

certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice is published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 1, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9-13191 Filed 6-4-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-807]

#### **Certain Steel Concrete Reinforcing Bars from Turkey: Notice of Court Decision Not in Harmony with Final Results of Administrative Review**

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

**SUMMARY:** On May 22, 2009, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) results of redetermination pursuant to the CIT's remand in *Nucor Corporation, Gerdau Ameristeel Corporation, and Commercial Metals Company v. United States*, Court No. 07-00457 (Apr. 14, 2009) (*Nucor I*). See Results of Redetermination Pursuant to Remand, dated January 31, 2009 (found at <http://ia.ita.doc.gov/remands>); and *Nucor Corporation, Gerdau Ameristeel, Inc., and Commercial Metals Company v. United States*, Slip Op. 09-50 (May 22, 2009) (*Nucor II*). 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 the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on certain steel concrete reinforcing bars (rebar) from Turkey covering the period of review (POR) of April 1, 2005, through March 31, 2006. See *Certain Steel Concrete Reinforcing Bars From Turkey: Final Results of Antidumping Duty Administrative Review and New*

*Shipper Review and Determination To Revoke in Part*, 72 FR 62630 (Nov. 6, 2007) (*Final Results*).

**EFFECTIVE DATE:** June 5, 2009.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood, AD/CVD Operations, Office 2, Import Administration International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482-3874.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 6, 2007, the Department published its final results in the antidumping duty administrative review of rebar from Turkey covering the POR of April 1, 2005, through March 31, 2006. See *Final Results*. In the *Final Results*, the Department imputed an amount for depreciation related to an account listed as "melt shop modernization" in the books and records of one respondent, Ekinciler Demir ve Celik Sanayi A.S. and Ekinciler Dis Ticaret A.S. (collectively, "Ekinciler"), as had been done in prior segments of the proceeding. In *Nucor I*, the CIT determined that the Department's *Final Results* were not supported by substantial evidence on the record, and it remanded the issue of the imputed depreciation calculated for Ekinciler to the Department. Specifically, the CIT directed the Department to redetermine "imputed depreciation for Ekinciler without the amount that currently reflects the foreign exchange losses in the melt shop modernization account."

On April 14, 2009, the Department issued its final results of redetermination pursuant to *Nucor I*. The remand redetermination explained that, in accordance with the CIT's instructions, the Department recalculated the cost of production for Ekinciler excluding the depreciation on the foreign exchange losses recorded in Ekinciler's melt shop modernization account. The Department's redetermination resulted in changes to the *Final Results* weighted-average margin for Ekinciler from 1.66 percent to 0.11 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 *Nucor v. II* on May 22, 2009, 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 Ekinciler 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 Tariff Act of 1930, as amended.

Dated: June 1, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9-13193 Filed 6-4-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **University of Iowa, Notice of Consolidated Decision on Application 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, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 3705, U.S. Department of Commerce, 14th and Constitution Avenue., NW, Washington, D.C.

*Docket Number: 09-017.* Applicant: University of Iowa, Iowa City, IA 52242. Instrument: Electron Microscope. Manufacturer: JEOL, Japan. Intended Use: See notice at 74 FR 20281, May 1, 2009.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. Reasons: The foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We

know of no electron microscope, or any other instrument suited to these purposes, which is being manufactured in the United States at the time of order of each instrument.

Dated: June 1, 2009.

**Christopher Cassel,**

*Acting Director, Subsidies Enforcement Office, Import Administration.*

[FR Doc. E9-13196 Filed 6-4-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application(s) 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, as amended by Pub. L. 106-36; 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 postmarked on or before June 25, 2009. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. at the U.S. Department of Commerce in Room 3720.

*Docket Number: 09-015.* Applicant: U.S. Food and Drug Administration, Center for Food Safety and Applied Nutrition, 8301 MuirKirk Rd., Laurel, MD 20708. Instrument: Electron Microscope. Manufacturer: JEOL, Japan. Intended Use: This instrument will be used to study microorganisms and/or tissues colonized with microorganisms. It will also be used to study biological specimens with biological fixatives. Justification for Duty-Free Entry: No instrument of the same general category is manufactured within the United States. Application accepted by Commissioner of Customs: April 6, 2009.

*Docket Number: 09-023.* Applicant: Florida State University, Department of Biology, 119 Biology Unit I, 4370, 89 Chieftan Way, Tallahassee, FL 32306. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: The instrument will be used to perform research projects that require 3-D imaging capabilities and cryogenic

imaging capabilities. Justification for Duty-Free Entry: No instrument of the same general category is manufactured within the United States. Application accepted by Commissioner of Customs: April 30, 2009.

*Docket Number: 09-024.* Applicant: National Institutes of Health, 33 North Dr., BG 33 Room BE11B MSC 3210, Bethesda, Maryland 20895-3210. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: The instrument will be used understand and characterize the structure and function of the vaccinia virus. Justification for Duty-Free Entry: No instrument of the same general category is manufactured within the United States. Application accepted by Commissioner of Customs: April 30, 2009.

*Docket Number: 09-025.* Applicant: University of Virginia, Department of Molecular Physiology and Biological Physics, PO Box 800736, 1340 Jefferson Park Avenue, Charlottesville, VA 22908. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to study the structures of proteins, macromolecular complexes and viruses. Justification for Duty-Free Entry: No instrument of the same general category is manufactured within the United States. Application accepted by Commissioner of Customs: May 7, 2009.

*Docket Number: 09-026.* Applicant: Yale University School of Medicine, 333 Cedar St., SHM C-206, New Haven, CT 06520. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: The instrument will be used to identify and characterize cell and subcellular structures as well as inorganic material. Specifically, it will be used to provide imaging of neurons, synapses and growth cones, membranes and membrane traffic, the cell cytoskeleton and other man-made materials. Justification for Duty-Free Entry: No instrument of the same general category is manufactured within the United States. Application accepted by Commissioner of Customs: May 13, 2009.

Dated: June 1, 2009.

**Christopher Cassel,**

*Acting Director, IA Subsidies Enforcement Office.*

[FR Doc. E9-13189 Filed 6-4-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application(s) 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, as amended by Pub. L. 106-36; 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 postmarked on or before June 25, 2009. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m and 5 p.m. at the U.S. Department of Commerce in Room 3720.

*Docket Number: 09-021.* Applicant: University of Chicago, Argonne, LLC, 9700 South Cass Avenue, Bldg. 201, Lemont, IL 60439. Instrument: Isolation Transformer. Manufacturer: Guth GmbH, Germany. Intended Use: The instrument will be used as part of a project to provide neutron rich isotopes, with which r-process nucleosynthesis can be explored. The transformer will provide power to a high voltage platform which acts as the first stage of acceleration of the neutron rich nuclei. A unique feature of this instrument is that it is capable of providing 110kVA AC power to an injector platform, and will operate at a positive voltage of up to 250kVDC at continuous operation. Justification for Duty-Free Entry: There are no instruments of the same general category being manufactured within the United States. Application accepted by Commissioner of Customs: April 28, 2009.

*Docket Number: 09-028.* Applicant: University of Texas at Austin, 2200 Comal St., Austin, TX 78722. Instrument: Synchroslice. Manufacturer: Lohmann Research Products, Germany. Intended Use: This instrument will be used to identify structure-function relationships in neurons at different levels of analysis (e.g., the single neuron level and the neuronal circuit level). This instrument is capable of performing serial section transmission electron microscopy, which is required in order to analyze the detailed structural changes involved. Justification for Duty-Free Entry: There are no instruments of the same general