 05-00613, Slip Op. 09-55 (June 15, 2009) and *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. v. United States*, Court No. 05-00613, Slip Op. 09-133 (Nov. 23, 2009). See Results of Redetermination Pursuant to Remand, dated March 3, 2008, and Results of Redetermination Pursuant to Remand, dated September 8, 2009 (found at <http://ia.ita.doc.gov/remands>). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir.

1990) (*Timken*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on certain steel concrete reinforcing bars (rebar) from Turkey covering the period of review (POR) of April 1, 2003, through March 31, 2004. *See Certain Steel Concrete Reinforcing Bars From Turkey; Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination To Revoke in Part*, 70 FR 67665 (Nov. 8, 2005) (*Final Results*).

**EFFECTIVE DATE:** December 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood, AD/CVD Operations, Office 2, Import Administration-International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482-3874.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 8, 2005, the Department published its final results in the antidumping duty administrative review of rebar from Turkey covering the POR of April 1, 2003, through March 31, 2004. *See Final Results*. In the *Final Results*, the Department followed its normal practice of using POR weighted-average costs in its margin calculations for all companies, instead of quarterly-average costs as requested by one respondent, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas). In addition, in the *Final Results*, the Department based the U.S. date of sale for each respondent on the earlier of shipment date or invoice date, contrary to Habas' request to use contract date as its U.S. date of sale.

On November 15, 2007, the CIT remanded two issues to the Department for reconsideration related to the *Final Results* for Habas: 1) using POR weighted-average costs versus quarterly-average costs in its margin calculations; and 2) basing the U.S. date of sale on invoice date versus contract date. On March 3, 2008, the Department issued its final results of redetermination pursuant to the CIT's November 15, 2007, ruling.

On June 15, 2009, the CIT affirmed the Department's determination to use contract date as the date of sale for Habas' U.S. sales. However, the CIT also determined that the Department's *Final Results* were not supported by substantial evidence on the record with respect to the agency's cost test. Thus, it remanded to the Department once again whether it is appropriate to use

quarterly or POR-average costs for Habas in this case.

On September 8, 2009, the Department issued its final results of redetermination pursuant to the CIT's June 15, 2009, ruling. The remand redetermination explained that, in accordance with the CIT's instructions, the Department reconsidered its use of POR cost data and as a result it recalculated the margin for Habas using quarterly costs. Further, the Department adopted an alternative methodology for the recovery-of-cost test and eliminated the 90/60 day window period for price-to-price comparisons to prevent distortions as a result of the use of quarterly costs.

The Department's redeterminations resulted in changes to the *Final Results* weighted-average margin for Habas from 26.07 percent to 5.58 percent.

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision on November 23, 2009, constitutes a final decision of that court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from Habas based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: December 4, 2009.

**Ronald K. Lorentzen,**

Deputy Assistant Secretary for Import Administration.

[FR Doc. E9-29468 Filed 12-9-09; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XR39**

**Endangered and Threatened Species; Recovery Plans; Correction**

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

**ACTION:** Extension of public comment period; correction.

**SUMMARY:** On November 24, 2009, we, NMFS, announced an extension of the public comment period for the Draft Central Valley Salmon and Steelhead Recovery Plan (Draft Plan). The Draft Plan addresses the Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU), the Central Valley spring-run Chinook salmon (*O. tshawytscha*) ESU, and the Distinct Population Segment (DPS) of Central Valley Steelhead (*Oncorhynchus mykiss*). In response to requests for an extension of the public comment period, we extended the comment period for the proposed action an additional 60 days, but the new comment due date and zip code for written comments were incorrect. The correct end date for submission of comments is February 3, 2010, and correct zip code for written comments is 95814.

**FOR FURTHER INFORMATION CONTACT:** Howard Brown, NMFS Sacramento River Basin Branch Chief at (916) 930-3608 or Brian Ellrott at (916) 930-3612.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 24, 2009, we, NMFS, announced an extension of the public comment period for the Draft Central Valley Salmon and Steelhead Recovery Plan (Draft Plan) (74 FR 61329). NMFS inadvertently published February 3, 2009 for the comment period end date, and the correct end date should read, in all instances, February 3, 2010. NMFS also inadvertently published an incorrect mailing address zip code, and the correct zip code is 95814. The Draft Plan addresses the Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU), the Central Valley spring-run Chinook salmon (*O. tshawytscha*) ESU, and the Distinct Population Segment (DPS) of Central Valley Steelhead (*Oncorhynchus mykiss*). In response to requests for an extension of the public comment period, we extended the comment period for the