

thorium, cerium, zirconium, and rare earth-based materials, and the properties of these materials in extreme environments. This instrument is unique in that it combines the sensitivity, long life, and reproducibility of thermopile sensors with a large internal working volume capable of containing the molten oxide solvents used for calorimetry and operating in the range 700–1000 degrees Celsius where such solvents are molten. Conventional differential scanning calorimeters, made by other companies, are completely different in design and do not feature the large sample volume surrounded by a sensitive detector that is essential for solution calorimetry. Justification for Duty-Free Entry: There are no instruments of the same general category being manufactured in the United States. *Application accepted by Commissioner of Customs*: December 9, 2011.

Docket Number: 12–001. *Applicant*: The Regents of the University of California, Lawrence Berkeley National Laboratory, 1 Cyclotron Rd M/S 71R0259 Berkeley, CA 94720. *Instrument*: Berkeley Lab Laser Accelerator “BELLA” 1.3 petawatt laser system. *Manufacturer*: Thales Optronique S.A., France. *Intended Use*: The instrument will be used to study the phenomena of Laser Plasma Acceleration (LPA) at elevated peak power intensities and pulse repetition rates, achievable only with the BELLA laser system. Requirements of this system include that it is characterized by a short pulse, high intensity, Ti:sapphire laser able to demonstrate a 10 GeV laser-plasma accelerator module with a pulse energy of 40 Joules on target and a pulse duration of <40 femtoseconds at optimum compression with a repetition rate of 1HZ +/- 5%. Justification for Duty-Free Entry: There are no instruments of the same general category being manufactured in the United States. *Application accepted by Commissioner of Customs*: January 6, 2012.

Dated: January 31, 2012.

Gregory Campbell,

Acting Director, IA Subsidies Enforcement Office.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–933]

Frontseating Service Valves From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Determination and Notice of Amended Final Determination and Antidumping Duty Order Pursuant to Court Decision

SUMMARY: On January 27, 2012, the United States Court of International Trade (“CIT”) sustained the Department of Commerce’s (“the Department”) final results of redetermination pursuant to the CIT’s remand order in *Zhejiang DunAn Hetian Metal Co., Ltd. v. United States*, Court No. 09–00217, Slip Op. 11–120 (CIT Sept. 28, 2011) (“*Remand*”).¹

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*”), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (“*Diamond Sawblades*”), the Department is notifying the public that the final judgment in this case is not in harmony with the Department’s final determination and is amending the final determination of the less-than-fair-value investigation of frontseating service valves (“FSVs”) from the People’s Republic of China (“PRC”) with respect to the margin assigned to Zhejiang DunAn Hetian Metal Co., Ltd. (“DunAn”) covering the period of investigation (“POI”) July 1, 2007, through December 31, 2007, and the antidumping order.²

DATES: *Effective Date*: February 6, 2012.

FOR FURTHER INFORMATION CONTACT: Eve Wang, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6231.

¹ See Final Results Of Redetermination Pursuant To Court Remand, Court No. 09–00217, dated January 4, 2012, available at: <http://www.ia.ita.doc.gov/remands/index.html> (“FSV Redetermination”).

² *Frontseating Service Valves from the People’s Republic of China: Final Determination of Sales at Less than Fair Value and Final Negative Determination of Critical Circumstances*, 74 FR 10886 (March 13, 2009) and accompanying Issues and Decision Memorandum (“*Final Determination*”) and *Antidumping Duty Order: Frontseating Service Valves from the People’s Republic of China*, 74 FR 19196 (April 28, 2009), as corrected, *Notice of Correction to Antidumping Duty Order: Frontseating Service Valves From the People’s Republic of China*, 74 FR 26204 (June 1, 2009) (“*Order*”).

SUPPLEMENTARY INFORMATION: In the *Final Determination*, the Department applied partial adverse facts available (“AFA”) to DunAn because we found at verification that DunAn misreported the sales quantities of certain models of the merchandise under investigation sold in December 2007. As partial AFA, the Department applied the petition rate of 55.62 percent to all of the reported December 2007 sales of these certain models. On September 28, 2011, the Court of International Trade remanded the *Final Determination* to the Department, following a prior proceeding in which the Court of Appeals for the Federal Circuit (“CAFC”) held that the Department is only permitted to apply partial AFA to information which was missing from the record, namely, the quantity of certain models of FSVs sold in December 2007.³

The Court also granted the Department’s request for a voluntary remand to recalculate the surrogate labor rate for DunAn in accordance with the CAFC’s holding in *Dorbest Ltd. v. United States*, 604 F.3d 1363 (Fed. Cir. 2010) (“*Dorbest*”).⁴ In *Dorbest*, the CAFC held that the Department’s “regression-based method for calculating wage rates as stipulated by 19 CFR 351.408(c)(3) uses data not permitted by the statutory requirements laid out in section 773 of the Tariff Act of 1930, as amended (the “Act”).”⁵ Specifically, the CAFC interpreted section 773(c) of the Act to require the use of data from market economy countries that are both economically comparable to the non-market economy (“NME”) country at issue and significant producers of the subject merchandise, unless such data are unavailable. Because the Department’s regulation requires the Department to use data from economically dissimilar countries and from countries that do not produce comparable merchandise, the CAFC invalidated the Department’s labor regulation (19 CFR 351.408(c)(3)). On June 21, 2011, the Department revised its labor calculation methodology for valuing an NME respondent’s cost of labor in NME antidumping proceedings.⁶ In *Labor Methodologies*, the Department found that the best methodology for valuing the NME respondent’s cost of labor is to use the industry-specific labor rate from the surrogate country. Additionally, the

³ See *Zhejiang Dunan Hetian Metal Co., Ltd. v. United States*, 652 F.3d 1333, 1348 (Fed. Cir. 2010).

⁴ See *id.* at 1349.

⁵ See *Dorbest*, 604 F.3d at 1372.

⁶ See *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011) (“*Labor Methodologies*”).

Department found that the best data source for calculating the industry-specific labor rate for the surrogate country is the data reported under “Chapter 6A: Labor Cost in Manufacturing” from the ILO Yearbook of Labor Statistics.⁷

On January 5, 2012, the Department issued the FSV Redetermination. Pursuant to *Remand*, we applied partial AFA to DunAn’s misreported sales quantity using adverse inferences solely with respect to quantity. Specifically, we assigned to the total quantity of misreported sales to the higher CONNUM-specific margin of the two CONNUMs in question. Additionally, pursuant to *Dorbest and Labor Methodologies*, we revised the wage rate calculation methodology to comply with the CAFC’s interpretation of section 773 of the Act. The Department’s redetermination resulted in changing DunAn’s margin from 12.95 percent to 11.83 percent. On January 27, 2012, the Court of International Trade affirmed the FSV Redetermination.⁸

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(c) 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 January 27, 2012 judgment sustaining the Department’s remand redetermination with respect to DunAn 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*.

Amended Final Determination and Order

Because there is now a final court decision, we are amending the *Final Determination and Order* to reflect the results of the litigation. The revised weighted-average dumping margin is as follows:

Exporter/producer combination	Percent margin
Exporter: Zhejiang DunAn Hetian Metal Co., Ltd. Producer: Zhejiang DunAn Hetian Metal Co., Ltd	11.83

DunAn participated in the first administrative review of the antidumping duty order on FSV’s, and received a cash deposit rate, so the rate listed above will not be applied as a cash deposit rate for DunAn.⁹ This notice is issued and published in accordance with sections 516A(c)(1), 735(d) and 777(i)(1) of the Act.

Dated: February 1, 2012.

Paul Piquado,
Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Energy Efficiency Trade Mission to Russia

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The United States Department of Commerce (DOC) International Trade Administration (ITA), U.S. Commercial Service (CS) and Department of Energy (DOE) are organizing an Energy Efficiency Trade Mission to Moscow and St. Petersburg on June 4–7, 2012, to be led by a senior-level U.S. government official. Participating entities will have the option of additional meetings with business prospects in cities nearby Moscow and St. Petersburg.

Russia, with a population of over 140 million and a seriously inefficient energy infrastructure, is a promising market for the sale of U.S. energy efficiency products and services. Russia presents lucrative opportunities for U.S. energy efficiency companies due to a critical need for significant investments in the sector. The trade mission will target a broad range of technologies to improve energy efficiency including electricity transmission infrastructure, smart grids, energy storage, road construction materials and green building. Companies which provide environmental goods and services (especially for water treatment and water efficiency) that reduce the environmental impact of industrial processes and energy generation are encouraged to apply for this mission.

This mission will contribute to the efforts of Business Development and Economic Relations and Energy Working Groups of the U.S.-Russia Bilateral Presidential Commission (https://www.usrbc.org/government/presidential_commission/).

This mission will help participating firms gain market insights, make industry contacts, solidify business strategies, and advance specific projects, with the goal of increasing U.S. exports to Russia. The mission will include one-on-one business appointments with pre-screened potential buyers, agents, distributors and joint venture partners; meeting with national and regional government officials; and networking events. Participants in this official U.S. industry delegation will enhance their ability to secure useful meetings in Russia.

Commercial Setting

Russia, one of the world’s fastest growing developing economies, presents promising opportunities for U.S. companies that offer products and services in the clean technologies industries. New legislation and national goals addressing energy inefficiency and climate change, and the need to improve environmental services to the general public are creating a demand for energy efficient products and services.

Energy Efficiency

Russia’s President Dmitry Medvedev identified energy efficiency as a top priority for modernizing the Russian economy and affirmed that energy efficiency and conservation are among the five strategic priorities for Russia’s technological development.

Russia is aiming to reduce GDP energy intensity 40% by 2020 from its 2007 level. GDP energy intensity is currently 2.5–3.5 times higher than countries in Europe. Russia currently ranks among the top 25 energy intensive countries in seven major areas of economic activity: Agriculture, hunting and forestry, construction, manufacturing, transport, storage and services. Russia is seeking to diversify and grow its energy sources for these sectors.

New energy efficiency legislation in Russia passed in 2009, which established standards for the regulation of energy consumption to increase efficiency and encourage energy savings. For example, the law introduced restrictions on the sale of incandescent light bulbs, set requirements for providing energy efficiency information on product labels, and also set guidelines on mandatory commercial inventories of

⁷ See *id.*, at 39063.

⁸ *Zhejiang DunAn Hetian Metal Co., Ltd. v. United States*, Ct. No. 09–00217, Slip Op. 12–13 (Jan. 27, 2012).

⁹ See *Frontseating Service Valves from the People’s Republic of China: Final Results of the 2008–2010 Antidumping Duty Administrative Review of the Antidumping Duty Order*, 76 FR 70706 (November 15, 2012).