

Administration Webmaster, at (202) 482-0866, e-mail address: [webmaster-support@ita.doc.gov](mailto:webmaster-support@ita.doc.gov).

Dated: October 17, 2007.

**David Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E7-21053 Filed 10-24-07; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Targeted Dumping in Antidumping Investigations; Request for Comment

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

**SUMMARY:** The Department of Commerce ("the Department") seeks public comment on its development of a methodology for determining whether targeted dumping is occurring in antidumping investigations. The Department seeks input on standards and tests that may be appropriate in a targeted dumping analysis.

**DATES:** Comments must be submitted within thirty days from the publication of this notice.

**ADDRESSES:** Written comments (original and six copies) should be sent to David Spooner, Assistant Secretary for Import Administration, U.S. Department of Commerce, Central Records Unit, Room 1870, 14th Street & Constitution Ave., NW, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Anthony Hill, Economist, Office of Policy, or Michael Rill, Director, Antidumping Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-1843 or 202-482-3058, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

Pursuant to section 777A(d)(1) of the Tariff Act of 1930 (the "Act"), the Department normally will calculate antidumping duty margins in investigations by comparing weighted-average export prices with weighted-average normal values or transaction-specific export prices with transaction-specific normal values. Section 777A(d)(1)(B) of the Act allows the Department to use an alternative method for determining the existence of margins of dumping in an investigation using what is commonly referred to as the targeted dumping comparison methodology. The alternative method

allows the Department to compare transaction-specific export prices to weighted-average normal values. In order to use this alternative method, the Act requires the Department to find that there is a pattern of export prices (or constructed export prices) that differ significantly among purchasers, regions, or periods of time. See 777A(D)(1)(B)(i) of the Act. In addition, the Act requires the Department to explain why the differences cannot be taken into account using one of the normal calculation methodologies. See 777A(D)(1)(B)(ii) of the Act. The Department's regulations at 19 CFR 351.414(f)(1)(i) further require that a determination of targeted dumping be made "through the use of, among other things, standard and appropriate statistical techniques."

The Department's experience with regard to the use of this methodology has been very limited. In the antidumping investigation of certain pasta from Italy, petitioners made an allegation that targeted dumping was occurring, but the Department found that it was unsubstantiated and did not accept the allegation. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy*, 61 FR 30326 (June 14, 1996). Reviewing that determination, the Court of International Trade found that the Department had dismissed the allegation even though it had not articulated a test by which an allegation should be made. See *Borden, Inc. v. U.S.*, 4 F. Supp. 2d 1221, 1228-31 (CIT March 26, 1998) ("*Borden*"). On remand, the Department created a test (the "Pasta Test") to analyze U.S. price data in that case, but found no targeted dumping. See *Borden, Inc. v. U.S.*, 1999 WL 397968, \*2 (CIT June 4, 1999) ("*Borden Remand*") (citing Department's *Remand Redetermination* ("*Remand Redetermination*") at 17). However, the Department noted that it reserved the discretion to alter its methodology in future cases. See *Borden Remand*, 1999 WL 397968, \*1 (citing *Remand Redetermination* at 15).

An allegation of targeted dumping was made in the investigation of fresh tomatoes from Mexico. The Department determined that there was not an adequate basis on which to accept the allegation on the grounds that petitioners used a benchmark of ten percent to claim that price differences were significant even though prices for tomatoes were very volatile, changing by more than ten percent within a day, and petitioners did not establish that there was a pattern of price differences. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination:*

*Fresh Tomatoes From Mexico*, 61 FR 56608, 56610 (November 1, 1996).

Another allegation of targeted dumping was made in the investigation of stainless steel wire rod from Taiwan. Again, the Department found that the petitioners' analysis failed to meet the basic requirements of the statute. The allegation simply compared average prices to different customers without any further analysis. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Stainless Steel Wire Rod from Taiwan*, 63 FR 10836, 10837 (March 5, 1998).

The Department's most recent experience was in the antidumping investigation of coated free sheet paper from the Republic of Korea. In that proceeding, petitioners alleged that certain respondents were targeting certain customers and regions. The Department accepted this allegation, finding that petitioners had met the statutory requirement for showing that there was a pattern of prices that differ significantly among purchasers and regions while also acknowledging that the Department had not yet established a general set of standards for analyzing an allegation of targeted dumping. See Memorandum to David M. Spooner entitled "Antidumping Duty Investigation of Coated Free Sheet Paper from South Korea - Targeted Dumping," from Stephen J. Claeys, dated September 7, 2007.

#### Request for Comment

Given the Department's limited experience with targeted dumping allegations and analysis and certain undefined terms in the statute and regulations, the Department requests comments and suggestions on what guidelines, thresholds, and tests it should use in determining whether targeted dumping is occurring. For example, while the statute requires a showing that there is a "pattern" of price differences, there is no definition or explanation as to what constitutes a pattern. What standards or methods should be used to show a pattern of price differences? Another requirement is that price differences be "significant." What threshold should there be, if any, for showing that price differences are significant? Furthermore, the regulations require the use of "standard and appropriate statistical techniques." What would be the appropriate statistical techniques to use to show targeted dumping?

#### Submission of Comments

Persons wishing to comment should file a signed original and six copies of

each set of comments by the date specified above. The Department will consider all comments received by the close of the comment period. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in its development of a targeted dumping analysis. The Department requires that comments be submitted in written form. The Department also requests submission of comments in electronic form to accompany the required paper copies. Comments filed in electronic form should be submitted either by e-mail to the webmaster below, or on CD-ROM, as comments submitted on diskettes are likely to be damaged by postal radiation treatment.

Comments received in electronic form will be made available to the public in Portable Document Format (PDF) on the Internet at the Import Administration website at the following address: <http://ia.ita.doc.gov>. Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482-0866, email address: [webmaster-support@ita.doc.gov](mailto:webmaster-support@ita.doc.gov).

Dated: October 17, 2007.

**David M. Spooner,**  
Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Emergency Beacon Registrations

**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.

**DATES:** Written comments must be submitted on or before December 24, 2007.

**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 the Internet 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 Jeffrey Shoup, 301-817-3806 or [Jeffrey.Shoup@noaa.gov](mailto:Jeffrey.Shoup@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

An international system exists to use satellites to detect and locate ships, aircraft, or individuals in distress if they are equipped with an emergency radio beacon. Persons purchasing a digital, distress beacon, operating in the frequency range of 406.000 to 406.100 MHz, must register it with NOAA. The data provided by registration can assist in identifying who is in trouble and in suppressing false alarms.

##### II. Method of Collection

Paper and online registration is available.

##### III. Data

*OMB Number:* 0648-0295.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households; business or other for profit organizations; not-for-profit institutions; state, local or tribal governments.

*Estimated Number of Respondents:* 20,000.

*Estimated Time per Response:* 20 minutes.

*Estimated Total Annual Burden Hours:* 6,667.

*Estimated Total Annual Cost to Public:* \$8,200.

##### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 19, 2007.

**Gwellnar Banks,**

Management Analyst, Office of the Chief Information Officer.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XD48

#### U.S. Climate Change Science Program Synthesis and Assessment Product Draft Report 4.7 "Impacts of Climate Change and Variability on Transportation Systems and Infrastructure: Gulf Coast Study"

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

**ACTION:** Notice of availability and request for public comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration publishes this notice to announce a 45-day public comment period for the draft report titled, U.S. Climate Change Science Program Synthesis and Assessment Product 4.7: "Impacts of Climate Change and Variability on Transportation Systems and Infrastructure: Gulf Coast Study."

This draft document is being released solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by NOAA. It does not represent and should not be construed to represent any Agency policy or determination. After consideration of comments received on the draft report, a revised version along with the comments received will be published on the CCSP web site.

**DATES:** Comments must be received by December 10, 2007.

**ADDRESSES:** The draft Synthesis and Assessment Product 4.7: "Impacts of Climate Change and Variability on Transportation Systems and