

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 February 27, 2012. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 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: 11-061. Applicant: Max Planck Florida Institute, 5353 Parkside Dr., MC19-RE Jupiter, FL 33458. Instrument: Electron Microscope. Manufacturer: FEI Co., Czech Republic. Intended Use: The instrument will be used to construct a digital anatomical atlas of the brain, involving refining the provisional localization of different calcium channel subunits from fluorescence microscopy initially by super resolution STED and then by immunogold freeze-fracture replica labeling. The objectives of the research also include understanding visual perception and the organization of the visual cortex, synapse physiology and mechanisms of synaptic signaling and computation, the molecular mechanism of synaptic function, the cellular organization of cortical circuit function, and the digital anatomy of the brain. Observations made by light microscopy may be required to be corroborated by electron microscopy in order to be accepted for publication. A unique feature of this instrument is the multi-specimen holder that can be tilted more than 45 degrees, which is necessary to observe irregular surfaces of specimens three dimensionally. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: October 19, 2011.

Docket Number: 11-070. Applicant: University of Utah, 201 Presidents Circle, Room 201, Salt Lake City, UT 84112. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to study semiconductor materials and devices, nanophotonic devices, photovoltaic materials, as well as geologic and biological materials. The objectives of the experiments include high contrast, low voltage imaging of beam-sensitive materials at magnifications greater than 100,000X. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by

Commissioner of Customs: November 28, 2011.

Docket Number: 11-071. Applicant: Texas Tech University, 100 Engineering Center, 9th and Canton, Lubbock, TX 79409-3103. Instrument: Electron Microscope. Manufacturer: Hitachi High-Technologies Corporation, Japan. Intended Use: The instrument will be used to correlate the structural properties with observed physical properties such as magnetic and electronic properties of a variety of materials, from inorganic to organic, which exhibit features which can only be observed with this type of microscope. The research will involve temperature dependence imaging and energy dispersive x-ray analysis. The data collected will be applied to energy storage and conversion, environmental remediation and catalysis. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: December 9, 2011.

Docket Number: 11-073. Applicant: Ball State University, 2000 W University Ave., Muncie, Indiana 47306. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to study the developing nervous system, chemical stressors in freshwater ecosystems, organ development, cells that line blood vessel walls, luminescent thin films, carbon nanotube synthesis, and air purification materials. Tissues that will be examined will include brain, heart, lung, muscle, and cultured cells. Material samples include thin film, nanoparticles and nanotubes. The main objective of the research is to obtain images that the existing technology cannot currently resolve, including resolution at the nanometer level and below. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: January 6, 2012.

Docket Number: 11-075. Applicant: Cleveland State University, 2121 Euclid Ave., Cleveland, OH 44115-2214. Instrument: Electron Microscope. Manufacturer: FEI Co., Czech Republic. Intended Use: The instrument will be used to study superstructures formed by semiconductor and metal nanoparticles. The experiments will include fabrication of self-assembled structures using a hybrid nanofabrication approach, obtaining high resolution imaging of the structures, and optical characterization using high resolution spectroscopy. Justification for Duty-Free

Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: January 5, 2012.

Docket Number: 12-003. Applicant: University of California, Irvine, 4100 Calit2 building, Irvine, CA 92697. Instrument: Electron Microscope. Manufacturer: FEI Co., Czech Republic. Intended Use: The instrument will be used to perform experiments involving imaging and elemental composition determination of semiconductors, metals, ceramics, polymers, etc. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: January 23, 2012.

Dated: January 31, 2012.

Gregory Campbell,

Director, IA Subsidies Enforcement Office.

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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 February 27, 2012. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 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: 11-072. Applicant: University of California, Davis, NEAT ORU, One Shields Ave. Davis, CA 95616. Instrument: Alexsys 1000 Calorimeter. Manufacturer: Setaram Instrumentation, France. Intended Use: The instrument will be used to determine enthalpies of formation, phase transition, order-disorder, and other chemical reactions among oxides, silicates, nitrides, and other compounds of rare earths, actinides, and other metals. Research will focus on uranium,

thorium, cerium, zirconium, and rare earth-based materials, and the properties of these materials in extreme environments. This instrument is unique in that it combines the sensitivity, long life, and reproducibility of thermopile sensors with a large internal working volume capable of containing the molten oxide solvents used for calorimetry and operating in the range 700–1000 degrees Celsius where such solvents are molten. Conventional differential scanning calorimeters, made by other companies, are completely different in design and do not feature the large sample volume surrounded by a sensitive detector that is essential for solution calorimetry. Justification for Duty-Free Entry: There are no instruments of the same general category being manufactured in the United States. *Application accepted by Commissioner of Customs*: December 9, 2011.

Docket Number: 12–001. *Applicant*: The Regents of the University of California, Lawrence Berkeley National Laboratory, 1 Cyclotron Rd M/S 71R0259 Berkeley, CA 94720. *Instrument*: Berkeley Lab Laser Accelerator “BELLA” 1.3 petawatt laser system. *Manufacturer*: Thales Optronique S.A., France. *Intended Use*: The instrument will be used to study the phenomena of Laser Plasma Acceleration (LPA) at elevated peak power intensities and pulse repetition rates, achievable only with the BELLA laser system. Requirements of this system include that it is characterized by a short pulse, high intensity, Ti:sapphire laser able to demonstrate a 10 GeV laser-plasma accelerator module with a pulse energy of 40 Joules on target and a pulse duration of <40 femtoseconds at optimum compression with a repetition rate of 1HZ +/- 5%. Justification for Duty-Free Entry: There are no instruments of the same general category being manufactured in the United States. *Application accepted by Commissioner of Customs*: January 6, 2012.

Dated: January 31, 2012.

Gregory Campbell,

Acting Director, IA Subsidies Enforcement Office.

[FR Doc. 2012–2650 Filed 2–3–12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–933]

Frontseating Service Valves From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Determination and Notice of Amended Final Determination and Antidumping Duty Order Pursuant to Court Decision

SUMMARY: On January 27, 2012, the United States Court of International Trade (“CIT”) sustained the Department of Commerce’s (“the Department”) final results of redetermination pursuant to the CIT’s remand order in *Zhejiang DunAn Hetian Metal Co., Ltd. v. United States*, Court No. 09–00217, Slip Op. 11–120 (CIT Sept. 28, 2011) (“*Remand*”).¹

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*”), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (“*Diamond Sawblades*”), the Department is notifying the public that the final judgment in this case is not in harmony with the Department’s final determination and is amending the final determination of the less-than-fair-value investigation of frontseating service valves (“FSVs”) from the People’s Republic of China (“PRC”) with respect to the margin assigned to Zhejiang DunAn Hetian Metal Co., Ltd. (“DunAn”) covering the period of investigation (“POI”) July 1, 2007, through December 31, 2007, and the antidumping order.²

DATES: *Effective Date*: February 6, 2012.

FOR FURTHER INFORMATION CONTACT: Eve Wang, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6231.

¹ See Final Results Of Redetermination Pursuant To Court Remand, Court No. 09–00217, dated January 4, 2012, available at: <http://www.ia.ita.doc.gov/remands/index.html> (“FSV Redetermination”).

² *Frontseating Service Valves from the People’s Republic of China: Final Determination of Sales at Less than Fair Value and Final Negative Determination of Critical Circumstances*, 74 FR 10886 (March 13, 2009) and accompanying Issues and Decision Memorandum (“*Final Determination*”) and *Antidumping Duty Order: Frontseating Service Valves from the People’s Republic of China*, 74 FR 19196 (April 28, 2009), as corrected, *Notice of Correction to Antidumping Duty Order: Frontseating Service Valves From the People’s Republic of China*, 74 FR 26204 (June 1, 2009) (“*Order*”).

SUPPLEMENTARY INFORMATION: In the *Final Determination*, the Department applied partial adverse facts available (“AFA”) to DunAn because we found at verification that DunAn misreported the sales quantities of certain models of the merchandise under investigation sold in December 2007. As partial AFA, the Department applied the petition rate of 55.62 percent to all of the reported December 2007 sales of these certain models. On September 28, 2011, the Court of International Trade remanded the *Final Determination* to the Department, following a prior proceeding in which the Court of Appeals for the Federal Circuit (“CAFC”) held that the Department is only permitted to apply partial AFA to information which was missing from the record, namely, the quantity of certain models of FSVs sold in December 2007.³

The Court also granted the Department’s request for a voluntary remand to recalculate the surrogate labor rate for DunAn in accordance with the CAFC’s holding in *Dorbest Ltd. v. United States*, 604 F.3d 1363 (Fed. Cir. 2010) (“*Dorbest*”).⁴ In *Dorbest*, the CAFC held that the Department’s “regression-based method for calculating wage rates as stipulated by 19 CFR 351.408(c)(3) uses data not permitted by the statutory requirements laid out in section 773 of the Tariff Act of 1930, as amended (the “Act”).”⁵ Specifically, the CAFC interpreted section 773(c) of the Act to require the use of data from market economy countries that are both economically comparable to the non-market economy (“NME”) country at issue and significant producers of the subject merchandise, unless such data are unavailable. Because the Department’s regulation requires the Department to use data from economically dissimilar countries and from countries that do not produce comparable merchandise, the CAFC invalidated the Department’s labor regulation (19 CFR 351.408(c)(3)). On June 21, 2011, the Department revised its labor calculation methodology for valuing an NME respondent’s cost of labor in NME antidumping proceedings.⁶ In *Labor Methodologies*, the Department found that the best methodology for valuing the NME respondent’s cost of labor is to use the industry-specific labor rate from the surrogate country. Additionally, the

³ See *Zhejiang Dunan Hetian Metal Co., Ltd. v. United States*, 652 F.3d 1333, 1348 (Fed. Cir. 2010).

⁴ See *id.* at 1349.

⁵ See *Dorbest*, 604 F.3d at 1372.

⁶ See *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011) (“*Labor Methodologies*”).