

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-533-808]

**Stainless Steel Wire Rod from India:
Notice of Court Decision**

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

ACTION: Notice of Court decision.

SUMMARY: On August 15, 2002, the United States Court of International Trade ("CIT") sustained the final remand determination made by the Department of Commerce ("the Department") pursuant to the Court's remand of the final determination of the administrative review of stainless steel wire rod from India. See *Viraj Group, Ltd. v. United States*, Ct. No. 00-06-00291, Slip Op. 02-89 (Ct. Int'l Trade August 15, 2002) ("*Viraj IV*"). This case arises out of the Department's *Stainless Steel Wire Rod from India: Notice of Final Results of Antidumping Administrative Review*, 65 FR 31302 (May 17, 2002) ("*Final Results*"). The final judgment in this case was not in harmony with the Department's May, 2002, *Final Results*.

EFFECTIVE DATE: August 26, 2002.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1102.

SUPPLEMENTARY INFORMATION: The decision of the Court of International Trade in *Viraj IV* is that Court's final decision in a series of decisions addressing issues related to the antidumping margin assigned to the *Viraj Group, Ltd.* ("*Viraj*") in the above-referenced *Final Results*.

In *Viraj Group, Ltd. v. United States*, Slip Op. 01-104 (CIT August 15, 2001) ("*Viraj I*"), the Court remanded one aspect of the *Final Results*. The Court remanded the issue of the exchange rate used by the Department to convert Indian rupees into United States dollars and whether an inaccurate margin resulted. The Court ordered the Department to articulate its reasoning behind its approach to the devaluation on the Indian rupee during the POR and to address properly and explain whether the Department's currency conversion methodology resulted in an accurate dumping margin, and to recalculate the margin if necessary.

In *Viraj Group, Ltd. v. United States*, Slip Op. 02-24 (CIT February 26, 2002)

("Viraj II"), the court requested that the Department reconsider whether its currency conversion methodology resulted in a fair dumping determination. Specifically, the Court instructed the Department: (1) To examine whether its current currency conversion methodology yields the most accurate dumping margin in this case; (2) to address whether the facts of this case warrant additional consideration of the Department's policy concerning depreciating currencies, and if necessary recalculate Plaintiff's dumping margin; (3) to explain the Department's methodology for currency conversion with regard to sales versus costs; and (4) to explain how a long-term currency devaluation can be ignored by the Department if it is to reach a fair and accurate dumping margin.

In *Viraj Group, Ltd. v. United States*, Slip Op. 02-52 (CIT June 4, 2002) ("*Viraj III*"), the Court again remanded the issue of the currency conversion methodology in the *Final Results* to the Department. In its opinion, the Court instructed the Department to apply a currency conversion methodology that reaches a more accurate dumping margin, explain why such a methodology does or does not further the congressional goal of accuracy in dumping determinations, and explain which method the Department chooses to apply in this case and why it chose that method.

On July 12, 2002, the Department issued its draft results of redetermination of remand. On July 16, 2002, only petitioner (Carpenter Technology Corp.) filed comments. Respondent did not file comments in response to the Department's draft results of redetermination of remand. On July 22, 2002, the Department issued its final results of redetermination of remand to the Court.

On August 15, 2002, the CIT sustained the Department's redetermination on remand. See *Viraj Group, Ltd. v. United States*, Ct. No. 00-06-00291, Slip Op. 02-89 (CIT August 15, 2002) ("*Viraj IV*"). In *Viraj IV*, the CIT concurred on and sustained the results of the Department's redetermination, but did not endorse the reasoning underlying the recalculation of the remand results.

In its decision in *Timkin Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) ("*Timkin*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish a notice of a court decision which is not "in harmony" with a Department determination, and must suspend

liquidation of entries pending a "conclusive" court decision. The CIT's decision in *Viraj IV* on August 15, 2002, constitutes a final decision of that court which is "not in harmony" with the Department's final results of antidumping duty administrative review. This notice is published in fulfillment of the publication requirements of *Timkin*.

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 "conclusive" court decision.

Dated: September 6, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02-23494 Filed 9-13-02; 8:45 am]

BILLING CODE 3510-05-M

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; 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, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW, Washington, DC.

Docket Number: 02-030. *Applicant:* Faulkes Telescope Corporation, Pacific Guardian Center, 737 Bishop Street, Suite 2600, Honolulu, HI 96813.

Instrument: Robotically Controlled 2 meter Astronomical Telescope.

Manufacturer: Telescope Technologies Limited, United Kingdom. *Intended Use:* The instrument is intended to be used for studying astronomical objects.

The telescope and its charge coupled device instrument (which includes a wheel of colored filters) (CCD camera) will be used for taking images of astronomical objects that will allow the identity brightness, color, composition, and distance of astronomical objects to

be determined. Observations of celestial objects will be selected by students in Hawaiian and United Kingdom schools as part of educational research programs being run to support the teaching of science in schools. Research programs will include:

1. Galaxy morphology (shape of galaxies)
 2. Asteroid and comet searches
 3. Gamma-ray bursts
 4. Variable stars
 5. Extra-solar planets (planets outside our own Solar System)
- These programs are intended to result in findings that can be published in refereed journals by the professional astronomers that will be mentoring the research. Therefore, the observations will need to be of research quality. *Application accepted by Commissioner of Customs: July 11, 2002.*

Docket Number: 02-037. Applicant: The University of Texas Health Center at Tyler, 11937 U.S. Hwy 271, Tyler, TX 75708-3154. *Instrument:* Electron Microscope, Model JEM-1230. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument is intended to be used to study ultrastructural cells—normal and pathological, dusts—inhaled and environmental, isolated proteins, bacteria, viruses, isolated RNA and DNA and other bio compounds to understand mechanisms in biosystems which have applicability to be used in intervening in human disease. *Application accepted by Commissioner of Customs: August 15, 2002.*

Docket Number: 02-039. Applicant: U.S. Department of Agriculture, ARS, PWA Office, 800 Buchanan Street, Albany, CA 94710. *Instrument:* Automated Robotic Colony Picking and Replicating System, Model QPixII. *Manufacturer:* Genetix Limited, United Kingdom. *Intended Use:* The instrument is intended to be used in research for a high-throughput screening strategy to identify *E. coli* and yeast colonies with high recombinant enzyme activities and to quickly screen hundreds of thousands of colonies for clones that produce highly active starch-degrading enzymes, and to implement an automated process for that purpose. *Application accepted by Commissioner of Customs: August 28, 2002.*

Docket Number: 02-040. Applicant: Pennsylvania State University, 187 Materials Research Lab Building, University Park, PA 16802. *Instrument:* Optical Image Furnace and Accessories, Model SC1-MDH-20020. *Manufacturer:* NEC Machinery Corporation, Japan. *Intended Use:* The instrument is intended to be used for the growth of up

to 10 mm diameter single crystals for the study of oxide ferroic and dielectric materials. The need for the capability to grow highly uniform and sufficient in size single crystals is stemmed from the necessity to separate and understand the mechanisms in the mixed valence solid solution and often refractory ferroic crystal systems. *Application accepted by Commissioner of Customs: August 29, 2002.*

Gerald A. Zerdy,
Program Manager, Statutory Import Programs Staff.

[FR Doc. 02-23496 Filed 9-13-02; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Lawrence Berkeley National Laboratory, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated 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). Related records can be viewed between 8:30 a.m. and 5 p.m. in Suite 4100W, Franklin Court Building, U.S. Department of Commerce, 1099 14th Street, NW, Washington, DC.

Docket Number: 02-025. Applicant: Lawrence Berkeley National Laboratory, Berkeley, CA 94720. *Instrument:* Electron Microscope, Model Tecnai G² F20 U-TWIN STEM. *Manufacturer:* FEI Company, The Netherlands. *Intended Use:* See notice at 67 FR 47524, July 19, 2002. *Order Date:* September 7, 2001.

Docket Number: 02-026. Applicant: University of North Carolina, Chapel Hill, NC 27599-3255. *Instrument:* Electron Microscope, Model JEM-2010F FasTEM. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 67 FR 47524, July 19, 2002. *Order Date:* March 25, 2002.

Docket Number: 02-029. Applicant: University of Delaware, Newark, DE 19716. *Instrument:* Electron Microscope, Model JEM-3010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 67 FR 47524, July 19, 2002. *Order Date:* October 24, 2001.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign

instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Gerald A. Zerdy,
Program Manager, Statutory Import Programs Staff.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091002B]

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Executive Committee, Ecosystems Planning Committee, and Law Enforcement Committee (with Advisor) will hold a public meeting. There will also be a meeting of the Joint Mid-Atlantic Fishery Management Council and New England Fishery Management Council Spiny Dogfish Committee. **DATES:** The meetings will be held on Monday, September 30, 2002 through Thursday, October 3, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Holiday Inn Select, 630 Naamans Road, Claymont, DE, telephone: 302-792-2700.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION: On Tuesday, October 1, the Executive Committee will meet from 1 p.m. to 4 p.m. New Member Orientation will be held from 4 p.m. to 4:30 p.m. On Wednesday, October 2, the Council will convene at 8 a.m. with the swearing-in of new Council members and the election of officers (chairman and vice