

No additional feedstocks or products have been requested.

Zone procedures would exempt production associated with the proposed expansion from customs duty payments on the foreign products used in exports. On domestic sales, the company would be able to choose the customs duty rates for certain petrochemical feedstocks (duty-free) by admitting foreign crude oil in non-privileged foreign status. The application indicates that the savings from zone procedures help improve the refinery's international competitiveness.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 13, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 27, 2009.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via <http://www.trade.gov/ftz>.

For further information, contact Elizabeth Whiteman at Elizabeth_Whiteman@ita.doc.gov or (202) 482-0473.

Dated: February 3, 2009.

Andrew McGilvray,
Executive Secretary.

[FR Doc. E9-2643 Filed 2-6-09; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Order No. 1603

Reorganization/Expansion of Foreign-Trade Zone 176, Rockford, Illinois, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Greater Rockford Airport Authority, grantee of Foreign-Trade Zone 176, submitted an application to the Board for authority to reorganize

and expand FTZ 176—Site 1 to include additional acreage and Temporary Site 1A on a permanent basis, expand the zone to include five additional sites (Sites 8 - 12), and to formally delete existing Site 2 and Site 5 from the zone project within the Rockford Customs and Border Protection port of entry (FTZ Docket 31-2008, filed 5/9/08);

Whereas, notice inviting public comment was given in the **Federal Register** (73 FR 28429, 5/16/08) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendation of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to reorganize and expand FTZ 176 is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, subject to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, and further subject to a sunset provision that would terminate authority on January 31, 2014, for Sites 8, 9, 10, 11 and 12 where no activity has occurred under FTZ procedures before that date.

Signed at Washington, DC, this 30th day of January 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Andrew McGilvray,
Executive Secretary.

[FR Doc. E9-2649 Filed 2-9-09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-900, A-580-855]

Diamond Sawblades and Parts Thereof from the People's Republic of China and the Republic of Korea: Notice of Court Decision Not In Harmony With Final Determination of the Antidumping Duty Investigations

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

SUMMARY: On January 13, 2009, the United States Court of International Trade ("CIT") affirmed the International Trade Commission's ("ITC") amended

determination upon remand that an industry in the United States is threatened with material injury by reason of imports of diamond sawblades and parts thereof ("diamond sawblades") from the People's of China ("PRC") and the Republic of Korea ("Korea"). *Diamond Sawblades Mfrs. Coalition v. United States*, No. 06-00247, Slip Op. 09-05 (CIT January 13, 2009) ("DSMC"). The case arises out of the ITC's final determination in the antidumping duty investigations. See {Investigations Nos. 731-TA-1092 and 1093 (Final)} *Diamond Sawblades and Parts Thereof From China and Korea*, 71 FR 39128 (July 11, 2006) ("Final Determination"). The judgment in this case was not in harmony with the ITC's *Final Determination*. If the CIT's opinion in this case is not appealed, or is affirmed on appeal, then antidumping duty orders on diamond sawblades from the PRC and Korea will be issued. In accordance 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, 341 (Fed. Cir. 1990) ("*Timken*"), the Department will order the suspension of liquidation of the subject merchandise.

EFFECTIVE DATE: January 23, 2009.

FOR FURTHER INFORMATION CONTACT: Alex Villanueva, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-3208.

SUPPLEMENTARY INFORMATION:

Background

On July 11, 2006, the ITC published its final determination that an industry in the United States was not materially injured or threatened with material injury by reason of imports of diamond sawblades from the PRC and Korea. *Final Determination*, 71 FR 39128. The petitioners¹ in the antidumping duty investigation instituted an action challenging the ITC's final determination. On February 6, 2008, the CIT issued *Diamond Sawblades Mfrs. Coalition v. United States*, No. 06-247, Slip Op. 2008-18 (CIT February 6, 2008), which remanded the determination to the ITC for reconsideration. Upon remand, the ITC changed its determination and found that a U.S. industry is threatened with material injury by reason of imports of diamond sawblades from the PRC and Korea. See ITC Pub. 4007 (May 2008), *Diamond Sawblades and Parts Thereof*

¹ The Diamond Sawblade Manufacturers' Coalition.

from China and Korea: Investigation Nos. 731-TA-1092 and 1093 (Final)(Remand), which can be accessed directly at (http://www.usitc.gov/trade/remedy/731_ad_701_cvd/investigations/index_opinions/index.htm). The CIT issued a confidential opinion regarding the ITC's determination on remand on January 13, 2009. *DSMC*, Slip Op. 09-05. The ITC informed the Department of Commerce ("Department") by letter dated January 22, 2009, that the CIT's January 13, 2009, opinion in *DSMC* sustains the ITC's threat-of-material-injury determination. Accordingly, upon notice from the ITC of no appeal or, if appealed, of a "conclusive" decision by the CAFC affirming *DSMC*, antidumping duty orders on diamond sawblades from the PRC and Korea will be issued.

Suspension of Liquidation

In *Timken*, the CAFC held that, pursuant to section 516A(c)(1) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish notice of a court decision that is not "in harmony" with an ITC determination. *Timken*, 893 F.2d at 341. The CIT's January 13, 2009, opinion in *DSMC* constitutes a decision not in harmony with the ITC's *Final Determination*. See ITC January 22, 2009, Letter. Thus, publication of this notice fulfills the obligation arising under *Timken*. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. *Timken*, 893 F.2d at 341; *Smith Corona Corp. v. United States*, 915 F.2d 683, 688 (Fed. Cir. 1990). Therefore, effective January 23, 2009, the Department is suspending liquidation pending the expiration of the period to appeal or pending a final decision of the CAFC if *DSMC* is appealed.

Comments submitted by interested parties are addressed in the Memorandum from John M. Andersen, Acting Deputy Assistant Secretary, Antidumping and Countervailing Duty Operations, for Import Administration, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, dated February 3, 2009, which is available in Room 1117 of the Department of Commerce building.

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

Dated: February 3, 2009.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. E9-2642 Filed 2-9-09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

A-570-848

Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission of Review in Part

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

SUMMARY: On October 6, 2008, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China. The review covers one exporter. The period of review is September 1, 2006, through August 31, 2007.

Based on our analysis of the comments received, we have made no changes to our margin calculations. Therefore, the final results do not differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of the Review."

EFFECTIVE DATE: February 10, 2009

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov or Minoo 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) 482-0665 or (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2008, the Department of Commerce (the Department) published the preliminary results of review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). See *Freshwater Crawfish Tail Meat From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent to Rescind Review in Part*, 73 FR 58115 (October 6, 2008) (*Preliminary Results*). The administrative review covers Yancheng Hi-King Agriculture Developing Co., Ltd. (Hi-King). We invited interested parties to comment on the preliminary results. On November 5, 2008, we received a case brief from the petitioners, the Crawfish Processors Alliance and the Louisiana Department of Agriculture and Forestry. On November 10, 2008, we received a rebuttal brief from Hi-King. The

Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The product covered by the antidumping duty order is freshwater crawfish tail meat, 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 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 the order is dispositive.

Partial Rescission of Administrative Review

In the *Preliminary Results*, we preliminarily found that Shanghai Now Again International Trading Co., Ltd. (Shanghai Now Again), and Xiping Opeck Food Co., Ltd. (Xiping Opeck), had no shipments of subject merchandise during the period of review and we stated our intent to rescind the administrative review with respect to these companies. See *Preliminary Results*, 73 FR at 58116. We have received no comments concerning our intent to rescind this administrative review in part. We continue to find that Shanghai Now Again and Xiping Opeck had no shipments of freshwater crawfish tail meat from the PRC during the period of review. In accordance with 19 CFR 351.213(d)(3), we are rescinding our review of Shanghai Now Again and Xiping Opeck.

Surrogate Country

In the *Preliminary Results*, we treated the PRC as a non-market-economy (NME) country and, therefore, we calculated normal value in accordance with section 773(c) of the Act. Also, we