

we made certain modifications to the program to ensure proper product comparisons. These adjustments are discussed in detail in the *Decision Memorandum*.

Final Results of Review

As a result of our review, we determine that the following weighted-average margin exists for the period of March 1, 2006 through February 28, 2007:

Manufacturer/Exporter	Weighted-Average Margin (percent)
Saha Thai Steel Pipe (Public) Company, Ltd.	4.26

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1) of the Department's regulations, the Department calculates an assessment rate for each importer of the subject merchandise. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of these final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the period of review produced by the company included in these final results of review for which the reviewed company did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate from the investigation if there is no rate for the intermediate company involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Act: (1) for the company covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by

producers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the most recent final results in which that producer participated; and, (4) if neither the exporter nor the producer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 15.67 percent, the all-others rate established in the less than fair value investigation. See *Circular Welded Carbon Steel Pipes and Tubes from Thailand: Final Determination of Sales at Less Than Fair Value*, 51 FR 3384 (January 27, 1986).

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3) of the Department's regulations. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 6, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I – Issues in Decision Memorandum

Comment 1: Whether Saha Thai Has Met Both Prongs of the Department's Duty Drawback Test

Comment 2: Whether Saha Thai Should Receive an Upward Adjustment for Duty Drawback/Exemption

Comment 3: Whether the Department Should Add a "Third" Prong to Its Eligibility Test

Comment 4: Whether the Department Should Use Saha Thai's Actual Yield Factors in Evaluating the Duty Exemption

Comment 5: Whether to Include Exempted and Unpaid Duties on Imported Raw Materials in Saha Thai's Reported Cost of Manufacture (COM)

Comment 6: Whether the Department Needs to Make Corresponding Adjustments to the G&A and Interest Ratio Calculations if Unpaid Import Duties Are Included in Saha Thai's COM

Comment 7: Whether to Deduct Ocean Freight from C&F Value to Calculate U.S. Duty

Comment 8: Level of Trade Adjustment
Comment 9: Whether Zeroing Is In Accordance with the Antidumping Statute or the International Obligations of the United States

Comment 10: Whether the Department Should Correct Alleged Errors in the Preliminary G&A and Financial Expense Ratio Calculations

Comment 11: Alleged Programming Errors

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XL06

Fisheries in the Western Pacific; Marine Conservation Plan for Pacific Insular Areas; Northern Mariana Islands

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces the approval of a three-year marine conservation plan (MCP) for the Northern Mariana Islands.

DATES: This agency decision is effective October 6, 2008.

ADDRESSES: Copies of the MCP are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, NMFS Pacific Islands Regional Office, at (808)944-2207.

SUPPLEMENTARY INFORMATION: Under Section 204(e)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary) and in consultation with the Council, may negotiate and enter into a Pacific Insular Area fishery agreement (PIAFA) to allow foreign fishing within waters of the U.S. Exclusive Economic Zone (EEZ) adjacent to American Samoa, Guam, or the Northern Mariana Islands, and at the request and with the concurrence of, and in consultation with, the Governor of the Pacific Insular Area to which the PIAFA applies. Section 204(e)(4) of the Magnuson-Stevens Act requires that prior to entering into a PIAFA, the appropriate Governor and the Western Pacific Fishery Management Council (Council) shall develop a three-year MCP containing detailing the uses for funds to be collected by the Secretary under the PIAFA. Any payments received under a PIAFA shall be deposited into the United States Treasury and then covered over to the Treasury of the Pacific Insular Area for which funds were collected. In the case of violations by foreign fishing vessels occurring within the EEZ off any Pacific Insular Area, any amount received by the Secretary which is attributable to fines and penalties imposed under the Magnuson-Stevens Act, including such sums collected from the forfeiture and disposition or sale of property seized subject to its authority, after payment of direct costs of the enforcement action to all entities involved in such action, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the EEZ in which the violation occurred, to be used for fisheries enforcement and for implementation of a MCP.

The MCP to be approved by the Secretary must be consistent with the Council's fishery management plans, identify conservation and management objectives (including criteria for determining when such objectives have been met), and prioritize planned marine conservation projects.

At its 138th meeting held in June 2007, the Council approved the MCP for

the Northern Mariana Islands and recommended its submission to the Secretary for approval. NMFS, designee of the Secretary, received the MCP on March 10, 2008. Following a review of the MCP, NMFS informed the Council and Government of the Commonwealth of the Mariana Islands (CNMI) that the MCP was incomplete. On September 23, 2008, the Department of Lands and Natural Resources, CNMI, submitted an amended MCP to NMFS.

The MCP contains 12 objectives, listed below, which are consistent with the Council's five existing fishery management plans:

1. Data collection and reporting;
2. Resource assessment and monitoring;
3. Incidental catch, bycatch, and protected species interaction;
4. Habitat assessment and monitoring;
5. Management procedures;
6. Surveillance and enforcement;
7. Domestic fisheries development;
8. Marine conservation education;
9. Public participation;
10. Regional cooperation;
11. Performance evaluation; and
12. Western Pacific demonstration projects.

The MCP identifies 19 programs or projects associated with the MCP objectives for potential funding under a PIAFA. The top ten projects in order of priority are:

1. EEZ enforcement program;
2. Subsistence and recreational harvest monitoring system;
3. Commercial harvest monitoring system;
4. Charter fishing economic impact study;
5. Analysis of data on pelagic fishery resources;
6. CNMI commercial fisheries baseline assessment;
7. Regional fisheries meeting and conferences funding assistance;
8. Recreational and subsistence fishing economic impact and use study;
9. Fisheries technology program; and
10. Local auction marketplace feasibility study.

This notice announces that NMFS has determined that the MCP for the Northern Mariana Islands satisfies the requirements of the Magnuson-Stevens Act and has approved the MCP for a three-year period: October 6, 2008, through October 6, 2011.

Dated: October 9, 2008.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XK55

Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Notice that Vendor Will Provide Year 2009 Cage Tags

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

ACTION: Notice of vendor to provide year 2009 cage tags.

SUMMARY: NMFS informs surfclam and ocean quahog allocation owners that they will be required to purchase their year 2009 cage tags from the National Band and Tag Company. The intent of this notice is to comply with regulations for the Atlantic surfclam and ocean quahog fisheries and to promote efficient distribution of cage tags.

ADDRESSES: Written inquiries may be sent to Edward Stern, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-2298.

FOR FURTHER INFORMATION CONTACT: Edward Stern, Fishery Management Specialist, (978) 281-9177; fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: The Federal Atlantic surfclam and ocean quahog fishery regulations at 50 CFR 648.75(b) authorize the Regional Administrator of the Northeast Region, NMFS, to specify in the **Federal Register** a vendor from whom cage tags, required under the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP), shall be purchased. Notice is hereby given that National Band and Tag Company of Newport, Kentucky, is the authorized vendor of cage tags required for the year 2009 Federal surfclam and ocean quahog fisheries. Detailed instructions for purchasing these cage tags will be provided in a letter to allocation owners in these fisheries from NMFS within the next several weeks.

Authority: 16 U.S.C. 1801 et seq.

October 7, 2008.

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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