

electronically using IA ACCESS. An electronically filed hearing request must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.<sup>4</sup> Hearing requests should contain the party's name, address, and telephone number, the number of participants in the hearing, and a list of the issues to be discussed at the hearing. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing, two days before the scheduled date.

For the final determination in this investigation, interested parties may submit publicly available information to value the FOPs within 40 days after the publication of this preliminary determination.<sup>5</sup> In accordance with 19 CFR 351.301(c)(1) (2008), for the final determination of this investigation, interested parties may submit factual information to rebut, clarify, or correct factual information submitted by any other interested party less than ten days before, on, or after, the applicable deadline for submission of such factual information. However, the Department notes that 19 CFR 351.301(c)(1) (2008) permits new information only insofar as it rebuts, clarifies, or corrects information recently placed on the record. The Department generally will not accept the submission of additional, previously absent-from-the-record alternative surrogate value information pursuant to 19 CFR 351.301(c)(1) (2008).<sup>6</sup> Additionally, for each piece of factual information submitted with surrogate value rebuttal comments, the interested party must provide a written explanation of the information that is already on the record of the ongoing proceeding that the factual information intends to rebut, clarify, or correct.

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, the Department will instruct U.S. Customs and Border Protection ("CBP") to suspend liquidation of all entries of silica bricks and shapes from the PRC, as described in the "Scope of

the Investigation" section, entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**.

Pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit<sup>7</sup> equal to the weighted-average amount by which normal value exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combination listed in the table above will be equal to the weighted-average dumping margin listed for that combination in the table; (2) for all other combinations of PRC exporters/producers of the merchandise under consideration, the cash deposit rate will be equal to the weighted-average dumping margin listed in the table above for the PRC-wide entity; and (3) for all non-PRC exporters of the merchandise under consideration which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These cash deposit instructions will remain in effect until further notice.

#### International Trade Commission ("ITC") Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary affirmative determination of sales at LTFV. Section 735(b)(2) of the Act requires the ITC to make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of silica bricks and shapes, or sales (or the likelihood of sales) for importation, of the merchandise under consideration within 45 days of our final determination.

#### Postponement of Final Determination and Extension of Provisional Measures

On June 4, 2013, New Century Group requested, pursuant to section 735(a)(2)(a) of the Act and 19 CFR 351.210(b)(2)(ii), that the Department postpone its final determination to 135 days after publication of the preliminary determination.<sup>8</sup> Additionally, New Century Group requested, pursuant to 19 CFR 351.210(e)(2) and section 733(d) of the Act, that the Department extend

the application of the provisional measures from a four-month period to a six-month period. In accordance with section 735(a) of the Act and 19 CFR 351.210(b), the Department is granting these requests to postpone the final determination until no later than 135 days after the publication of this notice in the **Federal Register** because (1) The preliminary determination is affirmative, (2) the requesting exporter accounts for a significant proportion of exports of the merchandise under consideration, and (3) there are no compelling reasons to deny these requests. The Department is further extending the application of the provisional measures from a four-month period to a six-month period.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: June 13, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

1. Scope Comments
2. Respondent Selection
3. Discussion of the Methodology
  - a. Non-Market Economy Country
  - b. Surrogate Country
  - c. Single Entity Treatment
  - d. Separate Rates
  - e. Application of Facts Available and Adverse Inferences
  - f. Date of Sale
  - g. Fair Value Comparisons
  - h. Factor Valuation Methodology
  - i. Currency Conversion
4. Verification

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-848]

#### Freshwater Crawfish Tail Meat From the People's Republic of China: Rescission of Antidumping Duty New Shipper Review

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

**SUMMARY:** On April 26, 2013, the Department of Commerce (the Department) initiated the antidumping duty new shipper review of freshwater crawfish tail meat from the People's Republic of China (PRC) with respect to Hubei Nature Agriculture Industry Co., Ltd. (Hubei Nature). The period of

<sup>4</sup> See 19 CFR 351.310(c).

<sup>5</sup> See 19 CFR 351.301(c)(3)(i) (2008).

<sup>6</sup> See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission*, in Part, 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

<sup>7</sup> See *Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations*, 76 FR 61042 (October 3, 2011).

<sup>8</sup> See Letter from New Century Group to Dr. Rebecca Blank, Acting Secretary of Commerce regarding, "Silica Bricks and Shapes from the People's Republic of China: Request for Postponement of Final," dated June 4, 2013.

review (POR) of September 1, 2012, through February 28, 2013. For the reasons stated below, we are rescinding the review of Hubei Nature.

**DATES:** *Effective Date:* June 20, 2013.

**FOR FURTHER INFORMATION CONTACT:** Dmitry Vladimirov or Minoo Hatten, AD/CVD Operations, Office 1, 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 April 26, 2013, the Department initiated an antidumping duty new shipper review of freshwater crawfish tail meat from the PRC, for the period September 1, 2012, through February 28, 2013, with respect to Hubei Nature.<sup>1</sup> On May 9, 2013, the Department issued a letter to Hubei Nature requesting documentation establishing the date of entry applicable to the U.S. sale and shipment of freshwater crawfish tail meat which formed the basis for the initiation of this new shipper review. On May 14, 2013, Hubei Nature provided the requested information.

**Rescission of Review**

Under 19 CFR 351.214(f)(2) of the Department's regulations, when the sale of the subject merchandise occurs within the POR, but the entry occurs after the POR, the Department may expand the POR unless the expansion would likely prevent the completion of the review within the time limits set by the Department's regulations. While the regulations do not provide a definitive date by which the entry must occur, the preamble to the Department's regulations and 19 CFR 351.214(f)(2)(i) state that both the entry and the sale should occur during the POR, with the language in the preamble clarifying further that only under "appropriate" circumstances should the POR be extended when the entry is made after the POR.<sup>2</sup>

While the Department did not adopt in the regulations a precise cut-off point for expanding the POR to cover post-POR entries, 19 CFR 351.214(f)(2) and the preamble to the Department's regulations leave the Department the discretion to determine whether to

expand the POR, and, if so, the length of such expansion.<sup>3</sup> In the majority of prior cases, the Department extended the POR no more than approximately 30 days in order to capture entries of POR sales.<sup>4</sup> The entry in this case was made long after the end of the POR.<sup>5</sup>

In this case, pursuant to 19 CFR 351.214(f)(2), we find that an expansion of the normal POR to include an entry and sale to an unaffiliated customer in the United States of subject merchandise would likely prevent the completion of the review of Hubei Nature within the time limits set by the Department's regulations. The Department would be required to gather additional information for the expanded period, analyze the information obtained, and, if necessary, verify the additional information. For example, the Department would be required to seek all necessary information from Hubei Nature and its importer(s) in connection with the sales and sales-related expenses, as well as obtain the factors of production data, applicable to a number of months outside the POR.<sup>6</sup> Accordingly, we are rescinding the new shipper review with respect to Hubei Nature for the period September 1, 2012, through February 28, 2013.

The deadline for requesting a new shipper review covering Hubei's entry has not passed. *See* 19 CFR 351.214(c). The Department will consider a timely and adequate request for new shipper

review from Hubei Nature made during the six-month period ending with the end of the annual anniversary month of this order, pursuant to 19 CFR 351.214(d) of the Department's regulations. Therefore, if Hubei Nature continues to meet the criteria for requesting a new shipper review, the Department will consider initiating a new shipper review with the POR that includes the sale which is the subject of this review.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination is issued in accordance with 19 CFR 351.213(d)(4) and section 777(i)(1) of the Act.

Dated: June 14, 2013.

**Gary Taverman,**

*Senior Advisor for Antidumping and Countervailing Duty Operations.*

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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 July 10, 2013. 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: 13-017. Applicant: Ohio State University, 2041 College Road, Columbus, OH 43210. Instrument: Cryo-SEM System with Aquilo Preparation Chamber. Manufacturer:

<sup>3</sup> *See Final Rule*, 62 FR at 27319-20 ("The Department does not disagree with the notion that the Secretary should have the discretion to expand the review period in appropriate cases.").

<sup>4</sup> *See, e.g., Chlorinated Isocyanurates From the People's Republic of China: Initiation of New Shipper Review*, 76 FR 6399 (February 4, 2011) (extending the POR by 31 days where the first shipment entered one day after the end of the POR); *Fresh Garlic From the People's Republic of China: Initiation of New Shipper Reviews*, 75 FR 38986 (July 7, 2010) (extending the POR by one month for a shipment that entered less than one month after the end of the POR); *Uncovered Innerspring Units From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review*, 75 FR 62107 (October 7, 2010) (extending the POR by four days); *Certain Forged Stainless Steel Flanges From India: Rescission of New Shipper Review*, 66 FR 58433 (November 21, 2001) (rescinding a new shipper review where the entry was made more than three months after the end of the POR); *Petroleum Wax Candles from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty New Shipper Review of Shandong Huihe, Ltd.*, 69 FR 46512 (August 3, 2004) (extending the POR by less than one month "[b]ecause we determine that this short expansion of the period will not likely prevent the completion of the review within the prescribed time limits, we have expanded the annual review period").

<sup>5</sup> Due to the business proprietary nature of information regarding the entry date in question, we are withholding this information. *See* Hubei Nature's letter, dated March 14, 2013.

<sup>6</sup> The Department issued the antidumping duty new shipper questionnaire to Hubei Nature on May 1, 2013.

<sup>1</sup> *See Freshwater Crawfish Tail Meat from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review*, 78 FR 24723 (April 26, 2013).

<sup>2</sup> *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27319 (May 19, 1997) ("Final Rule").