

in accordance with section 351.213(b) of the Department's regulations since the request was made more than four months after the end of the anniversary month. Therefore, the Department is rescinding the review of Iron Bull Industrial Co., Ltd. with respect to the class or kind bars/wedges.

This notice is published in accordance with sections 751(a)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 31, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-427-818)

#### Low Enriched Uranium from France: Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On August 3, 2006, the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("the Department's") June 19, 2006, Final Results of Redetermination on Remand pursuant to *Eurodif S.A., et. al. v. United States*, Consol. Ct. No. 02-00219, Slip. Op. 06-75 (CIT May 18, 2006) ("LEU Remand Redetermination"), which pertains to the Antidumping Duty Order on Low Enriched Uranium ("LEU") from France.

Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public that this decision is "not in harmony" with the Department's original determination and will continue to order the suspension of liquidation of the subject merchandise, where appropriate, until there is a conclusive decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct U.S. Customs and Border Protection to liquidate all relevant entries from *Eurodif S.A./Compagnie Generale Des Matieres Nucleaires* (collectively, "Eurodif" or "respondents").

**EFFECTIVE DATE:** September 11, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley or Myrna Lobo, AD/CVD

Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482-3148 or (202) 482-2371, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 21, 2001, the Department published a notice of final determination in the antidumping duty investigation of LEU from France. See *Notice of Final Determination of Sales at Less Than Fair Value: Low Enriched Uranium From France*, 66 FR 65877 (Dec. 21, 2001) ("LEU Final Determination"). On February 13, 2002, the Department published in the **Federal Register** an amended final determination and antidumping duty order on LEU from France. See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Low Enriched Uranium From France*, 67 FR 6680 (Feb. 13, 2002).

Respondents challenged the Department's final determination before the CIT. The case was later appealed and the CAFC, in *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc., et. al. v. United States*, 411 F.3d 1355 (Fed. Cir. 2005) ("*Eurodif I*"), ruled in favor of respondents. The CAFC later clarified its ruling, issuing a decision in *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc., et. al. v. United States*, 423 F. 3d. 1275 (Fed. Cir. 2005) ("*Eurodif II*").

On January 5, 2006, the CIT remanded the case to the Department for action consistent with the decisions of the Federal Circuit in *Eurodif I* and *Eurodif II*. See *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc. et. al. v. United States*, Slip. Op. 06-2 (CIT Jan. 5, 2006). Specifically, the CIT directed the Department to revise its final determination and antidumping duty order to conform with the decisions in *Eurodif I* and *Eurodif II*.

On March 3, 2006, the Department issued its results of redetermination and recalculated the antidumping duty rate applicable to Eurodif, to comply with the decisions of *Eurodif I* and *Eurodif II*. On May 18, 2006, the CIT again remanded the case to the Department to exclude certain entries from the scope of the order. On June 19, 2006, the Department issued its final results of redetermination pursuant to court remand ("LEU Remand Redetermination"). On August 3, 2006, the CIT sustained the Department's

redetermination. See *Eurodif S.A., Compagnie Generale Des Matieres Nucleaires, and Cogema Inc. et. al. v. United States*, Slip. Op. 06-124 (CIT August 3, 2006).

#### Suspension of Liquidation

The CAFC in *Timken* held that, pursuant to 19 USC 1516(e), the Department must publish notice of a decision of the CIT or the CAFC, which is not "in harmony" with the Department's final determination or results. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT's August 3, 2006, decision.

In the event that the CIT's ruling is not appealed, or if appealed, it is upheld, the Department will publish amended final results and liquidate relevant entries covering the subject merchandise.

Dated: September 5, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

A-549-821

#### Polyethylene Retail Carrier Bags from Thailand: Preliminary Results of Antidumping Duty Administrative Review

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Thailand. The review covers seven manufacturers/exporters. The period of review is January 26, 2004, through July 31, 2005.

We have preliminarily determined that sales have been made below normal value by each of the companies subject to this review. If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries.