

the ISA program and submit it to CBP. If the ISA pre-certifier finds that the importer is ready to assume the responsibilities of the ISA program, the ISA pre-certifier will pre-certify the importer. CBP will review the ISA pre-certifier's evaluation report and applicable supporting documentation and then make a final determination on whether the importer is approved and certified to participate in the ISA program. CBP will notify the ISA pre-certifier and the importer of its final determination.

#### *Final ISA Approval Process*

Once the ISA pre-certifier submits the ISA Evaluation Report, CBP will review and verify the soundness of the report and the supporting documentation provided. CBP will provide the ISA pre-certifier with feedback on the ISA Evaluation Report and allow time to resolve any issues or questions. The ISA Evaluation Report will be submitted to the ISA Review Board, an independent body consisting of representatives from U.S. Immigration and Customs Enforcement, as well as the CBP Offices of Field Operations and International Trade, for final approval during periodic meetings. The ISA pre-certifier will provide the ISA Review Board with a summary of the ISA Evaluation Report results and support the conclusion as to the importer's readiness to assume the responsibilities of the ISA program and answer any related questions that the Board may have.

#### *Request for Reconsideration for Rejected ISA Applications*

If during the final ISA approval process, the ISA Review Board determines that an ISA application should not be approved, it will inform the Partnership Programs Branch, which will issue a written notice to the ISA pre-certifier and ISA applicant indicating the reason(s) for the rejection. The ISA pre-certifier and/or ISA applicant may submit a written request for reconsideration if the reason(s) for the rejected ISA application has been corrected within 90 days of receipt of the notice. The request for reconsideration should be forwarded to U.S. Customs and Border Protection, Executive Director, Trade Policy & Programs, Office of International Trade, 1400 L Street NW., Washington, DC 20229-1155.

A final written decision on the request for reconsideration will be issued within 45 days of receipt of the request. The ISA pre-certifier and/or applicant may respond to denials, in writing, to the Assistant Commissioner, Office of International Trade, at the

following address: U.S. Customs and Border Protection, Assistant Commissioner, Office of International Trade, 1400 L Street NW., Washington, DC 20229-1155.

#### **Misconduct Under the Test**

The Executive Director of Trade Policy and Programs may revoke a broker's participation privileges under the Broker ISA PC test program if the licensed broker serving as an ISA pre-certifier:

1. Obtains participation in the program through false statement, act, or omission;
2. Commits an act that would constitute a misdemeanor or felony;
3. Refuses to cooperate with CBP in response to any inquiry, audit, or investigation;
4. Fails to meet the program eligibility requirements outlined in this **Federal Register** notice or fails to abide by the terms, conditions and obligations of this test ;
5. Submits an ISA Evaluation Report that contains misstatements of fact;
6. Evaluates the importer's ISA application package contrary to Broker ISA PC evaluation procedures and agreed upon processes;
7. Submits ISA Evaluation Reports that are consistently inadequate and require additional evaluation or documentation to support the conclusion of the importer's readiness to participate in the ISA program;
8. Has their entry filer code revoked;
9. Incurs excessive broker penalties; or
10. Fails to comply with applicable laws and regulations.

If the Executive Director of Trade Policy and Programs believes that there is a basis for revocation of an ISA pre-certifier's participation privileges, a written notice of removal with a description of the facts warranting removal will be provided to the ISA pre-certifier. The ISA pre-certifier will be offered the opportunity to appeal the Executive Director's decision within 30 calendar days of receipt of the written notice providing for proposed revocation. Appeals should be forwarded to U.S. Customs and Border Protection, Assistant Commissioner, Office of International Trade, 1400 L Street NW., Washington, DC 20229-1155. The Assistant Commissioner will issue a final written decision on the discontinuance within fifteen (15) working days after receiving a timely filed appeal from the ISA pre-certifier. If no timely appeal is received, the notice becomes the final decision of the Agency as of the date that the appeal period expires.

In the case where CBP proposes to suspend or revoke a broker's license or a criminal charge is filed against the broker, CBP may immediately discontinue the ISA pre-certifier's participation privileges upon written notice to the ISA pre-certifier. The notice will contain a description of the facts or conduct warranting the immediate action. The ISA pre-certifier will be offered the opportunity to appeal CBP's decision within ten (10) calendar days of receipt of the written notice providing for immediate discontinuance. The immediate discontinuance will remain in effect during the appeal period. CBP will issue a final written decision on the discontinuance within fifteen (15) working days after receiving a timely filed appeal from the ISA pre-certifier. If no timely appeal is received, the notice becomes the final decision of the Agency as of the date that the appeal period expires.

#### **Evaluation of Test**

CBP will review the effectiveness and feasibility of the Broker ISA PC test program one (1) year after the date of the ISA Pre-Certifiers Orientation. Based on the results and lessons learned from the test, CBP will determine if the Broker ISA PC will be fully implemented as a permanent program.

Dated: April 11, 2013.

**Allen Gina,**

*Assistant Commissioner, Office of International Trade.*

[FR Doc. 2013-08968 Filed 4-16-13; 8:45 am]

**BILLING CODE 9111-14-P**

## **INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 337-TA-877]**

### **Certain Omega-3 Extracts From Marine or Aquatic Biomass and Products Containing the Same; Institution of Investigation Pursuant to 19 U.S.C. 1337**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 29, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Neptune Technologies & Bioresources, Inc. of Canada and Acasti Pharma Inc. of Canada. An amended complaint was filed on March 21, 2013. A supplement to the amended complaint was filed on

April 1, 2013. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain omega-3 extracts from marine or aquatic biomass and products containing the same by reason of infringement of certain claims of U.S. Patent No. 8,278,351 (“the ‘351 patent’”) and U.S. Patent No. 8,383,675 (“the ‘675 patent’”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

**ADDRESSES:** The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2012).

*Scope of Investigation:* Having considered the amended complaint, the U.S. International Trade Commission, on April 10, 2013, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after

importation of certain omega-3 extracts from marine or aquatic biomass and products containing the same by reason of infringement of one or more of claims 1-46 and 94 of the ‘351 patent and claim 1 of the ‘675 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:  
Neptune Technologies & Bioresources Inc., 545 Promenade du Centropolis, Suite 100, Laval, Québec, Canada H7T 0A3;

Acasti Pharma Inc., 545 Promenade du Centropolis, Suite 100, Laval, Québec, Canada H7T 0A3.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Aker BioMarine AS, Fjordallen 16, Vika, 0115 Oslo, Norway;

Aker BioMarine Anarctic USA, Inc., 10 Newport Way NW., Suite D, Issaquah, WA 98027;

Aker BioMarine Antarctic AS, J.M. jonasens vei 99, 8340, Stamsund, Norway;

Enzymotec Limited, Sagi 2000, Industrial Zone K’far Baruch, Israel;

Enzymotec USA, Inc., 55 Madison Avenue, Suite 400, Morristown, NJ 07960;

Olympic Seafood AS, Vågsplassen 6090, Fosnavåg, Norway;

Olympic Biotec Ltd., 79 Appleby Highway Richmond, 7050, New Zealand;

Avoca, Inc., 841 Avoca Farm Road, Merry Hill, NC 27957;

Rimfrost USA, LLC, 841 Avoca Farm Road, Merry Hill, NC 27957;

Bioriginal Food & Science Corp., 102 Melville Street, Saskatoon, SK, S7J 0R1 Canada.

(c) The Office of Unfair Import Investigations, U.S. International Trade

Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: April 11, 2013.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-878]

### Certain Electronic Devices Having Placeshifting or Display Replication Functionality and Products Containing Same; Institution of investigation pursuant to 19 U.S.C. 1337

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 12, 2013, under section 337 of the Tariff Act of 1930, as amended, 19