

*Application accepted by  
Commissioner of Customs:* December  
10, 2004.

*Docket Number:* 04–025.

*Applicant:* Oak Ridge National  
Laboratory c/o UT-Battelle, LLC, PO Box  
2008, 1 Bethel Valley Road, Oak Ridge,  
TN, 37831.

*Instrument:* Aberration-Corrected  
Field Emission Electron Microscope,  
Model JEM–2200FS.

*Manufacturer:* JEOL Ltd., Japan.

*Intended Use:* The instrument is  
intended to be used to study materials  
including experimental catalysts for  
automotive emission reduction, novel  
nanophase materials for high technology  
applications (including carbon  
nanotubes, self-assembled  
nanoparticles, and the like) and a  
variety of semiconductor materials for  
electronic and automotive applications.  
The primary objective in all  
investigations will be to obtain images  
at sub-angstrom resolution in order to  
image specimen features at the atomic  
level.

*Application accepted by  
Commissioner of Customs:* December  
16, 2004.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs  
Staff.*

[FR Doc. 04–28524 Filed 12–28–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application for Duty-Free Entry of Scientific Instrument

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

Comments must comply with 15 CFR  
301.5(a)(3) and (4) of the regulations and  
be filed within 20 days with the  
Statutory Import Programs Staff, U.S.  
Department of Commerce, Washington,  
DC 20230. Applications may be  
examined between 8:30 am. and 5 p.m.  
in Suite 4100W, U.S. Department of  
Commerce, Franklin Court Building,  
1099 14th Street, NW, Washington, DC.

*Docket Number:* 04–022.

*Applicant:* Virginia Commonwealth  
University, Department of Anatomy and  
Neurobiology, 1101 E. Marshall Street,

Room 12–050, Box 980709, Richmond,  
VA 23298.

*Instrument:* Transmission Electron  
Microscope, Model JEM–1230.

*Manufacturer:* JEOL, Ltd., Japan.

*Intended Use:* The instrument will be  
used to examine, analyze and  
reconstruct images of brain tissue  
derived from experimental animals  
subject to traumatic brain injury,  
various forms of epileptic seizure and  
various neurodegenerative disorders.  
Experiments with various antibodies  
will be used to determine various forms  
of neuronal cell injury and repair with  
computer-assisted reconstruction used  
to analyze related organelle and  
cytoskeletal change within neuronal  
somata and their dendritic and axonal  
processes.

*Application accepted by  
Commissioner of Customs:* November  
18, 2004.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs  
Staff.*

[FR Doc. 04–28522 Filed 12–28–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–533–839]

#### Notice of Countervailing Duty Order: Carbazole Violet Pigment 23 From India

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

**EFFECTIVE DATE:** December 29, 2004.

**FOR FURTHER INFORMATION CONTACT:**  
Sean Carey or Addilyn Chams-Eddine,  
AD/CVD Operations, Office 6, Import  
Administration, U.S. Department of  
Commerce, Room 7866, 14th Street and  
Constitution Avenue, NW, Washington,  
DC 20230; telephone (202) 482–3964  
and (202) 482–0648 respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Scope of the Order**

The merchandise covered by this  
investigation is Carbazole Violet  
Pigment 23 (CVP–23) identified as Color  
Index No. 51319 and Chemical Abstract  
No. 6358–30–1, with the chemical name  
of diindolo [3,2-b:3',2'-m]  
triphenodioxazine, 8,18-dichloro-5,15-  
diethoxy-5,15-dihydro-, and molecular  
formula of C<sub>34</sub>H<sub>22</sub>Cl<sub>2</sub>N<sub>4</sub>O<sub>2</sub>.<sup>1</sup> The subject

<sup>1</sup> The bracketed section of the product  
description, [3,2-b:3',2'-m], is not business  
proprietary information. In this case, the brackets  
are simply part of the chemical nomenclature. See  
December 4, 2003, amendment to petition  
(supplemental petition) at 8.

merchandise includes the crude  
pigment in any form (e.g., dry powder,  
paste, wet cake) and finished pigment in  
the form of presscake and dry color.  
Pigment dispersions in any form (e.g.,  
pigments dispersed in oleoresins,  
flammable solvents, water) are not  
included within the scope of the  
investigation.

#### **Countervailing Duty Order**

In accordance with section 705(d) of  
the Tariff Act of 1930, as amended (the  
Act), on November 17, 2004, the  
Department published its final  
determination in the countervailing  
duty investigation of CVP–23 from  
India. See *Final Affirmative  
Countervailing Duty Determination:  
Carbazole Violet Pigment 23 From  
India*, 69 FR 67321 (November 17,  
2004). On December 22, 2004, the  
United States International Trade  
Commission (USITC) notified the  
Department of its final determination,  
pursuant to section 705(b)(1)(A)(i) of the  
Act, that an industry in the United  
States suffered material injury as a  
result of subsidized imports of CVP–23  
from India.

Therefore, countervailing duties will  
be assessed on all unliquidated entries  
of CVP–23 from India entered, or  
withdrawn from warehouse, for  
consumption on or after April 27, 2004,  
the date on which the Department  
published its preliminary affirmative  
countervailing duty determination in  
the **Federal Register**, and before August  
26, 2004, the date the Department  
instructed the U.S. Customs and Border  
Protection (CBP) to discontinue the  
suspension of liquidation in accordance  
with section 703(d) of the Act, and on  
all entries of subject merchandise made  
on or after the date of publication of the  
USITC's final injury determination in  
the **Federal Register**. Section 703(d) of  
the Act states that the suspension of  
liquidation pursuant to a preliminary  
determination may not remain in effect  
for more than four months. Entries of  
CVP–23 made on or after August 26,  
2004, and prior to the date of  
publication of the USITC's final injury  
determination in the **Federal Register**  
are not liable for the assessment of  
countervailing duties due to the  
Department's discontinuation, effective  
August 26, 2004, of the suspension of  
liquidation.

In accordance with section 706 of the  
Act, the Department will direct the CBP  
to reinstitute the suspension of  
liquidation for CVP–23 from India  
effective the date of the publication of  
USITC's final injury determination in  
the **Federal Register** and to assess, upon  
further advice by the Department

pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise.

On or after the date of publication of the USITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rate noted below. The cash deposit rates are as follows:

Producer/exporter	Net subsidy rate
Alpanil Industries Ltd	17.57% ad valorem.
Pidilite Industries Ltd	17.33 ad valorem.
AMI Pigments Pvt. Ltd.	33.61 ad valorem.
All Others .....	20.55 ad valorem.

This notice constitutes the countervailing duty order with respect to CVP-23 from India, pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit of the main Department building for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is issued and published in accordance with sections 706(a) and 705 of the Act and 19 CFR 351.211 and 351.224.

Dated: December 22, 2004.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 04-28519 Filed 12-28-04; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-549-818]

#### Certain Hot-Rolled Carbon Steel Flat Products From Thailand: Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On October 1, 2004, the United States Court of International Trade (CIT) issued an order sustaining the Department of Commerce's (the Department's) Final Results of Redetermination on Remand (September 15, 2004) ("*Redetermination Results*"). *Royal Thai Government, et. al., v. United States*, Consol. Court No. 02-00026, Slip. Op. 04-124 (CIT 2004) ("*Royal Thai*"). In the *Redetermination Results*, the Department found as

ordered by the CIT, that the challenged duty drawback program is not countervailable. The effect of this finding is the reduction of the overall countervailable subsidy rate to a *de minimis* level.

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public that the *Royal Thai* decision was "not in harmony" with the Department's final determination.

**EFFECTIVE DATE:** October 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3964 or (202) 482-1391, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 3, 2001, the Department issued a countervailing duty determination covering hot-rolled steel from Thailand. *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Thailand*, 66 FR 50410 (October 3, 2001). On December 3, 2001, the countervailing duty order was published. *Notice of Countervailing Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Thailand* 66 FR 60197 (December 3, 2001).

On February 1, 2002, respondents, the Royal Thai Government (RTG) and Sahaviriya Steel Industries (SSI), filed their complaint, appealing the final determination and countervailing duty order. *Royal Thai Government, et. al., v. United States*, Court. No. 02-00027. Petitioners, National Steel Corporation, Bethlehem Steel Corporation, and United States Steel Corporation, also appealed the final determination. *National Steel Corp, et. al., v. United States*, Court No. 02-00026, consolidated into *Royal Thai Government, et. al., v. United States*, Consol. No. 02-00026.

On May 19, 2004, the RTG and SSI obtained an injunction, applicable during the pendency of this litigation in the CIT, enjoining the United States from liquidating or causing or permitting liquidation of any entries of certain hot-rolled carbon steel flat products from Thailand that: (1) Were affected by the Department's investigative proceeding; (2) were produced and exported by SSI; (3) were

entered or withdrawn from warehouse, for consumption, from January 1, 2002, through December 31, 2002; and, (4) remain unliquidated as of 5 p.m. on May 20, 2004.

On July 27, 2004, the CIT found that the Department's determination to countervail the challenged duty drawback program in its entirety was not supported by substantial evidence and is not in accordance with law. Because the CIT found that the drawback program is not countervailable, and the revised subsidy rate is *de minimis* (1.80 percent *ad valorem*), it ordered the Department to find that no countervailable subsidies are being provided to the production or exportation of certain hot-rolled carbon steel flat products from Thailand. *See Royal Thai Government, et. al., v. United States*, Consol. Court No. 02-00026, Slip. Op. 04-91 (CIT 2004).

On October 1, 2004, the CIT affirmed the *Redetermination Results* pursuant to its decision in *Royal Thai*. The CIT thus sustained the *Redetermination Results* in which the Department found that no countervailable subsidies are being provided to the production or exportation of certain hot-rolled carbon steel flat products from Thailand.

#### Timken Notice

In its decision in *Timken*, the Federal Circuit held that, pursuant to section 516(a)(c)(1) and (e) of the Tariff Act of 1930, as amended, the Department must publish notice of a decision of the CIT which is not in harmony with the Department's determination. The CIT's decision in *Royal Thai* was not in harmony with the Department's *Final Determination*. Therefore, publication of this notice fulfills the statutory obligation.

#### Suspension of Liquidation

This notice will serve to continue the suspension of liquidation pending the expiration of the period to appeal the CIT's October 1, 2004, decision, or, if that decision is appealed, pending a final decision by the Federal Circuit. Because the CIT issued an injunction on May 19, 2004, the Department will continue to suspend entries of hot-rolled steel from Thailand as specified in the injunction. The Department will revoke the Order and issue instructions covering these entries if the CIT's decision is not appealed, or if it is affirmed on appeal.