

requested, must submit a written request to the Assistant Secretary for Import Administration, Room 1117, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

#### Extension of the Time Limits for the Final Results

Section 751(a)(3)(A) of the Act requires that the Department issue the final results of an administrative review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the deadline for the final results to a maximum of 180 days after the date on which the preliminary results are published.

In this proceeding, the Department requires additional time to complete the final results of this administrative review to issue additional supplemental questionnaires, conduct verifications, generate the reports of the verification findings, and properly consider the issues raised in case briefs from interested parties. Thus, it is not practicable to complete this administrative review within the original time limit. Consequently, the Department is extending the time limit for completion of the final results of this review by 60 days, in accordance with section 751(a)(3)(A) of the Act. The final results are now due no later 180 days after the publication date of these preliminary results.

#### Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review excluding any reported sales that entered during the gap period. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. Where the respondent has reported reliable entered values, we calculate importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).

Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis*, we will apply the assessment rate to the entered value of the importers'/customers' entries during the POR, pursuant to 19 CFR 351.212(b)(1).

Where we do not have entered values for all U.S. sales to a particular importer/customer, we calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).<sup>106</sup> To determine whether the duty assessment rates are *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>107</sup> For the company receiving a separate rate that were not selected for individual review, we will assign an assessment rate based on rates calculated in previous segment as discussed above.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the final results of this review (except, if the rate is zero or *de minimis*, i.e., less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 95.99 percent;<sup>108</sup> and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the

cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary 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.

These preliminary results are issued and published in accordance with sections 751(a)(1), 751(a)(2)(B) and 777(i)(1) of the Act, 19 CFR 351.221(b)(4), and 19 CFR 351.214.

Dated: September 30, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011-26205 Filed 10-7-11; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-898]

#### Chlorinated Isocyanurates From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

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

**DATES:** *Effective Date:* September 23, 2011.

**SUMMARY:** On September 13, 2011, the United States Court of International Trade ("Court" or "CIT") sustained the Department of Commerce's ("Department") final results of redetermination pursuant to the Court's remand.<sup>1</sup> Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed.

<sup>106</sup> See 19 CFR 351.212(b)(1).

<sup>107</sup> See 19 CFR 351.106(c)(2).

<sup>108</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Chlorinated Isocyanurates From the People's Republic of China*, 70 FR 24502, 24505 (May 10, 2005) (explaining the derivation of the PRC-wide rate).

<sup>1</sup> See *Arch Chemicals, Inc. and Hebei Jiheng Chemicals, Co., Ltd. v. United States and Clearon Corporation and Occidental Chemical Corporation*, Court No. 08-00040: *Final Results of Redetermination Pursuant To Remand*, dated July 15, 2011 ("*Arch Chemicals III*").

Cir. 1990) (“*Timken*”), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (“*Diamond Sawblades*”), the Department is notifying the public that the final judgment in this case is not in harmony and is amending the final results of the administrative review (“AR”) of the antidumping duty order on chlorinated isocyanurates from the People’s Republic of China (“PRC”) covering the period of review (“POR”) of December 16, 2004, through May 31, 2006.<sup>2</sup>

**FOR FURTHER INFORMATION CONTACT:** Bobby Wong, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0409.

**SUPPLEMENTARY INFORMATION:**

**Background**

In *Chlorinated Isocyanurates from the People’s Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 39053 (July 17, 2007) (“*Preliminary Results*”), the Department granted Hebei Jiheng Chemicals, Co., Ltd. (“Jiheng”) by-product offsets for chlorine, ammonia gas, hydrogen, and recovered sulfuric acid. However, in the *Final Results*, the Department denied Jiheng these by-product offsets, stating that Jiheng had not provided the Department with the information necessary to grant the by-product offsets. See *Final Results*, 73 FR at 160; see also Issues and Decision Memo at Comment 15. Specifically, the Department found that Jiheng had failed to provide documentation supporting the claimed production quantities of by-products. *Id.*

On July 13, 2009, pursuant to *Arch Chemicals, Inc. v. United States*, Consol. Court No. 08-00040, Slip. Op. 09-71 (“*Arch Chemicals I*”), the Court instructed the Department to reopen the record of the underlying review and provide Jiheng with sufficient opportunity to submit documentation relevant to the methodology the Department employs in its by-product analysis. On December 22, 2009, in its final remand redetermination, the Department granted Jiheng a by-product

offset for its production of chlorine, ammonia gas, hydrogen, and sulfuric acid recovered during the POR.

However, after reviewing interested parties’ comments with respect to the *Arch Chemicals I* final remand redetermination, the Department requested a voluntary remand to reconsider our results with regard to Jiheng’s hydrogen gas, sulfuric acid, and chlorine gas by-products. The Court issued an order granting the Department’s request to reconsider and fully explain Jiheng’s hydrogen gas, sulfuric acid, and chlorine gas by-products offsets. See *Arch Chemicals, Inc. and Hebei Jiheng Chemicals, Co., Ltd. v. United States*, Consol. Court No. 08-00040 (April 22, 2010) (“*Arch Chemicals II*”). On June 21, 2010, the Department filed the results of its voluntary remand redetermination.

On April 15, 2011, while affirming other aspects of the Department’s remand redetermination in *Arch Chemicals II*, the Court found that Jiheng was not entitled to an offset for chlorine gas discharged during liquefaction because this portion of chlorine gas was not attributable to subject merchandise production. In *Arch Chemicals III*, the Court remanded the proceeding to the Department to eliminate the by-product offset for this portion of chlorine gas and to recalculate the antidumping margin for Jiheng accordingly.

On July 15, 2011, in the Department’s final remand redetermination pursuant to *Arch Chemicals III*, and in response to the Court’s ruling, the Department removed the quantity of chlorine gas discharged as a result of the liquefaction process of purified chlorine during the chlor-alkali stage of production from Jiheng’s by-product offset.

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the “Act”), the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s decision in *Arch Chemicals III*, issued on September 13, 2011, constitutes a final decision of that Court that is not in harmony with the Department’s *Final Results* and *Amended Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of all enjoined entries, pending the

expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the company-specific rate established for the subsequent and most recent period during which the respondent was reviewed. See *Chlorinated Isocyanurates from the People’s Republic of China: Final Results of 2008-2009 Antidumping Duty Administrative Review*, 75 FR 70212 (November 17, 2010), as amended, 75 FR 76699 (December 9, 2010).

**Amended Final Results**

Because there is now a final court decision, we are amending the *Final Results* to reflect the results of the *Arch Chemicals III* litigation. The revised dumping margin is:

Exporter	Percent margin
Hebei Jiheng Chemicals, Co., Ltd. ....	9.19

In the event the CIT’s ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from Jiheng on the revised assessment rate calculated by the Department.

This notice is issued and published in accordance with sections 516A(c)(1), 516A(e), and 777(i)(1) of the Act.

Dated: September 30, 2011.

**Ronald K. Lorentzen**,  
Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011-26213 Filed 10-7-11; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Forum—Trends and Causes of Observed Changes in Heat Waves, Cold Waves, Floods and Drought**

**AGENCY:** National Environmental Satellite, Data, and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of open public forum.

**SUMMARY:** This notice sets forth the schedule and topics of an upcoming forum hosted by the NOAA National Climatic Data Center in Asheville, North Carolina on November 8–10, 2011. Invited participants will discuss topics as outlined below.

<sup>2</sup> See *Chlorinated Isocyanurates from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review*, 73 FR 153 (January 8, 2008). (“*Final Results*”), and accompanying Issues and Decision Memorandum, and as amended by *Chlorinated Isocyanurates From the People’s Republic of China: Amended Final Results of Antidumping Duty Administrative Review*, 73 FR 9091 (February 19, 2008) (“*Amended Final Results*”).