

products are covered by the scope of this review.

Specifically excluded from the scope of this review are: A. Boiler tubing and mechanical tubing, if such products are not produced to ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. B. Finished and unfinished oil country tubular goods (OCTG), if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. C. Products produced to the A-335 specification unless they are used in an application that would normally utilize ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, and API 5L specifications. D. Line and riser pipe for deepwater application, i.e., line and riser pipe that is (1) used in a deepwater application, which means for use in water depths of 1,500 feet or more; (2) intended for use in and is actually used for a specific deepwater project; (3) rated for a specified minimum yield strength of not less than 60,000 psi; and (4) not identified or certified through the use of a monogram, stencil, or otherwise marked with an API specification (e.g., "API 5L").

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection (CBP) to require end-use certification until such time as petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being utilized in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in a covered application as described above. For example, if, based on evidence provided by the petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A-335 specification is being used in an A-106 application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to this scope is dispositive.

#### Rescission of the Administrative Review

As noted above, all four respondents submitted letters to the Department indicating that they did not make any shipments or entries of subject merchandise to the United States during the POR. In response to the Department's query to CBP, CBP data showed subject merchandise manufactured by one of the respondent companies, SMI, was entered for consumption into the United States during the POR from third countries. On February 19, 2009, the Department placed, on the record of this review, copies of the entry documents in question.

Additionally, on February 19, and April 29, 2009, the Department sent questionnaires to SMI and requested that SMI further substantiate its claim of no shipments. On March 27, and May 13, 2009, SMI provided the Department with responses, and explained in detail that it had no knowledge of the entries in question. On the basis of these documents and submissions, the Department has concluded that there is no evidence on the record that, at the time of sale, SMI had knowledge that these entries were destined for the United States, nor is there evidence that SMI had knowledge that any of these entries of subject merchandise entered the United States during the POR. See Memorandum to the File, from Alexander Montoro, International Trade Compliance Analyst, through Nancy Decker, Program Manager, AD/CVD Operations Office 1, entitled "Intent to Rescind the Antidumping Duty Administrative Review on Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Japan," May 28, 2009 (Intent to Rescind Memo). Specifically, subject merchandise produced by SMI entered the United States during the POR under its antidumping case number, but this occurred without the company's knowledge by way of intermediaries. See Intent to Rescind Memo. For JFE Steel Corporation, Nippon Steel Corporation, and NKK Tubes, the CBP data showed no entries of subject merchandise into the United States during the POR. Thus, the Department found that the respondents' claims of no shipments or entries for consumption to be substantiated. On May 28, 2009, the Department notified interested parties of its intent to rescind this administrative

review and gave parties until June 8, 2009, to provide comments. See Intent to Rescind Memo. No comments were received.

Based upon the certifications and the evidence on the record, we are satisfied that none of the respondents had shipments of subject merchandise to the United States during the POR. Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise. Therefore, the Department is rescinding this review in accordance with 19 CFR 351.213(d)(3).

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment of Dumping Duties*). This clarification will apply to entries of subject merchandise during the POR produced by the respondent company for which it did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the "All Others" rate if there is no rate for the intermediary involved in the transaction. See *Assessment of Dumping Duties* for a full discussion of this clarification. The Department will issue liquidation instructions to CBP 15 days after the publication of this notice of rescission of review.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777 (i)(1) of the Act.

Dated: June 18, 2009.

**John M. Andersen,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-832]

#### Pure Magnesium From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review

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

**SUMMARY:** The Department of Commerce (the "Department") has determined that a request for a new shipper review of the antidumping duty order on pure magnesium from the People's Republic of China ("PRC"), received on May 21, 2009, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is May 1, 2008, through April 30, 2009.

**DATES:** *Effective Date:* June 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lori Apodaca at (202) 482-4551, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 12, 1995, the Department published in the Federal Register the antidumping duty order on pure magnesium from the PRC. *See Notice of Antidumping Duty Orders: Pure Magnesium From the People's Republic of China, the Russian Federation and Ukraine*, 60 FR 25691 (May 12, 1995). Therefore, May is the anniversary month and a request for a new shipper review is timely filed if made during the six month period ending with the anniversary month. *See* 19 CFR 351.214(d). On May 21, 2009, we received a new shipper review request from an exporter, Tianjin Xiangghaiqi Resources Import & Export Trade Co., Ltd. ("TXR"). On May 28, 2009, TXR submitted a certification from the manufacturer of its subject merchandise, Pan Asia Magnesium Co., Ltd. ("PAM"), certifying that PAM's export activities are not controlled by the government of the PRC. Furthermore, on June 1, 2009, TXR submitted corrections to its May 21, 2009, new shipper review request.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.214(b)(2)(ii)(A), TXR certified that it did not export pure magnesium to the United States during the period of investigation ("POI"). In addition, pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(ii)(B), PAM, the producer of the pure magnesium exported by TXR, provided a certification that it did not export the subject merchandise to the United States during the POI. In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), TXR and PAM certified that, since the initiation of the investigation, both have never been affiliated with any exporter or producer who exported pure magnesium to the

United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), TXR and PAM also certified that their export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), TXR submitted documentation establishing the following: (1) The date on which it first shipped pure magnesium for export to the United States; (2) the volume of its first shipment; (3) the date when subject merchandise entered the United States for consumption; and (4) the date of its first sale to an unaffiliated customer in the United States.

The Department requested a U.S. Customs and Border Protection ("CBP") database query for the purpose of substantiating that TXR's shipment of subject merchandise had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties. The Department reviewed the CBP data and was able to verify that TXR's shipment of subject merchandise had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties.

**Initiation of New Shipper Review**

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214, we find that the request submitted by TXR meets the threshold requirements for initiation of a new shipper review for shipments of pure magnesium from the PRC manufactured by PAM and exported by TXR. *See* Memorandum to the File, dated June 8, 2009, regarding TXR's NSR Initiation Checklist.

The POR is May 1, 2008, through April 30, 2009. *See* 19 CFR 351.214(g)(1)(i)(A). We intend to issue preliminary results of this review no later than 180 days from the date of initiation, and final results of this review no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(h)(i)(1).

On August 17, 2006, the Pension Protection Act of 2006 ("H.R. 4") was signed into law. Section 1632 of H.R. 4 temporarily suspends the authority of the Department to instruct U.S. CBP to collect a bond or other security in lieu of a cash deposit in new shipper reviews during the period April 1, 2006, through June 30, 2009. Therefore, the posting of a bond or other security under section 751(a)(2)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of pure

magnesium manufactured by PAM and exported by TXR must continue to post cash deposits of estimated antidumping duties on each entry of subject merchandise at the current PRC-wide rate of 108.26 percent.

Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

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

Dated: June 25, 2009.

**John M. Andersen,**

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

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Miami University, et al.**

**Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

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 5:00 P.M. in Room 3705, U.S. Department of Commerce, 14th and Constitution Avenue., NW, Washington, D.C.

Docket Number: 09-014. Applicant: Miami University, Oxford, OH 45056. Instrument: Electron Microscope. Manufacturer: JEOL, Japan. Intended Use: *See* notice at 74 FR 23394, May 19, 2009.

Docket Number: 09-018. Applicant: Texas A&M University, College Station, TX 77843-4458. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: *See* notice at 74 FR 23394, May 19, 2009.

Docket Number: 09-020. Applicant: Columbia University, New York, NY 10032. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: *See* notice at 74 FR 23394, May 19, 2009. Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign