

These antidumping duties will be assessed on (1) all entries of uncovered innerspring units from the Socialist Republic of Vietnam entered, or withdrawn from the warehouse, for consumption on or after August 6, 2008, the date on which the Department published *Uncovered Innerspring Units from the Socialist Republic of Vietnam: Notice of Preliminary Determination of Sales at Less Than Fair Value*, 73 FR 45738 (August 6, 2008) (*Preliminary Determination*), through December 5, 2008, the date on which the Department is required, pursuant to section 733(d) of the Act, to terminate the suspension of liquidation, and (2) on all subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination in the **Federal Register**.

The Department will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, un-liquidated entries of uncovered innerspring units from the Socialist Republic of Vietnam entered, or withdrawn from the warehouse, for consumption subsequent to December 5, 2008, through the day preceding the publication of the ITC's notice of final determination in the **Federal Register**. See section 733(d) of the Act.

Effective on the date of publication of the ITC's notice of final determination in the **Federal Register**, CBP officers must require, at the same time as importers would normally deposit estimated duties, cash deposits based on the rates listed below, in accordance with section 736(a)(3) of the Act.

Manufacturer/exporter	Margin (percent)
Vietnam-Wide Rate .....	116.31

This notice constitutes the antidumping duty order with respect to uncovered innerspring units from the Socialist Republic of Vietnam, pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room 1117 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: December 5, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8-29484 Filed 12-10-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-570-848)

#### Continuation of Antidumping Duty Order on Freshwater Crawfish Tail Meat from the People's Republic of China

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Department) and the International Trade Commission (ITC) that revocation of the antidumping duty order on freshwater crawfish tail meat (crawfish) from the People's Republic of China (PRC) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation for the antidumping duty order.

**EFFECTIVE DATE:** December 11, 2008.

**FOR FURTHER INFORMATION CONTACT:** Lyn Johnson or Mino Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5287 and (202) 482-1690, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 1, 2008, the Department initiated and the ITC instituted the second sunset review of the antidumping duty order on crawfish from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). See *Initiation of Five-Year ("Sunset") Review*, 73 FR 37411 (July 1, 2008); see also *Institution of a Five-Year Review Concerning the Antidumping Duty Order on Crawfish Tail Meat from China*, 73 FR 37489 (July 1, 2008).

As a result of its review, the Department determined that revocation of the antidumping duty order on crawfish from the PRC would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked. See *Freshwater Crawfish Tail Meat from the People's Republic of China: Final Results of the Second Expedited Sunset Review of the Antidumping Duty Order*, 73 FR 65832 (November 5, 2008).

On November 25, 2008, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on crawfish

from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonable foreseeable future. See *Crawfish Tail Meat from China* (Inv. No. 731-TA-752 (Second Review)), USITC Publication 4047 (November 25, 2008); see also *Crawfish Tail Meat from China*, 73 FR 72833 (December 1, 2008).

#### Scope of Order

The product covered by this antidumping duty order is freshwater crawfish, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the new HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by the CBP in 2000, and HTSUS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. The HTSUS subheadings are provided for convenience and customs purposes only. The written description of the scope of this order is dispositive.

#### Continuation of the Order

As a result of these determinations by the Department and the ITC that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on crawfish from the PRC. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section

751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: December 4, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8-29392 Filed 12-10-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-570-863)

#### Honey From the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

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

**SUMMARY:** On November 18, 2008, the United States Court of International Trade ("CIT") sustained the remand redetermination issued by the Department of Commerce ("Department") pursuant to the CIT's remand order in the final results of the administrative review of the antidumping duty order on honey from the People's Republic of China. See *Shanghai Eswell Enterprise Co., Ltd., et. al. v. United States*, Court No. 05-00439, Slip Op. 08-124 (CIT November 18, 2008) ("*Eswell II*"). This case arose from the Department's final results for the period of review ("POR") December 1, 2002, through November 30, 2003. See *Honey from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review*, 70 FR 38873 (July 6, 2005) ("*Final Results*"). Consistent with the decision of the United States 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 *Eswell II* is not in harmony with the Department's Final Results.

**EFFECTIVE DATE:** December 11, 2008.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-0413.

**SUPPLEMENTARY INFORMATION:** On September 13, 2007, the CIT remanded the following issues to the Department for further administrative proceedings consistent with its opinion and Order: 1) the calculation of the raw honey surrogate value; 2) the calculation of

surrogate financial ratios with respect to (a) the treatment of honey sales commissions and (b) the treatment of jars, corks, and honey machine purchases; and 3) the use of export price sales for Jinfu Trading Co., Ltd.'s ("Jinfu") U.S. sales. See *Shanghai Eswell Enterprise Co., Ltd., et. al. v. United States*, Slip Op. 07-138 (CIT September 13, 2007) ("*Eswell I*"), at 17-18. Pursuant to the CIT's remand instructions, we: 1) addressed record evidence which indicated a decline in export prices during the second half of the POR and explained why we have refrained from considering these data in calculating a surrogate value for raw honey; 2) (a) discussed evidence which reflects an exact correlation between the selling commission expenses incurred by respondents, and those incurred by the surrogate financial company and further explained our decision in the *Final Results* that the record evidence was insufficient to permit a circumstances of sale adjustment, as well as (b) revised our financial ratio calculations to include reported expenses for jars and corks as direct materials used for producing finished honey and provided further explanation regarding our finding that honey machine purchases do not constitute direct expenses; and 3) addressed the CIT's findings with respect to operational control, and explained our continued finding, in accordance with our decision in the *Final Results of Redetermination Pursuant to Court Remand: Jinfu Trading Co., Ltd. v. United States*, Court No. 04-00597, Slip Op. 07-95 (CIT June 13, 2007).

On January 15, 2008, the Department released the *Draft Results of Redetermination Pursuant to Court Remand* to interested parties. On January 22 and January 24, 2008, we received comments on the draft results of redetermination from interested parties. On February 11, 2008, the Department filed its final results of redetermination pursuant to *Eswell I* with the CIT. See *Final Results of Redetermination Pursuant to Court Remand: Shanghai Eswell Enterprise Co., Ltd. v. United States*, Court No. 06-00430 (February 11, 2008). In responding to the CIT's questions and reassessing the record evidence, we determined it was appropriate to revise our financial ratio calculations to include, as direct materials used to producing finished honey, expenses for jars and corks. Thus, the Department revised, as appropriate, the surrogate financial ratios of the margin calculations for Eswell Enterprise Co., Ltd., Jinfu and Zhejiang Native Produce

and Animal By-Products Import & Export Group Corp. On November 18, 2008, the CIT sustained all aspects of the redetermination made by the Department pursuant to the CIT's remand of the *Final Results*.

In *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("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 *Eswell II* on November 18, 2008, constitutes a decision of the 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 publish an amended final results and instruct U.S. Customs and Border Protection to revise the cash deposit rates covering the subject merchandise and to assess antidumping duties on entries of the subject merchandise during the POR 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: December 5, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-421-811]

#### Purified Carboxymethylcellulose From the Netherlands: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On August 7, 2008, the Department of Commerce (Department) published the preliminary results of the administrative review of the antidumping duty order on purified carboxymethylcellulose (CMC) from the