

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 Mino 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

<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.

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:

Quorum Technologies, United Kingdom. Intended Use: The instrument will be fitted to an existing dual beam focused ion beam (FIB) instrument in order to provide a new capability for 3-D imaging and analysis of polymeric materials and biomaterials at cryogenic temperatures below  $-109$  degrees Celsius. The required performance characteristics for this instrument are a highly stable, thermally isolated nitrogen gas-cooled stage which attaches to the SEM stage and is capable of reaching a temperature range of  $+100$  to  $-190$  degrees Celsius, a separately cooled cold trap with independent temperature control capable of reaching temperatures below  $-190$  degrees Celsius, a cryo-preparation, cryo-transfer chamber that is directly attached to the SEM, but with the turbomolecular vacuum pumping and advanced gas cooling system mounted remotely, as well as a high vacuum system consisting of a remotely positioned 70L/s turbomolecular pumping system capable of achieving a vacuum of  $10^{-6}$  mbar or better in the directly attached cryopreparation, cryo-transfer chamber. The instrument will be used for cryo-imaging that will provide new insights in the study of biocompatibility and failure of orthopaedic implants, and also the evaluation of new materials and implant surfaces for tissue engineering applications. The cryo-preparation, cryo-transfer and cryo-imaging capabilities will enable minimally invasive approaches to be used to investigate structures and interfaces in their near-native vitreous state. 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: April 3, 2013.

Docket Number: 13-019. Applicant: California State University Northridge, 18111 Nordhoff Street, Northridge, CA 91330. Instrument: Ultrahigh Vacuum Low Temperature Scanning Tunneling Microscope. Manufacturer: Unisoku Co., Ltd., Japan. Intended Use: The instrument will be used to study the electronic and spin-related phenomena (Kondo effect, spin flip, spin injection, etc.) in low dimensional materials including grapheme (one atomic layer of carbon atoms), magnetic materials (transition metals iron, cobalt, nickel and corresponding phthalocyanine molecules), and topological insulators. The techniques to be implemented include depositing magnetic atoms or molecules on grapheme and measuring scanning tunneling spectroscopy of

these magnetic impurities on grapheme, growing grapheme on ferromagnetic materials (cobalt, iron) and measuring the spin-polarization of grapheme induced by the ferromagnetic materials, as well measuring the scanning tunneling spectroscopy on topological insulators. The capabilities required for these experiments that this instrument fulfills include a high magnetic field of 8 Tesla, and measurements at low temperature ( $<5$  Kelvin). 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: May 1, 2013.

Docket Number: 13-021. Applicant: University of Massachusetts Amherst, 120 Governors Drive, Amherst, MA 01003. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to identify structure/properties relationships of polymer based solar cells or for the structural analysis of polymer/nanoparticle hybrid materials for the development of high-density storage devices, as well as to study the self-assembly of bio-polymer systems for drug-delivery system development. 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: April 3, 2013.

Docket Number: 13-020. Applicant: University of Texas at Austin, 2109 San Jacinto Blvd.—D3700, Austin, TX 78712-1415. Instrument: V-Gait Dual Belt Instrumented Treadmill. Manufacturer: Motek Medial, the Netherlands. Intended Use: The instrument will be used to study how both healthy humans and humans with various walking impairments (old age, stroke, etc.) maintain balance and prevent falls while they walk, and how to develop rehabilitation interventions that can help reduce risks of falling in these individuals. The experiments will include asking participants to walk on the treadmill while they are subjected to a variety of different types of perturbations and manipulations. The instrument's software will control and coordinate both the treadmill and the virtual reality environment to impose the perturbations and/or other walking conditions that are specified. Existing devices will be integrated into the instrument's virtual reality system to synchronously record information regarding how participants move and their muscle activations in response to various manipulations of their walking behavior. The primary individual components of this instrument that are

required for these experiments are the split-belt perturbation treadmill, the virtual reality system, and the data recording systems, as well as the "D-Flow" system which allows each component to communicate with one another. 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: May 1, 2013.

Docket Number: 13-023. Applicant: Max Planck Florida Institute, One Max Planck Way, Jupiter, FL 33458. Instrument: Quanta 250 FEG SEM (D8421). Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used for the fabrication of atomic force microscope cantilevers and electron beam deposition. The cantilevers are made from silicon or silicon nitride, with the radius of the tip curvature on the order of nanometers. Electron-beam deposition is a process of decomposing gaseous molecules by electron beam leading to deposition of non-volatile fragments onto a nearby substrate. The electron beam is usually provided by a scanning electron microscope that results in high spatial accuracy (less than one nanometer), and the possibility to produce free-standing, three-dimensional structures. The cantilevers are observed by the scanning electron microscope. The chamber of the scanning electron microscope is filled with carbon gases. Then the electron from the scanning microscope focuses on the tip of cantilevers to deposit an amorphous carbon. The instrument needs to work with high beam parking precision ( $\sim 1$  nanometer) in the environment in which the material deposition is produced in relatively low vacuum. 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: May 16, 2013.

Dated: June 14, 2013.

**Gregory W. Campbell,**

*Director of Subsidies Enforcement, Import Administration.*

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