

4, 2008, we initiated a cost investigation on December 2, 2008, and received Villares's cost information on January 9, 2009. The Department requires additional time to review and analyze Villares's cost information. Therefore, we are extending the time period for issuing the preliminary results of this review by 30 days until February 28, 2009.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act and 19 CFR 351.213(h)(2).

Dated: January 26, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-890]

Wooden Bedroom Furniture From the People's Republic of China: Notice of Court Decision Not in Harmony

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

DATES: *Effective Date:* February 2, 2009.

SUMMARY: On January 7, 2009, the United States Court of International Trade ("CIT" or the "Court") sustained the final remand determination made by the Department of Commerce ("Department") pursuant to the Court's remands of the amended final determination of the less than fair value investigation of wooden bedroom furniture ("WBF") from the People's Republic of China ("PRC"). See *Final Results of Redetermination Pursuant to Court Remand*, July 15, 2008 ("Remand III"); *Dorbest Limited, et al. v. United States*, Slip Op. 09-02 (CIT January 7, 2009) ("Dorbest III"). This case arises out of the Department's final determination of sales at less than fair value: *Wooden Bedroom Furniture from the PRC*, 69 FR 67313 (November 17, 2004), as amended, 70 FR 329 (January 5, 2005) ("Final Determination"). The final judgment in this case was not in harmony with the Department's *Final Determination*.

FOR FURTHER INFORMATION CONTACT:

Robert Bolling, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; telephone: (202) 482-3434.

SUPPLEMENTARY INFORMATION: On January 5, 2005, the Department published its amended final determination and antidumping duty order. See *Final Determination*. On August 1, 2005, the Department issued its voluntary remand redetermination wherein it modified the value of labor. See *Wooden Bedroom Furniture from the PRC: Final Results of Redetermination Pursuant to the Court Remand Orders*, (August 1, 2005) ("Remand I"). On October 31, 2006, the court remanded the Department's Final Determination for further administrative proceedings. See *Dorbest Limited, et al. v. United States*, 462 F.Supp. 2d 1262 (CIT 2006) ("Dorbest I"). The Department also requested and the Court granted voluntary remands concerning the following aspects of the margin calculation for Rui Feng Woodwork Co., Ltd., Rui Feng Lumber Development Co., Ltd. and Dorbest Limited (collectively, "Dorbest"): The treatment of spare parts; the elimination of metal parts and canopies from Dorbest's calculation; and the valuation of raw material expenses. On May 25, 2007, the Department issued its final results of redetermination. *Id.*; see also 462 F.Supp 2d 1262 (CIT 2006) *Final Results of Redetermination Pursuant to Court Remand*, Court No. 05-00003, May 25, 2007 ("Remand II"). In *Remand II*, the Department, pursuant to the Court's opinion and order, modified certain aspects of the *Final Determination* as follows: (1) Revised the labor rate for Dorbest; (2) recalculated Dorbest's resin value; (3) recalculated the mirror value; (4) revised the selection of surrogate companies, by excluding Evergreen International Ltd. ("Evergreen") and Jayaraja Furniture ("Jayaraja") from the surrogate financial ratio calculations; (5) eliminated the spare parts discount adjustment to Dorbest's U.S. price; (6) removed non-scope metal parts from Dorbest's normal value calculation; (7) treated certain of Dorbest's incoming raw materials as direct material costs rather than as a deduction from U.S. prices; and (8) recalculated the separate rate, based on the remanded components of the margin calculation challenged by the litigants.

On February 27, 2008, the Court remanded the Department's *Final Determination* for further administrative proceedings. See *Dorbest Limited, et al. v. United States*, Consol. Court No. 05-cv-00003, Slip Op. 08-24 (February 27, 2008) ("Dorbest et al. v. United States") ("Dorbest II"). The Department

requested, and the Court granted, a voluntary remand on the valuation of Dorbest's cardboard. *Id.*

On July 15, 2008, the Department issued its final results of redetermination pursuant to *Dorbest II*. See *Final Results of Redetermination Pursuant to Court Remand*, July 15, 2008 ("Remand III"). In *Remand III*, the Department made the following modifications to its *Final Determination*: (1) Recalculated Dorbest's cardboard value; (2) revised the selection of surrogate companies by excluding Fusion Design Private Ltd. ("Fusion Design"), DnD's Fine Furniture Pvt., Ltd. ("DnD"), Nizamuddin Furniture Private Ltd. ("Nizamuddin"), and Swaran Furniture Ltd. ("Swaran") from the surrogate ratio calculations; and (3) recalculated the separate rate pursuant to the Court's instructions.

On January 7, 2009, the Court sustained *Remand III*. The revised antidumping duty margins are as follows: For Dorbest is 2.92 percent; Lung Dong Furniture Co., Ltd. and Dongguan Dong He Furniture Co., Ltd. is 2.71 percent; Shing Mark Enterprise Co., Ltd., is 5.20 percent; Starcorp, is 17.50 percent; and the revised margin for the parties that received separate rates is 6.78 percent.

Timken Notice

In its decision in *Timken*, the Court of Appeals for the Federal Circuit ("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. See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"). The CIT's decision in *Dorbest III* on January 7, 2009, constitutes a final decision of that court that is not in harmony with the Department's final determination of sales at less than fair value. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of enjoined entries pending the exhaustion of all appellate rights. In the event the CIT's ruling is not appealed, or if appealed, upheld by the CAFC, the Department will publish an amended final determination.

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

Dated: January 26, 2009.

Ronald Lorentzen,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before February 23, 2009. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 08-054. Applicant: University of Wisconsin—Madison, Purchasing Services, 21 N. Park Street, Suite 6101, Madison, WI 53715-1218. Instrument: FEI Titan 80-200 Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to measure the structure, composition and bonding of a wide variety of materials and phenomena, such as semiconducting and metallic glasses, superconductors including magnesium diboride, semiconductors including zinc oxide, geochemical reactions confined to natural nanopores in minerals, nanotubes of titanium dioxide and related oxides with and without loading of catalytic nanoparticles, and metal nanoparticles used as labels in cells. Application accepted by Commissioner of Customs: October 8, 2008.

Docket Number: 08-059. Applicant: Emory University, 1599 Clifton Road, 4th Floor, Atlanta, GA 30322-4250. Instrument: Electron Microscope, Model JEM-1011. Manufacturer: JEOL, Japan. Intended Use: The instrument will be used in anatomical studies to help students understand a disease such as Parkinson's. Specifically, students will be able to visualize axonal tracers after intracerebral injection, perfusion,

sectioning, incubations, EM processing, embedding, ultra-thin sectioning and observation at the electron microscope level. Application accepted by Commissioner of Customs: December 16, 2008.

Docket Number: 08-060. Applicant: University of Arizona, Department of Chemistry, 1306 E. University Boulevard, Tucson, AZ 85721. Instrument: FEI Inspect S Scanning Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to characterize a wide variety of materials in terms of surface morphology and chemical composition. It will also be used as the base system for an electron beam lithography module which will be used to pattern and characterize nanoscale features that represent the next generation of molecular electronic devices, and as the base system for an Energy Dispersive Spectrometer that will allow the chemical mapping at the same resolution as the SEM images. Application accepted by Commissioner of Customs: December 16, 2008.

Dated: January 27, 2009.

Chris Cassel,

Director, Statutory Import Programs Staff, Import Administration.

[FR Doc. E9-2194 Filed 1-30-09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order

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

DATES: *Effective Date:* February 2, 2009.

SUMMARY: On July 1, 2008, the Department of Commerce ("Department") initiated a sunset review of the antidumping duty order on certain frozen fish fillets ("fish fillets") from the Socialist Republic of Vietnam ("Vietnam"). On the basis of a notice of intent to participate, and an adequate substantive response filed on behalf of domestic interested parties, as well as a lack of response from respondent interested parties, the Department conducted an expedited sunset review. As a result of the sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping.

The dumping margins are identified in the *Final Results of Review* section of this notice.

FOR FURTHER INFORMATION CONTACT:

Matthew Renkey, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2312.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2008, the Department published the notice of initiation of the sunset review of the antidumping duty order on fish fillets from Vietnam pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-Year ("Sunset") Review*, 73 FR 37411 (July 1, 2008). On July 16, 2008, the Department received a notice of intent to participate from the Catfish Farmers of America ("CFA") and individual U.S. catfish processors, America's Catch, Consolidated Catfish Companies, LLC dba Country Select Catfish, Delta Pride Catfish, Inc., Harvest Select Catfish, Inc. dba Alabama Catfish Inc., Heartland Catfish Company, Magnolia Processing, Inc. dba Pride of the Pond, Simmons Farm Raised Catfish, Inc., and Southern Pride Catfish Company LLC (collectively, "Petitioners"). Submissions of the notices of intent to participate filed by Petitioners were within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations. The domestic interested parties claimed interested party status under section 771(9)(C) and (G) of the Act as they comprise domestic producers of fish fillets in the United States and a trade association representative of the industry. On July 31, 2008, the Department received a substantive response from the domestic interested parties within the deadline specified in section 351.218(d)(3)(i) of the Department's regulations. We did not receive responses from any respondent interested parties to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department determined to conduct an expedited review of the order.

Scope of the Order

The product covered by this Order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus*