

OMB Desk Officer: Jasmeet Seehra, (202) 395-3123.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, OMB Desk Officer, FAX number (202) 395-5806, or via the Internet at [Jasmeet\\_K\\_Seehra@omb.eop.gov](mailto:Jasmeet_K_Seehra@omb.eop.gov).

Dated: March 31, 2010.

**Gwellnar Banks,**

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-7661 Filed 4-5-10; 8:45 am]

BILLING CODE 3510-13-P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the emergency provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration (NTIA).

Title: Broadband Technology Opportunities Program (BTOP): Comprehensive Community Infrastructure, Public Computer Center, and Sustainable Broadband Adoption Applications Requirements.

OMB Control Number: 0660-0031.

Form Number(s): None.

Type of Request: Emergency submission.

Number of Respondents: 750.

Average Hours per Response: 30.

Burden Hours: 22,500.

Needs and Uses: NTIA intends to seek comments from broadband service providers providing services in the proposed funded service areas of the proposed Comprehensive Community Infrastructure (CCI) projects. For at least a 15-day period, NTIA will post an announcement on [BroadbandUSA.gov](http://BroadbandUSA.gov) identifying all of the Census block groups or tracts included within the proposed funded service area of any of the CCI applications submitted.

The announcement will provide existing broadband service providers

with an opportunity to voluntarily submit to NTIA information about the broadband services that they currently offer in their respective service territories by Census block group or tract. NTIA will provide a template for submissions from service providers. This emergency review and approval will enable NTIA to post the form template and open the comment period.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Nicholas Fraser, (202) 395-5887.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent by April 9, 2010 to Nicholas Fraser, OMB Desk Officer, FAX number (202) 395-7285, or via the Internet at [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov).

Dated: April 1, 2010.

**Gwellnar Banks,**

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-7711 Filed 4-5-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-851]

#### Certain Preserved Mushrooms from the People's Republic of China: Amended Final Results Pursuant to Final Court Decision

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

SUMMARY: On January 5, 2010, 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 in *Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Court No. 04-00454 (May 5, 2009) (*Gerber v. United States Remand Order*). This matter arose from a challenge to the Department's final results of administrative review of the antidumping duty order on certain preserved mushrooms from the PRC for the period February 1, 2002, through

January 31, 2003. In the remand redetermination, the Department: (1) recalculated the assessment rate for Gerber Food (Yunnan) Co., Ltd. using a rate other than the PRC-wide rate as partial adverse facts available (AFA) with respect to only those sales of subject merchandise made by Gerber during the period of review (POR) which Gerber exported to the United States using the invoices of Green Fresh (Zhangzhou) Co., Ltd. (Green Fresh); and (2) recalculated the assessment rate for Green Fresh based on the data it reported, exclusive of the aforementioned transactions, without resorting to facts available or adverse inferences. As there is now a final and conclusive court decision in this case, the Department is amending the final results of the 2002-2003 administrative review of certain preserved mushrooms from the People's Republic of China (PRC).

EFFECTIVE DATE: April 6, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Brian Smith, 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) 482-1766.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 9, 2004, the Department published its final results in the antidumping duty administrative review of certain preserved mushrooms from the PRC covering the POR of February 1, 2002, through January 31, 2003 (fourth administrative review). See *Certain Preserved Mushrooms from the People's Republic of China: Final Results of Sixth Antidumping Duty New Shipper Review and Final Results and Partial Rescission of the Fourth Antidumping Duty Administrative Review*, 69 FR 54635 (September 9, 2004) (*Final Results*).

In the Final Results, the Department applied total adverse facts available (AFA) in calculating the cash deposit and assessment rates for respondent Gerber, and partial AFA in calculating the cash deposit and assessment rates for respondent Green Fresh, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act). See *Final Results*, 69 FR at 54637-54638. The Department found that Gerber and Green Fresh were involved in a business arrangement/scheme, commencing during the period of the prior (third) administrative review, that resulted in the circumvention of the proper payment of cash deposits on certain

POR entries of subject merchandise made by Gerber. As either total or partial AFA, the Department applied the PRC-wide-rate of 198.63 percent to both companies. Gerber and Green Fresh challenged the Department's resorting to the application of AFA to determine their cash deposit and assessment rates in the Final Results before the CIT.

In light of the CIT's analysis in its decisions in the litigation covering the third administrative review (see *Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 08-97 (September 16, 2008) (*Gerber v. United States I*), which concerned the same parties and many of the same issues as those in the fourth administrative review, and the factual similarity between the administrative records of the third and fourth administrative reviews, the Government of the United States requested a voluntary remand, which the CIT granted on May 5, 2009. See *Gerber v. United States Remand Order*. Pursuant to this remand order and consistent with the Court's analysis in *Gerber v. United States I*, the Department issued its final results of redetermination on July 24, 2009. See *Redetermination Pursuant to Court Remand*, dated July 24, 2009 (*Remand Redetermination*) (found at <http://ia.ita.doc.gov/remands>). In this redetermination, the Department recalculated the margin for Gerber using a rate other than the PRC-wide rate as partial AFA with respect to only those sales of subject merchandise made by Gerber during the POR which were exported to the United States using the invoices of Green Fresh. The Department also recalculated the margin for Green Fresh exclusive of the above-mentioned transactions and the application of AFA. See *Remand Determination* at 1, and 4-7. The CIT affirmed this redetermination on January 5, 2010. See *Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 10-2 (January 5, 2010) at 3.

On January 25, 2010, consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F. 2d 337 (Fed. Cir. 1990), the Department notified the public that the CIT's decision was not in harmony with the Department's final results. See *Certain Preserved Mushrooms from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review*, 75 FR 3896 (January 25, 2010). No party appealed the CIT's decision. Because there is now a final and conclusive court decision in this case, the

Department is amending the *Final Results*.

#### Amended Final Results of Review

As the litigation in this case has concluded, we are amending the *Final Results* to reflect the results of our remand redetermination. Specifically, the Department's redetermination resulted in changes to the *Final Results* weighted-average margins for Gerber from 198.63 percent to 22.84 percent, and for Green Fresh from 42.90 percent to 15.83 percent.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on POR entries of the subject merchandise from Gerber and Green Fresh based on the revised assessment rates calculated by the Department. We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 29, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-7758 Filed 4-5-10; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XV19**

#### Endangered and Threatened Species; Initiation of 5-Year Review for Southern Resident Killer Whales

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

**ACTION:** Notice of initiation of 5-year review; request for information.

**SUMMARY:** NMFS announces a 5-year review of Southern Resident killer whales (*Orcinus orca*) under the Endangered Species Act of 1973, as amended (ESA). A 5-year review is a periodic process conducted to ensure that the listing classification of a species is accurate. A 5-year review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information on Southern Resident killer whales that has become available since their original listing as endangered in November 2005. Based

on the results of this 5-year review, we will make the requisite finding under the ESA.

**DATES:** To allow us adequate time to conduct this review, we must receive your information no later than July 6, 2010. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** Please submit information on Southern Resident killer whales to Lynne Barre, NMFS Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115. Information may also be submitted via email to [orca.plan@noaa.gov](mailto:orca.plan@noaa.gov). Information received in response to this notice will be available for public inspection by appointment, during normal business hours, at the above address. We will consider all comments and information received during the comment period in preparing a 5-year review.

**FOR FURTHER INFORMATION CONTACT:** Lynne Barre, Northwest Regional Office, 206-526-4745; or Susan Pultz, Office of Protected Resources, 301-713-1401.

**SUPPLEMENTARY INFORMATION:** Under the ESA, the U.S. Fish and Wildlife Service maintains a list of endangered and threatened wildlife and plant species at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every five years. On the basis of such reviews under section 4(c)(2)(B), we determine whether or not any species should be removed from the List (delisted), or reclassified from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available and only considered if such data substantiates that the species is neither endangered nor threatened for one or more of the following reasons: (1) the species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Southern Resident killer whale distinct population segment (DPS) currently listed as endangered (70 FR 69903; November 18, 2005).

Background information on Southern Resident killer whales including the endangered listing, critical habitat designation, recovery planning and