

determines that Mr. Wang was in a position to know the facts, but was not an employee in the sense required by the Department's certification regulation.<sup>4</sup>

Moreover, in the *AR1 Final Results*, the Department valued hydrochloric acid ("HCl") using World Trade Atlas ("WTA") data for Cherishmet and valued carbonized materials using the WTA value for other cokes of coal. The CIT remanded to the Department to permit Cherishmet the opportunity to place HCl data on the record<sup>5</sup> and remanded to the Department to address argument that imports under Indian HTS 2704.00.90 "Other Cokes of Coal" are not product-specific and "to select the best method for valuation of the input as possible."<sup>6</sup>

Additionally, in the *AR1 Final Results*, the Department calculated a surrogate wage value in accordance with the regression-based methodology set forth in 19 CFR 351.408(c)(3). In *Dorbest Ltd. v. United States*, 604 F.3d 1363 (Fed. Cir. 2010) ("*Dorbest*"), the U.S. Court of Appeals for the Federal Circuit ("CAFC") held that the Department's "{regression-based} method for calculating wage rates {as stipulated by 19 CFR 351.408(c)(3)} uses data not permitted by {the statutory requirements laid out in section 773 of the Tariff Act of 1930, as amended (the "Act")} (i.e. 19 U.S.C. 1677b(c))."<sup>7</sup> Specifically, the CAFC interpreted section 773(c) of the Act to require the use of data from market economy countries that are both economically comparable to the NME at issue and significant producers of the subject merchandise, unless such data are unavailable. Because the Department's regulation requires the Department to use data from economically dissimilar countries and from countries that do not produce comparable merchandise, the CAFC invalidated the Department's labor regulation (19 CFR 351.408(c)(3)). On June 21, 2011, the Department revised its labor calculation methodology for valuing an NME respondent's cost of labor in NME antidumping proceedings.<sup>8</sup> In *Labor Methodologies*, the Department found that the best methodology for valuing the NME respondent's cost of labor is to use the industry-specific labor rate from the surrogate country. Additionally, the Department found that the best data

source for calculating the industry-specific labor rate for the surrogate country is the data reported under "Chapter 6A: Labor Cost in Manufacturing" from the ILO Yearbook of Labor Statistics.<sup>9</sup> Following *Dorbest*, the Department requested a voluntary remand for its labor rate calculations for Cherishmet in the *AR1 Final Results*. The CIT granted the Department's request for a voluntary remand for its labor rate calculations for Cherishmet in the *AR1 Final Results* with instructions that the labor wage value be recalculated without reliance on the invalidated labor regulation.<sup>10</sup>

On July 25, 2011, the Department issued its final results of redetermination pursuant to *Remand*. Pursuant to *Remand*, we granted a separate rate to Hebei Foreign for the first administrative review period. Additionally, pursuant to the *Dorbest* ruling, *Labor Methodologies* and *Remand*, we revised the labor rate calculation methodology to comply with the CAFC's interpretation of section 773 of the Act. We also recalculated the HCl surrogate value using prices from *Chemical Weekly*, and recalculated the carbonized material surrogate value using WTA Indian import statistics under the Harmonized Tariff Schedule number for coconut shell charcoal. The Department's redetermination resulted in changes to the *AR1 Final Results* for Hebei Foreign's margin from 228.11 percent to 16.35 percent and for Cherishmet's margin from 16.84 percent to 2.95 percent. The CIT sustained the Department's remand redetermination with respect to Hebei Foreign and Cherishmet on October 24, 2011.<sup>11</sup>

#### 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 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 October 24, 2011 judgment sustaining the Department's remand redetermination with respect to Hebei Foreign and Cherishmet constitutes a final decision of that court that is not in harmony with the Department's *AR1 Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly,

the Department will continue the suspension of liquidation of the subject merchandise 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 respondents were reviewed.<sup>12</sup>

#### Amended Final Results

Because there is now a final court decision with respect to Hebei Foreign and Cherishmet, we are amending the *AR1 Final Results* to reflect the results of the above-described litigation. The revised dumping margins are as follows:

Exporter name	Margin (percent)
Hebei Foreign Trade and Advertising Corporation .....	16.35
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. <sup>13</sup> ..	2.95

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 Hebei Foreign and Cherishmet based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with sections 516A(c)(1), 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: November 3, 2011.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2011-29052 Filed 11-8-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA813

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

<sup>12</sup> Limited to Cherishmet. See *Certain Activated Carbon From the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review*, 75 FR 70208, 70209 (November 17, 2010) ("*Carbon AR2*").

<sup>13</sup> The Department found Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. and Beijing Pacific Activated Carbon Products Co., Ltd. to be affiliated and a single entity in *Final Results* at 74 FR 57998.

<sup>4</sup> See *Remand* at 9.

<sup>5</sup> See *Remand* at 15.

<sup>6</sup> See *id.* at 19.

<sup>7</sup> See *Dorbest*, 604 F.3d at 1372.

<sup>8</sup> See *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011) ("*Labor Methodologies*").

<sup>9</sup> See *Labor Methodologies* at 39063.

<sup>10</sup> See *Remand* at 24-25.

<sup>11</sup> See *Hebei Foreign Trade and Advertising Corporation, et al. v. United States*, Court No. 09-00524 (CIT October 24, 2011) Slip Op. 11-134 (judgment).

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's (MAFMC) Summer Flounder Monitoring Committee, Scup Monitoring Committee, Black Sea Bass Monitoring Committee, and the Mid-Atlantic Fishery Council's and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisors will hold public meetings.

**DATES:** Wednesday, December 7, 2011 from 9 a.m. to 5 p.m. (Monitoring Committees in person) and Thursday, December 8, 2011 from 10 a.m. to 4 p.m. (Advisors via Webinar). See

**SUPPLEMENTARY INFORMATION** for meeting agenda.

**ADDRESSES:** The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee meetings will be held at the Doubletree by Hilton BWI Airport, 890 Elkridge Landing Road, Linthicum, MD 21090; (telephone: (410)-859-8060). The Summer Flounder, Scup, and Black Sea Bass Advisors meetings will be held via webinar with a telephone-only connection option. Details on webinar registration and the telephone-only connection details are available at: <http://www.mafmc.org>.

*Council address:* Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet on Wednesday, December 7, 2011 from 9 a.m. to 5 p.m. (see **ADDRESSES**) to reconsider the 2012 annual catch targets recommendations and other commercial management measures for summer flounder and scup, and to recommend recreational management measures for the summer flounder, scup, and black sea bass fisheries in 2012. On Thursday, December 8, 2011, the Summer Flounder, Scup, and Black Sea Bass Advisors will meet to reconsider their recommendations for the summer flounder and scup commercial management measures, and to recommend recreational management

measures for the summer flounder, scup, and black sea bass fisheries in 2012. The Summer Flounder Advisors will meet via Webinar from 9 a.m. to 11 a.m., the Scup Advisors will meet via Webinar from 12:30 p.m. to 2:30 p.m., and the Black Sea Bass Advisors will meet via Webinar from 2:30 p.m. to 4:30 p.m. (see **ADDRESSES**).

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: November 4, 2011.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2011-29008 Filed 11-8-11; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA814**

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's (MAFMC) Executive Committee will hold a public meeting.

**DATES:** The meeting will be held on Thursday, December 1, 2011 from 10 a.m. to 4 p.m.

**ADDRESSES:** The meeting will be held at BWI Airport Marriott, 1743 West Nursery Road, Linthicum Heights, MD; telephone: (410) 859-8300.

*Council address:* Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** The purpose of this Committee meeting is to

discuss progress to date and future direction with respect to the Council's work on the implementation of Ecosystem Based Fishery Management. A specific topic to be discussed will be the Council plan for moving forward with the development of ecosystem based fishery management approach in 2012. In addition, the Committee will review and discuss a comprehensive list of Council priorities for 2012. The final topic to be discussed will be potential revisions to the Council's Statement of Organization Practices and Procedures (SOPPSs).

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: November 4, 2011.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2011-29027 Filed 11-8-11; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal Nos. 11-29]

#### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 11-29 with attached transmittal and policy justification.

Dated: November 4, 2011.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001-06-P**