

**Register** as the effective date of this determination.

### Instructions to U.S. Customs and Border Protection

We will instruct U.S. Customs and Border Protection to apply the cash-deposit rate in effect for AMSB to all entries of the subject merchandise from Aperam that were entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of the changed circumstances review.

### Notifications

This notice also serves as a final 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a 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 notification of the 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.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Tariff Act of 1930, as amended, and 19 CFR 351.216(e).

Dated: April 4, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

### Appendix I

#### List of Comments in the Issues and Decision Memorandum

*Comment 1: Retroactive Application of the Final Results*

[FR Doc. 2012-8864 Filed 4-11-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration [A-570-898]

#### Chlorinated Isocyanurates From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review

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

**SUMMARY:** On November 15, 2011, the Department of Commerce (the Department) published in the **Federal Register** the preliminary rescission of the antidumping duty new shipper review (NSR) of chlorinated isocyanurates from the People's Republic of China (PRC) for Heze Huayi Chemical Co. Ltd. (Heze Huayi).<sup>1</sup> We gave interested parties an opportunity to comment on the preliminary rescission. Based on our analysis of the comments received, we now are assigning Heze Huayi its own rate for these final results. See "Final Results of Review" section below.

**DATES:** Effective April 12, 2012.

**FOR FURTHER INFORMATION CONTACT:** Jun Jack Zhao, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1396.

**SUPPLEMENTARY INFORMATION:** We preliminarily rescinded the NSR for Heze Huayi on November 15, 2011. See *Preliminary Results*. In the preliminary rescission notice, the Department stated that interested parties were to submit case briefs within 30 days of publication of the *Preliminary Results* and rebuttal briefs within five days after the due date for filing case briefs. We received a case brief from Heze Huayi on December 16, 2011; we received a rebuttal brief from the Clearon Corp. and Occidental Chemical Corporation (collectively, Petitioners) on December 22, 2011.<sup>2</sup> On December 15, 2011, we received a hearing request from Heze Huayi, pursuant to 19 CFR 351.310(c). Also on December 15, 2011, Petitioners filed a request to participate in a hearing should one be requested by another party. On January 18, 2012, we conducted a closed session hearing concerning Heze Huayi's unreported

sales that led to the Department's preliminary rescission of the NSR. On February 1, 2012, the Department extended the time limit for the final results of the NSR.<sup>3</sup> On February 22, 2012, Heze Huayi submitted a "Notice of New Authority" following the U.S. Court of International Trade (CIT) opinion<sup>4</sup> concerning the final results of the third NSR of the antidumping duty order of certain frozen fish fillets from the Socialist Republic of Vietnam,<sup>5</sup> Petitioners filed a rebuttal response to the "Notice of New Authority" submission on February 29, 2012.

### Period of Review

Pursuant to 19 CFR 351.214(g), the period of review (POR) for this NSR is June 1, 2010, through December 31, 2010.

### Scope of the Order

The products covered by the order are chlorinated isocyanurates, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isocyanurates: (1) Trichloroisocyanuric acid ( $\text{Cl}_3(\text{NCO})_3$ ), (2) sodium dichloroisocyanurate (dihydrate) ( $\text{NaCl}_2(\text{NCO})_3(2\text{H}_2\text{O})$ ), and (3) sodium dichloroisocyanurate (anhydrous) ( $\text{NaCl}_2(\text{NCO})_3$ ). Chlorinated isocyanurates are available in powder, granular, and tableted forms. The order covers all chlorinated isocyanurates.

Chlorinated isocyanurates are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The tariff classification 2933.69.6015 covers sodium dichloroisocyanurates (anhydrous and dihydrate forms) and trichloroisocyanuric acid. The tariff classifications 2933.69.6021 and 2933.69.6050 represent basket categories that include chlorinated isocyanurates and other compounds including an unfused triazine ring. Although the HTSUS subheadings are provided for convenience and customs purposes, the

<sup>3</sup> See *Chlorinated Isocyanurates From the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty New Shipper Review*, 77 FR 4990 (February 1, 2012).

<sup>4</sup> See *Hiep Thanh Seafood Joint Stock Co. v. United States*, Consol. Court No. 09-00270, Slip Op. 12-19 (February 15, 2012).

<sup>5</sup> See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of the Third New Shipper Reviews*, 74 FR 29473 (June 22, 2009), and *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Amended Final Results of New Shipper Review* 74 FR 37188 (July 28, 2009).

<sup>1</sup> See *Chlorinated Isocyanurates from the People's Republic of China: Preliminary Rescission of Antidumping Duty New Shipper Review*, 76 FR 70705 (November 15, 2011) (*Preliminary Results*).

<sup>2</sup> Petitioners filed an extension request for filing their rebuttal brief until December 22, 2011, and the Department granted the extension request.

written description of the scope of the order is dispositive.

#### Use of Facts Otherwise Available

Section 776(a) of Tariff Act of 1930, as amended (the Act) provides that the Department shall apply “facts otherwise available” (FA) if, *inter alia*, necessary information is not on the record. Because we do not have complete sales and factors of production information for certain U.S. sales, the Department has based the antidumping duty margin for Heze Huayi on FA. While section 776(b) of the Act provides for the use of an adverse inference in applying FA in certain circumstances, the Department has determined that no such circumstances are at issue here that would warrant the use of an adverse inference. Therefore, as FA, we are applying the rate of 2.66 percent, which is the rate applied to Hebei Jiheng Chemical Company, Ltd. in the most recently completed administrative review.<sup>6</sup> For a complete discussion, see Memorandum to Paul Piquado, Assistant Secretary for Import Administration, “Issues and Decision Memorandum for the Final Results of the New Shipper Review of Chlorinated Isocyanurates from the People’s Republic of China: Heze Huayi Chemical Co., Ltd.,” (Decision Memorandum), dated concurrently with, and hereby adopted by, this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Services System (IA ACCESS). IA ACCESS is available in the Central Records Unit, room 7046 of the main Commerce building. In addition, a complete version of the Decision Memorandum is accessible on the Web at <http://ia.ita.doc.gov/frn>. The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

When the Department relies on secondary information rather than on information obtained in the course of an investigation or review, section 776(c) of the Act provides that, to the extent practicable, the Department shall corroborate that information from independent sources that are reasonably at its disposal. Secondary information is defined as information derived from the petition, the final determination concerning the subject merchandise, or

any previous review under section 751 of the Act concerning the subject merchandise. To corroborate means that the Department will satisfy itself that the secondary information to be used has probative value.<sup>7</sup> To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used.<sup>8</sup>

The FA rate of 2.66 percent selected for Heze Huayi is based on information submitted in a previous segment of this proceeding, the 2008–2009 administrative review. It is a calculated rate based solely on the questionnaire responses of the mandatory respondent in that review from the immediately preceding review period. Given that this rate is based on recent information submitted by a cooperative respondent producer of the subject merchandise under this same order, we find that the rate is reliable and relevant for use in this administrative review. Therefore, it has probative value for use as FA. As such, the Department finds this rate to be corroborated to the extent practicable, consistent with section 776(c) of the Act.

#### Changes Since the Preliminary Results

Based on our analysis of all of the comments and information on the record, the Department has decided not to maintain its preliminary rescission results for these final results. In the *Preliminary Results*, the Department found that Heze Huayi failed to report its first sale to the United States which it was required to report pursuant to 19 CFR 351.214(b)(2). For these final results, the Department determines that Heze Huayi could have reasonably concluded that it was not required to report this sale. Accordingly, the Department is not rescinding this review but, instead, assigning Heze Huayi a dumping margin. Because the Department does not have the necessary factors of production data for all sales, we are instead assigning Heze Huayi, based on FA pursuant to section 776 of the Act, the most recently calculated weighted-average margin for a review

under this order, 2.66 percent. A full discussion of this decision is set forth in the Decision Memorandum, referred to above.

#### Final Results of Review

As a result of our review, we determine the following antidumping margin exists for the period June 1, 2010, through December 31, 2010.

Manufacturer/Exporter	Weighted-average margin (percent)
Heze Huayi Chemical Co. Ltd. ...	2.66

#### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this NSR. The Department will direct CBP to assess importer-specific assessment rates based on the *ad valorem* rate on each entry of the subject merchandise during the POR. The Department intends to issue assessment instructions directly to CBP 15 days after the publication of this notice.

#### Cash Deposit Requirements

Effective upon publication of the final results of the NSR, we will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise exported by Heze Huayi. The following cash deposit requirements will be effective for all shipments of subject merchandise by Heze Huayi, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of Act: (1) For subject merchandise produced and exported by Heze Huayi, the cash deposit rate will be the percent listed above, or the equivalent per-unit rate; (2) for subject merchandise exported by Heze Huayi, but not manufactured by Heze Huayi, the cash deposit rate will continue to be the PRC-wide rate of 285.63 percent; and (3) for subject merchandise manufactured by Heze Huayi, but exported by any party other than Heze Huayi, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements will remain in effect until further notice.

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

<sup>8</sup> See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan: Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan: Final Results of Antidumping Duty Administrative Reviews and Termination in Part*, 62 FR 11825 (March 13, 1997).

<sup>6</sup> 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).

## Notification to Importers

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

## Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These final results and this notice are issued and published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: April 5, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

## Appendix

### Issues in the Decision Memorandum

- Comment 1: Whether the Department's Preliminary Determination to Rescind the New Shipper Review Was Correct  
 Comment 2: Whether the Department Properly Analyzed Heze Huayi's Unreported Sales  
 Comment 3: Whether Heze Huayi's Final Antidumping Duty Rate Should Be the PRC-entity Rate

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-878]

## Saccharin From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent To Rescind in Part

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

**DATES:** April 12, 2012.

**SUMMARY:** The U.S. Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on saccharin from the People's Republic of China ("PRC") for the period of review ("POR") July 1, 2010, through June 30, 2011, covering 12 manufacturers/exporters of subject merchandise from the PRC.<sup>1</sup> The Department intends to rescind the review with respect to Kingchem LLC ("Kingchem"), for which the request for review was timely withdrawn. The Department preliminarily finds that, because none of the companies located in the PRC established eligibility for a separate rate, they will be treated as part of the PRC-wide entity. The Department also finds that the third-country exporters, because they do not have individual exporter rates, will continue to be subject to the cash deposit and assessment rates applicable to their PRC suppliers, in accordance with the Department's longstanding practice.<sup>2</sup>

We intend to issue the final results no later than 120 days from the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act").

**FOR FURTHER INFORMATION CONTACT:** Paul Stolz, 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) 482-4474.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 1, 2011, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on saccharin from the PRC for the period July 1, 2010 through June 30, 2011.<sup>3</sup> On July 28, 2011, the Department received a timely request from Kinetic Industries ("Kinetic"), in accordance with 19 CFR 351.213(b), for an administrative review of this order. Kinetic submitted a second

timely request on July 29, 2011, naming a twelfth respondent. On August 26, 2011, in accordance with section 751(a) of the Tariff Act of 1930, as amended ("the Act"), the Department published in the **Federal Register** the initiation notice of this antidumping duty administrative review with respect to the 12 companies covered by Kinetic's requests for review.<sup>4</sup> On October 25, 2011, the Department placed on the record U.S. Customs and Border Protection ("CBP") import data which indicates that none of the companies named in the *Initiation* had suspended entries of subject merchandise into the United States during the POR.<sup>5</sup>

The Department invited comments regarding the CBP data and respondent selection but received none. In addition, the Department issued a no-shipment inquiry to CBP on December 21, 2011, covering the companies located in the PRC and the third-country exporters (except Kingchem).<sup>6</sup> The inquiry requested CBP to report any evidence of shipments during the POR by these companies but did not request a response if no such evidence exists. The Department did not receive a response from CBP.

#### Scope of the Order

The product covered by this antidumping duty order is saccharin. Saccharin is defined as a non-nutritive sweetener used in beverages and foods, personal care products such as toothpaste, table top sweeteners, and animal feeds. It is also used in metalworking fluids. There are four primary chemical compositions of saccharin: (1) Sodium saccharin (American Chemical Society Chemical

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 76 FR 53404 (August 26, 2011) ("Initiation"). The *Initiation* covered the following companies: (1) Pingdingshan Coal Group Kaifeng Xinghua Fine Chemical Plant ("Fine Chemical"); (2) Tianjin Changjie Chemical Co., Ltd. ("Changjie Chemical"); (3) Tianjin North Food Co., Ltd. ("North Food"); (4) Hangzhou Embaiking Pharmaceutical Corp. Ltd. ("Embaiking Pharmaceutical"); (5) Escalade Ltd./Escalade Israel Ltd. ("Escalade"); (6) The High Trans Corporation ("High Trans Corporation"); (7) The Seicheng Chemical Company (aka Sei Cheng) ("Seicheng Chemical"); (8) Yuan Shan Co. Ltd. ("Yuan Shan"); (9) Sin-Ho Trading Co. Ltd. (aka Xin He) ("Sin-Ho Trading"); (10) Long Hwang Chemicals Co. Ltd. (aka Lung Huang Trading) ("Long Hwang Chemicals"); (11) Sun Disc Company, Ltd. ("Sun Disc"); and (12) Kinchem.

<sup>5</sup> See Memorandum to the File, "Saccharin from the People's Republic of China: Release of U.S. Entry Documents from the Department's August 25, 2011 Request—A-570-878," ("Release of Entry Data") dated October 25, 2011.

<sup>6</sup> The Department's no-shipment inquiry is located on the CBP Web site under message number 1355309, dated December 21, 2011. See <http://addcvd.cbp.gov>.

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Revocation in Part*, 76 FR 53404 (August 26, 2011) ("Initiation").

<sup>2</sup> See e.g., *Chrome-Plated Lug Nuts From the People's Republic of China; Final Results of Antidumping Administrative Review*, 60 FR 48687 (September 20, 1995) and *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results and Partial Rescission of the Seventh Antidumping Duty Administrative Review*, 77 FR 15039 (March 14, 2012).

<sup>3</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 76 FR 38609 (July 1, 2011).