

of the Department's regulations, a notice of the initiation of a circumvention inquiry issued under section 351.225(e) of the Department's regulations includes a description of the product that is the subject of the circumvention inquiry—uncovered innerspring units that contain the characteristics as provided in the scope of the *Order*, and an explanation of the reasons for the Department's decision to initiate a circumvention inquiry, as provided below.

With regard to whether the merchandise from the Malaysia is of the same class or kind as the merchandise produced in the PRC, Petitioner has presented information to the Department indicating that, pursuant to section 781(b)(1)(A) of the Act, the merchandise being produced in and/or exported from Malaysia by Reztex may be of the same class or kind as uncovered innerspring units produced in the PRC, which is subject to the *Order*. Consequently, the Department finds that Petitioner has provided sufficient information in its request regarding the class of kind of merchandise to support the initiation of a circumvention inquiry.

With regard to completion or assembly of merchandise in a foreign country, pursuant to section 781(b)(1)(B) of the Act, Petitioner has also presented information to the Department indicating that the uncovered innerspring units exported from Malaysia to the United States are assembled by Reztex in Malaysia using key components from the PRC that account for a significant portion of the total costs related to the production of uncovered innerspring units. We find that the information presented by Petitioner regarding this criterion supports its request to initiate a circumvention inquiry.

The Department finds that Petitioner sufficiently addressed the factors described in section 781(b)(1)(C) and 781(b)(2) of the Act regarding whether the assembly or completion of uncovered innerspring units in the Malaysia is minor or insignificant. Specifically, in support of its argument, Petitioner relied on its own experience and surrogate values from the less-than-fair-value investigation. Thus, we find that the information presented by Petitioner supports their request to initiate a circumvention inquiry. In particular, we find that Petitioner's submission asserts that: (1) Little investment has been made by Reztex in its uncovered innerspring unit operations in Malaysia; (2) Reztex has fully integrated production facilities in the PRC, and therefore, research and

development presumably takes place in the PRC rather than the Malaysia; (3) the assembly or completion of key uncovered innerspring unit components in Malaysia does not alter the fundamental characteristics of the uncovered innerspring unit, nor does it remove it from the scope of the *Order*; (4) Reztex has a lower investment level than other companies that produce uncovered innerspring units; and (5) further assembly or completion of key uncovered innerspring unit components in Malaysia adds little value to the merchandise imported to the United States. Our analysis will focus on Reztex's assembly operations in the Malaysia and, in the context of this proceeding, we will closely examine the manner in which this company's processing materials are obtained, whether those materials are considered subject to the scope of the *Order*, and the extent of processing in Malaysia, as well as the manner in which production and sales relationships are conducted with the alleged PRC suppliers.

With respect to the value of the merchandise produced in the PRC, pursuant to section 781(b)(1)(D) of the Act, Petitioner relied on its own production experience in the PRC and arguments in the "minor or insignificant process" portion of its circumvention request to indicate that the value of the key components produced in the PRC may be significant relative to the total value of the finished uncovered innerspring units exported to the United States. We find that this information adequately meets the requirements of this factor, as discussed above, for the purposes of initiating a circumvention inquiry.

Finally, with respect to the additional factors listed under section 781(b)(3) of the Act, we find that imports of uncovered innerspring units from Malaysia has increased steadily since the imposition of the *Order* and that imports of uncovered innerspring units and key components from the PRC to Malaysia also have increased since the *Order* took effect.

In accordance with section 351.225(l)(2) of the Department's regulations, if the Department issues a preliminary affirmative determination, we will then instruct U.S. Customs and Border Protection to suspend liquidation and require a cash deposit of estimated duties on the merchandise. This circumvention inquiry covers Reztex. If, within sufficient time, the Department receives a formal request from an interested party regarding potential circumvention of the *Order* by other Malaysian companies, we will

consider conducting additional inquiries concurrently.

The Department will establish a schedule for questionnaires and comments on the issues. In accordance with section 351.225(f)(5) of the Department's regulations, the Department intends to issue its final determination within 300 days of the date of publication of this initiation, in accordance with section 781(f) of the Act. This notice is published in accordance with section 351.225(f) of the Department's regulations.

Dated: May 17, 2012.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2012-12508 Filed 5-22-12; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-840]

#### **Certain Orange Juice From Brazil: Notice of Rescission of Antidumping Duty Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood or Blaine Wiltse, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3874 or (202) 482-6345, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On March 1, 2012, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on certain orange juice (OJ) from Brazil for a period of review (POR) of March 1, 2011, through February 29, 2012.<sup>1</sup>

On March 30, 2012, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the Department received a timely request from Southern Gardens Citrus Processing Corporation (Southern Gardens), a domestic interested party, to conduct an administrative review of the sales of the following companies: Citrovita Agro Industrial Ltd. (Citrovita); Coinbra-Frutesp S.A. (Coinbra Frutesp);

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 77 FR 12559 (Mar. 1, 2012).

Fischer S.A. Comercio, Industria and Agricultura (Fischer); Montecitrus Trading S.A. (Montecitrus); and Sucocitrico Cutrale Ltda. (Cutrale). Southern Gardens was the only party to request this administrative review.

On April 13, 2012, the International Trade Commission determined that revocation of the antidumping duty order on OJ from Brazil would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to section 751(c) of the Act. Therefore, on April 20, 2012, the Department revoked the antidumping duty order on OJ from Brazil effective March 9, 2011.<sup>2</sup>

On April 30, 2012, the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on OJ from Brazil with respect to Citrovia, Coimbra Frutesp, Cutrale, Fischer, and Montecitrus.<sup>3</sup> As a result of the revocation of the antidumping duty order, the POR of this administrative review is March 1, 2011, through March 8, 2011. *Id.*

On May 11, 2012, Southern Gardens timely withdrew its request for reviews of Citrovia, Coimbra Frutesp, Cutrale, Fischer, and Montecitrus.

#### Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of notice of initiation of the requested review. Southern Gardens withdrew its request for review before the 90-day deadline, and no other party requested an administrative review of the antidumping duty order on OJ from Brazil for the POR. Therefore, in response to Southern Gardens' withdrawal of its request for review, and pursuant to 19 CFR 351.213(d)(1), the Department is rescinding in whole the administrative review of the antidumping duty order on OJ from Brazil for the period March 1, 2011, through March 8, 2011.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties

shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of this notice in the **Federal Register**.

#### Notification to Importers

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification Regarding Administrative Protective Order

This notice serves as the only 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 return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: May 16, 2012.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2012-12512 Filed 5-22-12; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Cornell University, et al.; Notice of Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of

Commerce, 14th and Constitution Ave. NW., Washington, DC

*Docket Number:* 12-011. *Applicant:* Cornell University, Ithaca, NY 14853. *Instrument:* Pixel Array Detector. *Manufacturer:* Dectris Ltd., Switzerland. *Intended Use:* See notice at 77 FR 23660, April 20, 2012. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* This instrument will be used to determine the composition of molecules and visualizing their interaction at the molecular level. Pertinent characteristics of this instrument include shutterless data collection, low noise, high dynamic range, high readout speed and very fine phi slicing, not available in conventional charge-coupled device detectors.

*Docket Number:* 12-017. *Applicant:* Argonne National Laboratory, Lemont, IL 60439. *Instrument:* Pilatus 100K-S Detector. *Manufacturer:* Dectris Ltd., Switzerland. *Intended Use:* See notice at 77 FR 23660, April 20, 2012.

*Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* This instrument will be used to measure time evolution of x-ray diffraction signals from a variety of materials, including complex oxides and to determine the time-dependent atomic arrangements in those materials. Pertinent characteristics of this instrument include photon energy discrimination and gateable counting. The instrument also has a faster readout speed and better dynamic range than other detectors.

Dated: May 16, 2012.

**Gregory W. Campbell,**

*Director, Subsidies Enforcement Office, Import Administration.*

[FR Doc. 2012-12577 Filed 5-22-12; 8:45 am]

**BILLING CODE 3510-DS-P**

<sup>2</sup> See *Revocation of Antidumping Duty Order: Certain Orange Juice From Brazil*, 77 FR 23659 (Apr. 20, 2012).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 77 FR 25401 (Apr. 30, 2012).