

Pursuant to requests from interested parties, we are postponing the final determination and extending the provisional measures from a four-month period to not more than six months. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

### 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of all entries of drawn sinks from the PRC, as described in the “Scope of the Investigation” section, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**.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 equal to the weighted-average amount by which NV exceeds U.S. price, adjusted where appropriate for export subsidies and estimated domestic subsidy pass-through,<sup>5</sup> as follows: (1) The separate rate margin for the exporter/producer combinations listed in the table above will be the rate the Department has determined in this preliminary determination; (2) for all combinations of PRC exporters/producers of merchandise under consideration which have not received their own separate rate AD margin above, the cash-deposit rate will be the cash deposit rate established for the PRC-wide entity; and (3) for all non-PRC exporters of merchandise under consideration which have not received their own separate rate above, the cash-deposit rate will be the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter.

We have adjusted the preliminary determination AD margins for export

Decision Memorandum at Comment 2. Additionally, for each piece of factual information submitted with surrogate value rebuttal comments, the interested party must provide a written explanation of what information that is already on the record of the ongoing proceeding the factual information is rebutting, clarifying, or correcting.

<sup>5</sup> See sections 772(c)(1)(C) and 777A(f) of the Act, respectively. Unlike in administrative reviews, the Department calculates the adjustment for export subsidies in investigations not in the margin calculation program, but in the cash deposit instructions issued to the CBP. See *Notice of Final Determination of Sales at Less Than Fair Value, and Negative Determination of Critical Circumstances: Certain Lined Paper Products from India*, 71 FR 45012 (August 8, 2006), and accompanying Issues and Decision Memorandum at Comment 1.

subsidies and estimated domestic subsidy pass-through as follows:<sup>6</sup>

(1) For Superte and Dongyuan, mandatory respondents each receiving their own calculated AD margin, we reduced their respective cash deposit rates by the respective export subsidies and estimated domestic subsidy pass-through determined for each of these respondents in the companion countervailing duty (“CVD”) proceeding.<sup>7</sup>

(2) For exporter/producer combinations receiving a separate AD margin based on the rates calculated for the mandatory respondents in the AD determination, we reduced the AD cash deposit rate by the lesser of a) the export subsidy rate applicable to each exporter or b) the average of the export subsidy rates applicable to the mandatory respondents on which the separate rate in the AD determination is based.<sup>8</sup> Additionally, pursuant to section 777A(f) of the Act, we further reduced the AD cash deposit rate by the estimated domestic subsidy pass-through contained in the AD separate rate margin, capped by the corresponding domestic subsidy determined for the exporter in the companion CVD proceeding.

(3) For the PRC-wide entity, which received an adverse facts available rate based on information contained in the Petition, as an extension of the adverse inference found necessary pursuant to section 776(b) of the Act, the Department has adjusted the PRC-wide entity’s AD cash deposit rate by the lowest export subsidy rate and the lowest estimated domestic subsidy pass-through determined for any party in the companion CVD proceeding.

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

<sup>6</sup> See Preliminary Decision Memorandum.

<sup>7</sup> See *Id.*

<sup>8</sup> See *Certain Steel Wheels From the People’s Republic of China: Notice of Final Determination of Sales at Less Than Fair Value and Partial Affirmative Final Determination of Critical Circumstances*, 77 FR 17021, 17026 (March 23, 2012); *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). See also Preliminary Decision Memorandum.

material injury, by reason of imports of drawn sinks, or sales (or the likelihood of sales) for importation, of the merchandise under consideration within 45 days of our final determination.

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

Dated: September 27, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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

1. Initiation
2. Period of Investigation
3. Postponement of Preliminary Determination
4. Scope of the Investigation
5. Scope Comments
6. Non-Market Economy Country Status
7. Selection of Respondents
8. Postponement of Final Determination and Extension of Provisional Measures
9. Surrogate Country
10. Surrogate Value Comments
11. Separate Rates
  - a. Separate Rate Recipients
  - b. Companies Not Receiving a Separate Rate
12. Margin for the Separate Rate Companies
13. Combination Rates
14. The PRC-Wide Entity
15. Application of Facts Otherwise Available and Adverse Facts Available
16. Corroboration of Information
17. Date of Sale
18. Fair Value Comparisons
19. Export Price
20. Normal Value
21. Factor Valuations Methodology
22. Determination To Apply an Alternative Methodology
23. Currency Conversion
24. Verification
25. Double Remedies Offset
26. International Trade Commission Notification
27. Conclusion

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–552–801]

### Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review

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

**DATES:** *Effective Date:* October 4, 2012.

**SUMMARY:** The Department of Commerce (“the Department”) has received a

timely request for a new shipper review ("NSR") of the antidumping duty order on certain frozen fish fillets ("fish") from the Socialist Republic of Vietnam ("Vietnam"). The Department has determined that the request meets the statutory and regulatory requirements for initiation. The period of review ("POR") for this NSR is August 1, 2011, through July 31, 2012.

**FOR FURTHER INFORMATION CONTACT:** Alexander Montoro, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202-482-0238.

**SUPPLEMENTARY INFORMATION:**

**Background**

The antidumping duty order on fish from Vietnam was published on August 12, 2003.<sup>1</sup> On August 31, 2012, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.214, the Department received a NSR request from Golden Quality Seafood Corporation ("Golden Quality").<sup>2</sup> The requesting company certified that it is a producer and exporter of the subject merchandise upon which the request was based.<sup>3</sup>

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), the requesting company certified that it did not export subject merchandise to the United States during the period of investigation ("POI").<sup>4</sup> In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), the requesting company certified that, since the initiation of the investigation, it has never been affiliated with any Vietnamese exporter or producer who exported subject merchandise to the United States during the POI, including those respondents not individually examined during the investigation.<sup>5</sup> As required by 19 CFR 351.214(b)(2)(iii)(B), the requesting company also certified that its export activities were not controlled by the central government of Vietnam.<sup>6</sup>

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), the requesting company submitted documentation establishing the following: (1) The date

on which it first shipped subject merchandise for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.<sup>7</sup>

*Initiation of New Shipper Review*

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), and based on the documentation provided by Golden Quality, we find that the request submitted by Golden Quality meets the threshold requirements for initiation of the NSR for shipments of fish from Vietnam.<sup>8</sup> The POR is August 1, 2011, through July 31, 2012.<sup>9</sup> The Department intends to issue the preliminary results of this NSR no later than 180 days from the date of initiation, and the final results no later than 270 days from the date of initiation.<sup>10</sup>

We will instruct U.S. Customs and Border Protection ("CBP") to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from the requesting company in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Golden Quality certified that it both produced and exported the subject merchandise, the sale of which is the basis for the new shipper review request, we will instruct CBP to permit the use of a bond only for subject merchandise which Golden Quality both produced and exported.

Interested parties requiring access to proprietary information in this NSR should submit applications for disclosure under administrative protective order, in accordance with 19 CFR 351.305 and 19 CFR 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act, 19 CFR 351.214, and 19 CFR 351.221(c)(1)(i).

Dated: September 21, 2012.

**Gary Taverman,**

*Senior Advisor for Antidumping and Countervailing Duty Operations.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Stony Brook University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope**

This is a decision consolidated 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). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

*Docket Number:* 12-034. *Applicant:* Stony Brook University, Stony Brook, NY 11794. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 77 FR 55185, September 7, 2012.

*Docket Number:* 12-035. *Applicant:* The City College of New York, New York, NY 10031. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 77 FR 55185, September 7, 2012.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. *Reasons:* Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: September 27, 2012.

**Gregory W. Campbell,**

*Director, Subsidies Enforcement Office, Import Administration.*

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**DEPARTMENT OF COMMERCE**

**National Institute of Standards and Technology**

**Proposed Information Collection; Comment Request; Usage of Elevators for Occupant Evacuation Questionnaire**

**AGENCY:** National Institute of Standards and Technology (NIST).

**ACTION:** Notice.

<sup>1</sup> See *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003).

<sup>2</sup> See *Request for New Shipper Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, dated Aug. 31, 2012.

<sup>3</sup> See *id.* at 1.

<sup>4</sup> *Id.* at Ex. 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at Exs. 2-4; See also "Memorandum to the File, from Scot Fullerton, Program Manager, 'Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Placing CBP data on the record,'" dated concurrently with this notice.

<sup>8</sup> See "Memorandum to the File, from Scot Fullerton, Program Manager, 'Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: New Shipper Initiation Checklists,'" dated concurrently with this notice.

<sup>9</sup> See 19 CFR 351.214(g)(1)(i)(A).

<sup>10</sup> See section 751(a)(2)(B)(iv) of the Act.