

*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-
diethy-5,15-dihydro-, and molecular
formula of C₃₄H₂₂Cl₂N₄O₂.¹ The subject

¹ 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.