

results of redetermination<sup>2</sup> pursuant to the CIT's *Remand Order*.<sup>3</sup>

Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken*,<sup>4</sup> as clarified by *Diamond Sawblades*,<sup>5</sup> the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Wood Flooring Final*,<sup>6</sup> and is amending the final affirmative countervailing duty ("CVD") determination and order on multilayered wood flooring ("wood flooring") from the People's Republic of China ("PRC") covering the period of investigation, January 1, 2009, through December 31, 2009, with respect to the inclusion of Shanghai Eswell Enterprise Co., Ltd. ("Eswell Enterprise") and Elegant Living Corporation ("Elegant Living") on the list of non-cooperating companies.

**DATES:** *Effective Date:* November 26, 2012.

**FOR FURTHER INFORMATION CONTACT:** Joshua Morris, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1779.

**SUPPLEMENTARY INFORMATION:** Subsequent to completion of its CVD investigation of wood flooring from the PRC, parties filed a suit with the CIT challenging the inclusion of Eswell Enterprise and Elegant Living in the non-cooperating companies list. On August 31, 2012, the CIT remanded to the Department the issue of inclusion of Eswell Enterprise and Elegant Living on that list.<sup>7</sup> The Department filed its *Remand Results* on October 31, 2012. On November 15, 2012, the CIT upheld the Department's *Remand Results*

wherein the Department reconsidered the inclusion of Elegant Living and Eswell Enterprises on the list of non-cooperating companies, and determined to remove Eswell Enterprise and Elegant Living from that list.<sup>8</sup>

#### Timken Notice

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516(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.<sup>9</sup> The CIT's November 15, 2012, judgment sustaining the *Remand Results* constitutes a final decision of that court that is not in harmony with the *Wood Flooring Final*. 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.

#### Amended Final Determination and Countervailing Duty Order

Because there is now a final court decision with respect to Eswell Enterprise and Elegant Living, we are amending the *Wood Flooring Final* and the *Amended CVD Order*<sup>10</sup> on wood flooring with respect to the margin for Eswell Enterprise and Elegant Living. Consequently, the Department will instruct U.S. Customs and Border Protection to impose cash deposits on entries of the subject merchandise exported by Eswell Enterprise or Elegant Living at the all-others rate of 1.50 percent.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: November 23, 2012.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-868]

#### Folding Metal Tables and Chairs From the People's Republic of China: Final Results of Sunset Review and Revocation of Order

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

**SUMMARY:** On October 1, 2012, the Department of Commerce ("the Department") initiated the sunset review of the antidumping duty order on folding metal tables and chairs from the People's Republic of China ("PRC"). Because the domestic interested parties did not participate in this sunset review, the Department is revoking this antidumping duty order.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatryan, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6412.

**SUPPLEMENTARY INFORMATION:** On June 27, 2002, the Department issued an antidumping duty order on folding metal tables and chairs from the PRC.<sup>1</sup> On November 6, 2007, the Department published its most recent continuation of the order.<sup>2</sup> On October 1, 2012, the Department initiated a sunset review of this order.<sup>3</sup>

We did not receive a notice of intent to participate from domestic interested parties in this sunset review by the deadline date. As a result, in accordance with 19 CFR 351.218(d)(1)(iii)(A), the Department determined that no domestic interested party intends to participate in the sunset review, and on October 21, 2012, we notified the International Trade Commission, in writing, that we intended to issue a final determination revoking this antidumping duty order.<sup>4</sup>

**Scope of the Order:** The products covered by the order consist of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

<sup>1</sup> See *Antidumping Duty Order: Folding Metal Tables and Chairs From the People's Republic of China*, 67 FR 43277 (June 27, 2002).

<sup>2</sup> See *Folding Metal Tables and Chairs From the People's Republic of China: Continuation of the Antidumping Duty Order*, 72 FR 62626 (November 6, 2007).

<sup>3</sup> See *Initiation of Five-Year ("Sunset") Review*, 77 FR 59897 (October 1, 2012).

<sup>4</sup> See 19 CFR 351.218(d)(1)(iii)(B)(2).

<sup>2</sup> See Final Results of Redetermination Pursuant to Remand in *Fine Furniture (Shanghai) Limited, et al. (Plaintiff) and Hunchun Forest Wolf Industry Company Limited, et al. (Plaintiff-Intervenors) v. United States (Defendant) and the Coalition for American Hardwood Parity (Defendant-Intervenors)*, CIT Court No. 11-00533, (October 31, 2012) (Public Version) ("Remand Results").

<sup>3</sup> See *Fine Furniture (Shanghai) Limited, et al. (Plaintiff) and Hunchun Forest Wolf Industry Company Limited, et al. (Plaintiff-Intervenors) v. United States (Defendant) and the Coalition for American Hardwood Parity (Defendant-Intervenors)*, Slip-Op. 12-113 (CIT 2012) ("Remand Order").

<sup>4</sup> See *Timken Co. v. United States*, 893 F.2d 337 (CAFC 1990) ("Timken").

<sup>5</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (CAFC 2010) ("Diamond Sawblades").

<sup>6</sup> See *Multilayered Wood Flooring From the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 76 FR 64313 (October 18, 2011) ("Wood Flooring Final").

<sup>7</sup> See *Remand Order*.

<sup>8</sup> See *Remand Results*.

<sup>9</sup> See *Timken*, 893 F.2d at 341.

<sup>10</sup> See *Multilayered Wood Flooring From the People's Republic of China: Amended Antidumping and Countervailing Duty Orders*, 77 FR 5484 (February 3, 2012) ("Amended CVD Order").

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (folding metal tables). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal tables are the following:

- Lawn furniture;
- Trays commonly referred to as "TV trays;"

- Side tables;

- Child-sized tables;

- Portable counter sets consisting of rectangular tables 36" high and matching stools; and,

- Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28" to 36" wide by 48" to 96" long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (folding metal chairs). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: Those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal chairs are the following:

- Folding metal chairs with a wooden back or seat, or both;

- Lawn furniture;

- Stools;

- Chairs with arms; and

- Child-sized chairs.

The subject merchandise is currently classifiable under subheadings 9401.71.0010, 9401.71.011, 9401.71.0030, 9401.71.0031, 9401.79.0045, 9401.79.0046, 9401.79.0050, 9403.20.0018, 9403.20.0015, 9403.20.0030, 9403.60.8040, 9403.70.8015, 9403.70.8020, and 9403.70.8031 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

**Determination To Revoke:** Pursuant to section 751(c)(3)(A) of the Tariff Act of 1930, as amended ("the Act") and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested party files a notice of intent to participate, the Department shall, within 90 days after the initiation of the review, issue a final determination revoking the order. Because no domestic interested party filed a notice of intent to participate in this sunset review, the Department finds that no domestic interested party is participating in this sunset review. Therefore, consistent with 19 CFR 351.222(i)(1)(i) and section 751(c)(3)(A) of the Act, we are revoking this antidumping duty order.

**Effective Date of Revocation:** The effective date of revocation is November 6, 2012, the fifth anniversary of the date of publication in the **Federal Register** of the most recent notice of continuation of this antidumping duty order. Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(2)(i), the Department intends to issue instructions to U.S. Customs and Border Protection, 15 days after publication of this notice, to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after November 6, 2012. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. The Department will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests of review.

This five-year (sunset) review and notice are published in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: November 20, 2012.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Smart Grid Advisory Committee Meeting

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Smart Grid Advisory Committee (SGAC or Committee), will meet in open session on Tuesday, December 18, 2012 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, December 19, 2012 from 8:30 a.m. to 12:00 p.m. Eastern time. The primary purposes of this meeting are to discuss NIST's response to recommendations from the Committee's report and to receive presentations on cybersecurity coordination and the NIST Smart Grid Program Plan. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid Web site at <http://www.nist.gov/smartgrid>.

**DATES:** The SGAC will meet on Tuesday, December 18, 2012 from 8:30 a.m. to 5:00 p.m. Eastern time and Wednesday, December 19, 2012 from 8:30 a.m. to 12:00 p.m. Eastern time. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held in Lecture Room A, Administration Building, National Institute of Standards and Technology (NIST), 100 Bureau Drive, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Dr. George W. Arnold, National Coordinator for Smart Grid Interoperability, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899-8200; telephone 301-975-2232, fax 301-975-4091; or via email at [nistsgfac@nist.gov](mailto:nistsgfac@nist.gov).

**SUPPLEMENTARY INFORMATION:** The Committee was established in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee is composed of ten to fifteen members, appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and knowledge of issues affecting Smart Grid deployment and operations. The Committee advises the Director of NIST on carrying out duties authorized by section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110-140). The Committee provides input to NIST on