

inferences, was warranted because the evidence gathered at verification established that China Kingdom Import & Export Co. Ltd. (China Kingdom) failed to report its total tail meat production for the POR and eight of its eleven factors of production for the POR. *Id.* In applying total adverse facts available, the Department chose to assign to China Kingdom the highest calculated rate from any segment of the proceeding as the Department found that China Kingdom failed to cooperate to the best of its ability. *Id.* Therefore, China Kingdom was assigned a rate of 223.01 percent the highest rate calculated in any previous segment of this proceeding. *Id.*

In *China Kingdom Import & Export Co., Ltd. v. United States*, Consol. Ct. No. 03-00302, Slip Op. 07-135 (CIT September 4, 2007) (*China Kingdom vs. United States I*), the CIT remanded the *Final Results*, holding that the Department's application of the "facts otherwise available" and "adverse inference" provisions was not supported by substantial record evidence and was otherwise not in accordance with law. The CIT directed the Department to calculate and assign China Kingdom a new antidumping duty assessment rate using facts available and adverse facts available only to a limited extent. On March 3, 2008, the Department issued its final results of redetermination pursuant to *China Kingdom vs. United States I*. See *Results of Redetermination on Remand Pursuant to China Kingdom Import & Export Co. Ltd. v. United States* (March 3, 2008). The remand redetermination explained that, in accordance with the CIT's instructions, the Department recalculated the assessment rate for China Kingdom using a rate other than the PRC-wide rate as total adverse facts available. Specifically, the Department calculated a dumping margin for China Kingdom, utilizing the factor for each of the eight erroneously reported factor values (choosing between China Kingdom's February 27, 2002, and November 16, 2007, responses) that is adverse to China Kingdom. The Department also utilized in its calculations the three factors that China Kingdom correctly reported. The Department then compared U.S. sales price to normal value, and calculated a dumping margin for China Kingdom utilizing information on the record. The Department's redetermination resulted in a change in the *Final Results* weighted-average margin for China Kingdom from 223.01 percent to 90.66 percent.

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, the CAFC 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. The CIT's decision in *China Kingdom v. United States II* on September 12, 2008, constitutes a final decision of that court that is not in harmony with the Department's *Final Results*. 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. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from China Kingdom based on the revised assessment rates calculated by the Department.

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

Dated: October 8, 2008.

David M. Spooner,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 08-00008]

Export Trade Certificate of Review

ACTION: Notice of Withdrawal of an Application for an Export Trade Certificate of Review Submitted by the American Sugar Export Company LLC.

SUMMARY: On June 12, 2008, Export Trading Company Affairs published a notice in the **Federal Register** (73 FR 3394) of an application for an Export Trade Certificate of Review submitted by the American Sugar Export Company LLC (ASEC). On October 8, 2008, ASEC withdrew its application.

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at

(202) 482-5131 (this is not a toll-free number) or e-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. Under the regulations implementing Title III, an applicant may withdraw an application by written request at any time before the Secretary has determined whether to issue a certificate. 15 CFR 325.3(f).

Dated: October 14, 2008.

Jeffrey Anspacher,
Director, Export Trading Company Affairs.
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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 070413090-8543-02]

Announcing Approval of Federal Information Processing Standard (FIPS) Publication 180-3, Secure Hash Standard, a Revision of FIPS 180-2, Secure Hash Standard

AGENCY: National Institute of Standards and Technology (NIST), Commerce Department.

ACTION: Notice.

SUMMARY: This notice announces the Secretary of Commerce's approval of Federal Information Processing Standard (FIPS) Publication 180-3, Secure Hash Standard, a revision of FIPS 180-2, Secure Hash Standard. The FIPS specifies five secure hash algorithms for use in computing a condensed representation of electronic data, or a message digest. Secure hash algorithms are used with other cryptographic algorithms, such as digital signature algorithms and keyed hash message authentication codes.

The revised FIPS incorporates the four hash algorithms that had been specified in FIPS 180-2, and includes an additional algorithm that had been specified in Change Notice 1 to FIPS 180-2. In addition, a basic description of a truncation method that was provided in the Change Notice has been incorporated into the standard. Some technical information in FIPS 180-2 about the security of the hash algorithms may no longer be accurate, as shown by recent research results, and it is possible that further research may indicate additional changes. Therefore, the technical information has been removed from the revised standard, and will be provided in Special Publications