

within the scope of the order is grade X-70 steel plate.

#### **Merchandise Subject to the Minor Alterations Antidumping Circumvention Proceeding**

The merchandise subject to this antidumping circumvention inquiry (inquiry merchandise) consists of all merchandise produced by Wuyang containing 0.0008 percent or more boron, by weight, and otherwise meeting the requirements of the scope of the antidumping duty order as listed under the "Scope of the Order" section above, with the exception of merchandise meeting all of the following requirements: aluminum level of 0.02 percent or greater, by weight; a ratio of 3.4 to 1 or greater, by weight, of titanium to nitrogen; and a hardenability test (*i.e.*, Jominy test) result indicating a boron factor of 1.8 or greater. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7225.40.3050, 7225.99.0090, 7226.91.5000, and 7226.99.0180. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of inquiry merchandise is dispositive.

#### **Affirmative Final Determination of Circumvention**

The Department conducted this circumvention inquiry in accordance with section 781(c) of the Tariff Act of 1930, as amended (the Act), which deals with minor alterations of merchandise. The Department noted in the *Preliminary Determination* the criteria typically used by the Department to make determinations in such inquiries (*i.e.*, the overall physical characteristics of the merchandise, the expectations of the ultimate users, the use of the merchandise, the channels of marketing and the cost of any modification relative to the total value of the imported products). See *Preliminary Determination* at 9750–51. The

Department preliminarily determined that imports from the PRC of inquiry merchandise produced by Wuyang, regardless of exporter or importer, are within the class or kind of merchandise subject to the order on certain cut-to-length carbon steel plate from the PRC. The Department also preliminarily determined that its ruling should apply regardless of producer. In other words, all merchandise containing 0.0008 percent or more boron and otherwise meeting the description of the scope of the order, and not meeting the three distinguishing characteristics listed in the "Merchandise Subject to the Minor

Alterations Antidumping Circumvention Proceeding" section above (*i.e.*, aluminum level of 0.02 percent or greater, by weight; a ratio of 3.4 to 1 or greater, by weight, of titanium to nitrogen; and a hardenability test (*i.e.*, Jominy test) result indicating a boron factor of 1.8 or greater) are covered by the order.

Wuyang and Stemcor, ArcelorMittal USA, and Nucor each submitted case briefs and rebuttal briefs. The Department has analyzed the comments in its accompanying issues and decision memorandum and in a separate final analysis memorandum. See "Issues and Decision Memorandum for the Final Results of the Circumvention Inquiry of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China; Wuyang Iron and Steel Co., Ltd." and "Final Analysis Memorandum for the Circumvention Inquiry of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China; Wuyang Iron and Steel Co., Ltd.," respectively. The Department continues to find that it is appropriate to consider all plate with at least 0.0008 percent boron content and otherwise meeting the description of the scope to be covered by the order, unless the merchandise also possesses the three distinguishing characteristics referenced above. As noted in the *Preliminary Determination*, this ruling, like those in some other circumvention rulings, may be applied regardless of the manufacturers, exporters, or importers involved, and the Department considers it to be appropriate here to apply it on a countrywide basis, given that multiple parties have been found to be circumventing the order using the same general approach (*i.e.*, inclusion of small, inconsequential amounts of an alloying element in order to change the tariff classification from non-alloy to alloy steel).

#### **Continuation of Suspension of Liquidation**

In accordance with 19 CFR 351.225(l)(3), we are directing CBP to continue to suspend liquidation of inquiry merchandise entered, or withdrawn from warehouse, for consumption on or after April 23, 2010, the date of publication of our initiation of this inquiry. See *Preliminary Determination* at 9752; see also 19 CFR 351.225(l)(2). We will also instruct CBP to continue to require a cash deposit of estimated duties at the applicable rates for each unliquidated entry of the product entered, or withdrawn from warehouse, for consumption on or after

April 23, 2010, in accordance with 19 CFR 351.225(l)(3).

#### **Notice to Parties**

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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 violation which is subject to sanction.

This affirmative final circumvention determination is published in accordance with section 781(b) of the Act and 19 CFR 351.225.

Dated: August 9, 2011.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration.*

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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 September 6, 2011. 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 p.m. at the U.S. Department of Commerce in Room 3720.

*Docket Number: 11-047. Applicant:* Ohio State University, School of Earth Sciences, 275 Mendenhall Laboratory, 125 South Oval Mall, Columbus, OH 43210. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* Several characteristics of the instrument which are required for the research include an

automated mineralogy analyzer for analysis and interpretation of major and trace chemistry, mineral phase matching with rapidly-acquired energy dispersive x-ray data, the ability to have comprehensive offline image analysis and x-ray spectral analysis as well as variable vacuum modes to allow observation of uncoated nonconductive specimens. *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: July 27, 2011.

*Docket Number:* 11-050. *Applicant:* Southwest Research Institute, 6220 Culebra Rd., San Antonio, TX 78239-5166. *Instrument:* Electron Microscope. Manufacturer: FEI Company, Czech Republic. *Intended Use:* The instrument will be used to study bones and other biological materials to characterize structural features responsible for reduced fracture strength in osteoporosis and studying the performance of bone scaffolds for enhancing re-growth of bone into damaged areas. This instrument has the ability to characterize biological samples at water vapor pressures up to 2,600 Pa, assuring that artifacts will not obscure the actual examination of the actual structure and composition, which is required for the research. The technical specifications for the SEMs manufactured in the United States by TESCAN listed at tescan.com indicated that their SEMs had a maximum vapor pressure of 150 Pa, which is well below the level at which moisture will evaporate from biological samples. *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: July 27, 2011.

*Docket Number:* 11-052. *Applicant:* Southern University and A&M College, 4th Floor, J.S. Clark Building, Baton Rouge, LA 70813. *Instrument:* Electron Microscope. Manufacturer: JEOL, Japan. *Intended Use:* Among others, the research topics include the investigation of the self-healing of structural damage using shape memory polymer based composites, and the study of electronic based chemical sensors. The instrument will provide high-resolution capabilities. *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: August 1, 2011.

*Docket Number:* 11-053. *Applicant:* University of Texas Health Science Center—Houston, 6431 Fannin,

Houston, TX 77030. *Instrument:* Electron Microscope. Manufacturer: JEOL, Japan. *Intended Use:* The instrument will be used to examine immune-gold labeled biological specimens and capture high resolution digital images to determine whether proteins are spatial segregated on the plasma membrane of mammalian cells. The instrument must be capable of providing high-resolution and high-contrast images, a stage that is easy to move, a focus that does not change with changing magnification, and brightness that changes automatically with magnification. *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: July 29, 2011.

*Docket Number:* 11-054. *Applicant:* Battelle Energy Alliance, Idaho National Laboratory, 2525 North Freemont Ave., Idaho Falls, ID 83415. *Instrument:* Electron Microscope. Manufacturer: FEI Company, Czech Republic. *Intended Use:* The instrument will be used to analyze nuclear fuels and materials to make determinations of and produce materials that have improved performance in advanced reactor systems. Current U.S. manufactured instruments do not reach the sensitivity level of this instrument. *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: August 3, 2011.

*Docket Number:* 11-055. *Applicant:* University of Washington, 1959 NE Pacific St., Seattle, WA 98195. *Instrument:* Electron Microscope. Manufacturer: FEI Company, the Netherlands. *Intended Use:* The instrument will be used to study proteins, macromolecular complexes, viruses, and nanostructured materials to obtain structural information of biological specimens at the highest achievable resolution. *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: August 3, 2011.

Dated: August 11, 2011.

**Gregory W. Campbell,**  
Director, IA Subsidies Enforcement Office.  
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## DEPARTMENT OF COMMERCE

### International Trade Administration [A-570-901]

#### Certain Lined Paper Products From People's Republic of China: Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Order in Part

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

**DATES:** *Effective Date:* August 17, 2011.

**SUMMARY:** On June 30, 2011, the Department of Commerce (“Department”) received a request from the Association of American School Paper Suppliers (“AASPS”)<sup>1</sup> for a changed circumstances review for the purpose of revoking, in part, the antidumping duty order on certain lined paper products (“CLPP”) from the People’s Republic of China (“PRC”). AASPS claims that producers accounting for substantially all of the production of the domestic like product to which the order was issued no longer wish to maintain the order with respect to FiveStar® Advance™ notebooks and notebook organizers without polyvinyl chloride (“PVC”) coatings. Therefore, we are notifying the public of our intent to revoke, in part, the antidumping duty order as it relates to imports of FiveStar® Advance™ notebooks and notebook organizers as described below. The Department invites interested parties to comment on these preliminary results.

**FOR FURTHER INFORMATION CONTACT:** Cindy Robinson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-3797.

#### Background

On September 8, 2006, the Department published its final determination in the antidumping duty investigation of CLPP from the PRC.<sup>2</sup> On September 28, 2006, the Department issued an antidumping duty order.<sup>3</sup>

<sup>1</sup> AASPS is the domestic industry coalition that filed the underlying antidumping (“AD”) petition, and consists of three members—MeadWestvaco Corporation (“MWV”), Norcom, Inc., and Top Flight Inc.

<sup>2</sup> See Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products from the People's Republic of China, 71 FR 53079 (September 8, 2006) (“Final Determination”).

<sup>3</sup> See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China;