

Avenue, NW., Washington, DC 20230; telephone: (202) 482-6312 or (202) 482-0649, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department of Commerce (the Department) published the preliminary results and partial rescission of the 2005-2006 antidumping duty administrative review of heavy forged hand tools, finished or unfinished, with or without handles (Hand Tools), from the People's Republic of China (PRC) on March 8, 2007. See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Preliminary Results and Partial Rescission of the 2005-2006 Administrative Reviews*, 72 FR 10492 (March 8, 2007). We received a case brief from respondent Shandong Machinery Import & Export Company (SMC) on April 9, 2007. Separate rebuttal briefs were received from both petitioners, Ames True Temper (Ames) and Council Tool Company (Council Tools) on April 16, 2007. On April 24, 2007, the Customs Unit of the Department forwarded certain U.S. Customs and Border Protection (CBP) documents in response to our standard request. We placed these on the record of this review on April 24, 2007. See Memorandum to the File from Mark Flessner, Case Analyst, entitled "Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China (A-580-803): U.S. Entry Documents and Opportunity to Comment," dated April 24, 2007. SMC, Ames, and Council Tools filed comments concerning these CBP documents on May 9, 2007. SMC requested and was granted time to file a rebuttal to the Ames and Council Tools comments; SMC's rebuttal was received on May 16, 2007.

**Extension of Time Limits for Final Results**

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act), and 19 CFR 351.213(h)(1), the Department shall issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the date of publication of the order. The Tariff Act further provides that the Department shall issue the final results of review within 120 days after the date on which the notice of the preliminary results was published in the **Federal Register**. However, if the Department determines that it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Tariff Act and 19 CFR 351.213(h)(2) allow the Department

to extend the 245-day period to 365 days and the 120-day period to 180 days.

Due to the addition of important new information to the record, the complexity of the issues involved, and the time required to analyze the numerous submissions and arguments raised in parties' briefs, the Department has determined that it is not practicable to complete these reviews within the original time period.

Section 751(a)(3)(A) of the Tariff Act and 19 CFR 351.213(h) allow the Department to extend the deadline for the final results of a review to a maximum of 180 days from the date on which the notice of the preliminary results was published. The current deadline for the final results is July 6, 2007. For the reasons noted above, the Department is extending the time limit for the completion of the final results for the 2005-2006 antidumping duty administrative review of Hand Tools from the PRC until no later than August 6, 2007, which is within 180 days from the date on which the notice of the preliminary results was published.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Tariff Act.

Dated: June 28, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-879]

**Polyvinyl Alcohol from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Determination**

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

**SUMMARY:** On May 30, 2007, the United States Court of International Trade ("Court") sustained the final remand determination made by the Department of Commerce ("the Department") pursuant to the Court's remand of the final determination of sales at less than fair value of polyvinyl alcohol from the People's Republic of China. See *Sinopec Sichuan Vinyon Works v. United States*, Court No. 03-00791, Slip Op. 07-88 (CIT May 30, 2007) ("*Sinopec IV*"). This case arises out of the Department's *Notice of Final Determination of Sales at Less Than*

*Fair Value: Polyvinyl Alcohol from the People's Republic of China* 68 FR 47538 (Aug. 11, 2003) ("*Final Determination*"), as amended by *Notice of Amended Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol From the People's Republic of China* 68 FR 52183 (Sept. 2, 2003) ("*Amended Final Determination*"). The final judgment in this case was not in harmony with the Department's *Final Determination and Amended Final Determination*.

**EFFECTIVE DATE:** July 6, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Hallie Noel Zink, AD/CVD Operations, China/NME Group, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482-6907.

**SUPPLEMENTARY INFORMATION:** In *Sinopec Sichuan Vinyon Works v. United States*, Slip Op. 06-191, 2006 WL 3929638 (CIT Dec. 28, 2006) (not reported in F. Supp.) ("*Sinopec III*"), the Court remanded the Department's calculation of Sinopec Sichuan Vinyon Works' ("SVW") overhead costs for adjustments that comport with the Department's estimation of double-counting, if any, that may have occurred. Additionally, the Court stated that the Department was to provide the Court with a well-reasoned explanation for its final decision.

On March 16, 2007, the Department issued the draft results of redetermination pursuant to remand ("draft results") for comment by interested parties. On March 23, 2007, SVW and Defendant-Intervenors<sup>1</sup> submitted comments in response to the Department's draft results of redetermination pursuant to remand. On April 14, 2007, the Department issued its final results of redetermination pursuant to remand to the Court. The remand redetermination explained that in accordance with the Court's instructions, the Department analyzed the information on the record and found no evidence on the record establishing the existence of double-counting. Therefore, the Department found that double-counting did not occur. Thus, for these final remand results, the Department applied Jubilant's<sup>2</sup> financial ratios to SVW's costs without any adjustment. Additionally, the Department provided the Court with further explanation with regard to its final decision, which was based upon the following findings: i) there is no

<sup>1</sup> Celanese Chemicals Ltd., and E.I. Dupont de Nemours & Co.

<sup>2</sup> Jubilant Organosys Ltd.'s (Jubilant).

evidence on the record establishing that the Department's application of Jubilant's financial ratios resulted in double counting; and ii) the Department's decision to use Jubilant's data in the calculation of SVW's overhead costs without adjustment is consistent with its decision to apply a by-product credit for SVW's acetic acid recovery into its figures. The recalculated margin for these final remand results is 5.51 percent.

On May 30, 2007, the Court found that the Department complied with the Court's remand order and sustained the Department's remand redetermination. See *Sinopec IV*.

#### Timken Notice

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit 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. SVW's margin, as originally calculated in the *Amended Final Determination*, was 6.91 percent. SVW's margin, as calculated now, following the Court's decision in *Sinopec IV* is 5.51 percent. The Court's decision in *Sinopec IV* constitutes a final decision of that court that is not in harmony with the Department's final determination in polyvinyl alcohol from the People's Republic of China. 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, upon a final and conclusive court decision.

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

Dated: June 27, 2007.

**Joseph A. Spetrini,**

*Deputy 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 filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue NW, Room 2104, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 2104.

Docket Number: 07-036. Applicant: Methodist Hospitals of Dallas, d/b/a Methodist Health System, 1441 N. Beckley Avenue, Dallas, TX 75203. Instrument: Mass Spectrometer, Model H-7650. Manufacturer: Hitachi High Technologies, Japan. Intended Use: The instrument is intended to be used for clinical research and teaching in nephrology. The microscope is essential to conduct renal biopsies for the research. It will also be used to enable multiple students to simultaneously visualize the outcomes of the biopsies. Application accepted by Commissioner of Customs: June 8, 2007.

Docket Number: 07-037. Applicant: Regents of the University of California, Los Angeles, 570 Westwood Plaza Building 114, MC 722710, Los Angeles, CA 90095-7227. Instrument: Electron Microscope, Model Tecnai G2 F20. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument is intended to be used in a multi-user facility for a wide range of TEM research activities which will significantly enhance the inter-disciplinary research profile. It will advance state-of-the-art structural studies of a wide range of nano-devices, biological nanomachines and cellular assemblies. These activities have the potential for a profound impact on our understanding of several fundamental processes in biology, on determining the mechanisms of action of nanobiological machines, and on the development of novel nano-devices. Application accepted by Commissioner of Customs: June 7, 2007.

Docket Number: 07-038. Applicant: Regents of the University of California, Los Angeles, 570 Westwood Plaza Building 114, MC 722710, Los Angeles, CA 90095-7227. Instrument: Electron Microscope, Model FP 5600/XX Titan Krios cryo-EM. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument is intended to be used in a multi-user facility for a wide

range of TEM research activities which will significantly enhance the inter-disciplinary research profile. It will advance state-of-the-art structural studies of a wide range of nano-devices, biological nanomachines and cellular assemblies. These activities have the potential for a profound impact on our understanding of several fundamental processes in biology, on determining the mechanisms of action of nanobiological machines, and on the development of novel nano-devices. It will also provide high-resolution data pushing the limit of cryoEM reconstruction to near atomic resolution for biological research.

Application accepted by Commissioner of Customs: June 7, 2007. Docket Number: 07-039. Applicant: Regents of the University of California, Los Angeles, 570 Westwood Plaza Building 114, MC 722710, Los Angeles, CA 90095-7227. Instrument: Electron Microscope, Model FP 5600/30 Titan 80-300 S/TEM. Manufacturer: FEI Company, The Netherlands. Intended Use: The instrument is intended to be used in a multi-user facility for a wide range of TEM research activities which will significantly enhance the inter-disciplinary research profile. It will advance state-of-the-art structural studies of a wide range of nano-devices, biological nanomachines and cellular assemblies. These activities have the potential for a profound impact on our understanding of fundamental processes in determining the structural properties of various materials. Application accepted by Commissioner of Customs: June 7, 2007.

Docket Number: 07-033. Applicant: Stanford University, Varian Physics Bldg., Room 218, 382 Via Pueblo Mall, Stanford, CA 94305. Instrument: Amplified Ultrafast Laser System. Manufacturer: Thales Laser, France. Intended Use: The instrument is intended to be used to study the quantum mechanical properties of matter by performing coherent control experiments. Genetic algorithms will be used to control molecular dynamics in molecules as big as proteins and as small as carbon dioxide by optimizing either absorption in proteins or fragmentation of smaller molecules. The laser system will generate light of different colors in a non-collinear optical parametric amplifier. The laser system used must be very reliable, with a clean mode and capability of generating reproducible high powers on a daily basis with very little noise or operator intervention. Application accepted by Commissioner of Customs: June 18, 2007.

Docket Number: 07-043. Applicant: Scripps Research Institute, 10550 North