

single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Kalven L. Trice, State Conservationist.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: June 22, 2009.

**Kalven L. Trice,**

*State Conservationist.*

[FR Doc. E9-15711 Filed 7-2-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-891]

#### Hand Trucks and Certain Parts Thereof from the People's Republic of China: Notice of Rescission of Antidumping Duty New Shipper Review

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

**SUMMARY:** In response to a request from ABC Tools MFG. CORP (ABC Tools), the Department of Commerce (the Department) published a **Federal Register** notice announcing the initiation of a new shipper review of the antidumping duty order on hand trucks and certain parts thereof from the People's Republic of China (PRC) for the period December 1, 2007, through November 30, 2008. On June 3, 2009, ABC Tools withdrew its request for a new shipper review and therefore, we are rescinding this new shipper review with respect to ABC Tools.

**EFFECTIVE DATE:** July 6, 2009.

**FOR FURTHER INFORMATION CONTACT:**

David Cordell or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0408 or (202) 482-0649 respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On December 22, 2009, the Department received a timely request from ABC Tools in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(c), for a new shipper review of the antidumping duty order on hand trucks and certain parts thereof from the PRC. On January 22, 2009, the Department found that the request for

review with respect to ABC Tools met all of the regulatory requirements set forth in 19 CFR 351.214(b) and initiated an antidumping duty new shipper review. *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Initiation of New Shipper Review*, 74 FR 5144 (January 29, 2009) (*Initiation Notice*). On June 3, 2009, ABC Tools withdrew its request for a new shipper review.

#### Rescission of New Shipper Review

Section 351.214(f)(1) of the Department's regulations provides that the Department may rescind a new shipper review if the party that requested the review withdraws its request for review within 60 days of the date of publication of the notice of initiation of the requested review. Although ABC Tools withdrew its request after the 60-day deadline, we find it reasonable to extend the deadline because we have not yet committed significant resources to the ABC Tools new shipper review (*e.g.*, we have not issued our preliminary results). Further, in this instance, no other company would be affected by a rescission, and we have received no objections from any party to ABC Tools' withdrawal of its request for this new shipper review. Based upon the above, we are rescinding the new shipper review of the antidumping duty order on hand trucks and certain parts from PRC with respect to ABC Tools. As the Department is rescinding this new shipper review, we are not calculating a company-specific rate for ABC Tools, and ABC Tools will remain part of the PRC-wide entity.

#### Notifications

Because ABC Tools is still under review as part of the PRC-wide entity in the ongoing administrative review, the Department will not order liquidation of entries for ABC Tools. The Department intends to issue liquidation instructions for the PRC-wide entity which will cover any entries by ABC Tools, 15 days after publication of the final results of the ongoing administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destructions of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with section 777(i) of the Act and 19 CFR 351.214(f)(3).

Dated: June 29, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9-15825 Filed 7-2-09; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-822]

#### Certain Frozen and Canned Warmwater Shrimp from Thailand: Notice of Court Decision Not in Harmony With Final Determination of Sales at Less Than Fair Value

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

**SUMMARY:** On June 24, 2009, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) second redetermination pursuant to the CIT's remand in *Thai I-Mei Frozen Foods Co., Ltd. v. United States*, Court No. 05-00197 (Jun. 24, 2009) (*Thai I-Mei III*). *See* Final Results of Redetermination Pursuant to Court Remand, dated March 18, 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 determination in the less-than-fair-value (LTFV) investigation of certain frozen warmwater shrimp from Thailand. *See Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and*

*Canned Warmwater Shrimp From Thailand*, 69 FR 76918 (Dec. 23, 2004), as amended by the *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Thailand*, 70 FR 5145 (Feb. 1, 2005) (*Final Determination*).

**EFFECTIVE DATE:** July 6, 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 February 5, 2005, the Department published its amended final determination in the LTFV investigation of certain frozen warmwater shrimp from Thailand. See *Final Determination*. In the *Final Determination*, we based the constructed value (CV) profit for one respondent, Thai I-Mei Frozen Foods Co., Ltd. (Thai I-Mei), on the weighted-average profits earned by the other respondents in the investigation, in accordance with our practice.

On August 26, 2008, the CIT held that the CV profit rate for Thai I-Mei was not determined according to a "reasonable method" as required by the Tariff Act of 1930, as amended (the Act), and remanded the issue to the Department to "redetermine a constructed value profit rate for Thai I-Mei that is in accordance with law."<sup>1</sup> See *Thai I-Mei II*.

On March 18, 2009, the Department issued its final results of redetermination pursuant to *Thai I-Mei II*. In this remand redetermination, the Department recalculated the CV profit rate for Thai I-Mei using the weighted-average of the other respondents' profit on the third country sales of the foreign like product both within and outside the ordinary course of trade, because the CIT found this method reasonable. The Department's second redetermination changed the *Final Determination* dumping margin for Thai I-Mei from 5.29 percent to 1.88 percent.

<sup>1</sup> This was the second remand ruling by the CIT on this issue. Previously, the CIT required the Department to provide further explanation of its CV profit methodology. See *Thai I-Mei Frozen Foods Co., Ltd. v. United States*, 477 F. Supp. 2d 1332 (CIT 2007) (*Thai I-Mei I*). Although the Department complied with this order (see *Final Results of Redetermination Pursuant to Court Remand*, dated June 8, 2007, found at <http://ia.ita.doc.gov/> remands), the CIT rejected it in *Thai I-Mei Frozen Foods Co., Ltd. v. United States*, Court No. 05-00197 (Aug. 26, 2008) (*Thai I-Mei II*).

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of 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 in *Thai I-Mei III* on June 24, 2009, constitutes a final decision of that court that is not in harmony with the Department's *Final Determination*. 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 publish an amended final determination and exclude shrimp produced and exported by Thai I-Mei from the antidumping duty order on frozen warmwater shrimp from Thailand.

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

Dated: June 29, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9-15831 Filed 7-2-09; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

[Docket 24-2009]

**Foreign-Trade Zone 7 - San Juan, PR, Request for Manufacturing Authority, CooperVision Caribbean Corporation (Contact Lenses), Juana Diaz, PR**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Industrial Development Company, grantee of FTZ 7, requesting authority on behalf of CooperVision Caribbean Corporation (CooperVision), to manufacture contact lenses under FTZ procedures within FTZ 7. 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 June 26, 2009.

The CooperVision facilities (441,000 sq.ft./1,300 employees) are located within Site 4 at 500 Road 584, Amuelas

Industrial Park (manufacturing plant and warehouse) and at Road 149, Lomas Industrial Park (warehouse) in Juana Diaz, Puerto Rico. The facilities are used to manufacture and distribute disposable contact lenses (HTSUS 9001.30; duty rate: 2.0%) for export and the domestic market. At full capacity, the manufacturing plant can produce up to 800 million contact lenses annually. Activity under FTZ procedures would include manufacturing, cleaning, hydrating, polishing, power reading, and packaging. Foreign-origin materials and components that would be purchased from abroad (representing up to 65% of total material inputs, by value) to be used in manufacturing include: polypropylene polymers, quaternary ammonium (PC Hema, YT-Lipidure), esters of acrylic acid, acyclic amides, silicone (primary), and aluminum foil (duty rate range: free 6.5%).

FTZ procedures would exempt CooperVision from customs duty payments on the foreign material inputs used in export production (up to 90% of shipments). On its domestic sales, CooperVision would be able to elect the duty rate that applies to finished contact lenses (2%) for the foreign-origin inputs noted above that have higher duty rates. FTZ designation would further allow CooperVision to realize logistical benefits through the use of weekly customs entry procedures. Customs duties also could possibly be deferred or reduced on foreign status production equipment. The application indicates that the savings from FTZ procedures would help improve the facilities' international competitiveness.

In accordance with the Board's regulations, Pierre Duy 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 receipt of comments is September 4, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 21, 2009.

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