

### Preliminary Rescission of the Antidumping Duty New Shipper Review of Heze Huayi

The NSR provisions of the Department's regulations require that the entity making a request for a NSR must document and certify, among other things: (1) The date on which subject merchandise of the exporter or producer making the request was first entered, or withdrawn from warehouse, for consumption, or, if it cannot establish the date of first entry, the date on which the exporter or producer first shipped the merchandise for export to the United States; (2) the volume of that and subsequent shipments; and (3) the date of the first sale to an unaffiliated customer in the United States. *See* 19 CFR 351.214(b)(2)(iv). If these provisions are met, the Department will conduct a NSR to establish an individual weighted-average dumping margin for the new shipper. *See generally* 19 CFR 351.214(b)(2).

In its request for a NSR, Heze Huayi provided certified statements that it had only one U.S. sale, which it stated took place on October 8, 2010, and that the sale entered the United States on December 1, 2010. *See* Letter from Heze Huayi to the Secretary of Commerce, "Chlorinated Isocyanurates from the People's Republic of China: Request for New-Shipper Review," December 20, 2010. Based on this information, the Department initiated the NSR for Heze Huayi.

However, based on an analysis of the CBP data, the Customs Entry Documents, and Heze Huayi's supplemental questionnaire responses, the Department has now determined that Heze Huayi had additional sales and entries that were not reported to the Department in its request for a NSR under 19 CFR 351.214(b)(2)(iv). As noted, in order to qualify for a NSR under 19 CFR 351.214, a company must certify and document, among other things, the dates of the first sale and all subsequent sales to the United States. *Id.* Because Heze Huayi had additional unreported sales and entries to the United States during the POR, the Department has preliminarily found that Heze Huayi's request for a NSR did not satisfy the regulatory requirements for requesting a NSR, and the Department thus preliminarily determines that it is appropriate to rescind the NSR for Heze Huayi. As much of the factual information used in our analysis of Heze Huayi's additional sales and entries involves business proprietary information, a full discussion of the basis for our preliminary determination is set forth in the Memorandum to

Barbara E. Tillman, Director, AD/CVD Operations, Office 6, "Analysis of Heze Huayi Chemical Co., Ltd.'s Additional Sales in the Antidumping Duty New Shipper Review of Chlorinated Isocyanurates from the People's Republic of China," November 7, 2011.

#### Assessment Rates

If we proceed to a final rescission of Heze Huayi's NSR, Heze Huayi's shipments will be subject to the PRC-wide rate. The Department is currently conducting an administrative review for the POR June 1, 2010, through May 31, 2011, in which the PRC-wide rate is under review. If we proceed to a final rescission, upon completion of the 2010–2011 administrative review, we will instruct CBP to assess antidumping duties on entries exported by Heze Huayi at the appropriate PRC-wide rate determined in the 2010–2011 administrative review and we will instruct CBP to assess antidumping duties on the entries covered by this NSR at the rate established in the final results of the administrative review.

#### Cash Deposit Requirements

Effective upon publication of the final rescission of the NSR or 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. If we proceed to a final rescission of the NSR, the cash deposit rate will continue to be the per-unit PRC-wide rate for entries exported by Heze Huayi. If we issue final results for the NSR, we will instruct CBP to collect cash deposits, effective upon the publication of the final results, at the rates established therein.

#### Disclosure

We will disclose our analysis to parties to this proceeding not later than five days after the date of public announcement, or, if there is no public announcement, within five days of the date of publication of this notice. *See* 19 CFR 351.224(b).

#### Comments

Interested parties are invited to comment on these preliminary results and may submit case briefs within 30 days of the date of publication of this notice, unless otherwise notified by the Department. *See* 19 CFR 351.309(c)(ii). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later, pursuant to 19 CFR 351.309(d). Parties are requested to provide a summary of their arguments not to exceed five pages, and a table of statutes, regulations, and cases cited.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration 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. *See* 19 CFR 351.310(c). Issues raised in the hearing will be limited to those raised in case and rebuttal briefs. The Department will issue the final rescission or final results of this NSR, including the results of our analysis of issues raised in any briefs, not later than 90 days after this preliminary rescission is issued, unless the deadline for the final rescission or final results is extended. *See* 19 CFR 351.214(i).

#### Notification to Importers

This notice 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.

The NSR and notice are in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR 351.214(f).

Dated: November 7, 2011.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–933]

### Frontseating Service Valves From the People's Republic of China: Final Results of the 2008–2010 Antidumping Duty Administrative Review of the Antidumping Duty Order

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

**SUMMARY:** On May 9, 2011, the Department of Commerce ("Department") published the preliminary results in the 2008–2010 antidumping duty administrative review of frontseating service valves ("FSVs") from the People's Republic of China

(“PRC”).<sup>1</sup> The period of review (“POR”) is October 22, 2008, through March 31, 2010. We have rescinded the review with respect to Tycon Alloy Industries (Shenzhen) Co., Ltd. (“Tycon Alloy”). We have determined that Zhejiang DunAn Hetian Metal Co., Ltd. (“DunAn”) and Zhejiang Sanhua Co., Ltd. (“Sanhua”), the only respondents in this review, made sales in the United States at prices below normal value (“NV”). There are no other respondents covered by this review. We invited interested parties to comment on our *Preliminary Results*. Based on our analysis of the comments received, we made changes to our margin calculations for DunAn and Sanhua. The final dumping margins for this review are listed in the “Final Results Margins” section below.

**DATES:** *Effective Date:* November 15, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Laurel LaCivita, Paul Stolz, or Eugene Degnan, 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) 482-4243, (202) 482-4474, and (202) 482-0414, respectively.

**Background**

On May 9, 2011, the Department published its *Preliminary Results* in the antidumping duty administrative review of frontseating service valves from the People’s Republic of China.<sup>2</sup> On June 7 and June 8, 2011, Sanhua and DunAn, respectively, requested a hearing for issues raised in the case and rebuttal briefs.

On June 21, 2011, all parties (Parker-Hannifin Corporation (“Petitioner”), DunAn and Sanhua) submitted publicly available surrogate value (“SV”) data to value TMI’s factors of production. On July 11, 2011, DunAn and Sanhua submitted rebuttal SV comments on the June 21, 2011, submissions. On July 19, 2011, in conformity with the Department’s revised wage rate methodology,<sup>3</sup> we placed on the record additional wage rate information for consideration in the final results, and requested parties to comment on that

data.<sup>4</sup> None of the parties to this proceeding provided comments on the Department’s wage rate data. We received the case briefs from all parties on August 16, 2011, and rebuttal briefs on August 22, 2011.

On August 24, 2011, the Department extended the deadline for the final results of review until November 5, 2011.<sup>5</sup> On September 8, 2011, DunAn and Sanhua each withdrew their request for a hearing.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, “Frontseating Service Valves From the People’s Republic of China: Issues and Decision Memorandum for the Final Results of the 2008–2010 Administrative Review, dated November 7, 2011 (“Issues and Decision Memorandum”),” which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (“CRU”), Main Commerce Building, Room 7046, and is also accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

**Period of Review**

The POR is October 22, 2008, through March 31, 2010.

**Scope of the Order**

The merchandise covered by this order is frontseating service valves, assembled or unassembled, complete or incomplete, and certain parts thereof. Frontseating service valves contain a sealing surface on the front side of the valve stem that allows the indoor unit or outdoor unit to be isolated from the refrigerant stream when the air conditioning or refrigeration unit is being serviced. Frontseating service valves rely on an elastomer seal when

the stem cap is removed for servicing and the stem cap metal to metal seat to create this seal to the atmosphere during normal operation.<sup>6</sup>

For purposes of the scope, the term “unassembled” frontseating service valve means a brazed subassembly requiring any one or more of the following processes: The insertion of a valve core pin, the insertion of a valve stem and/or O ring, the application or installation of a stem cap, charge port cap or tube dust cap. The term “complete” frontseating service valve means a product sold ready for installation into an air conditioning or refrigeration unit. The term “incomplete” frontseating service valve means a product that when sold is in multiple pieces, sections, subassemblies or components and is incapable of being installed into an air conditioning or refrigeration unit as a single, unified valve without further assembly.

The major parts or components of frontseating service valves intended to be covered by the scope under the term “certain parts thereof” are any brazed subassembly consisting of any two or more of the following components: A valve body, field connection tube, factory connection tube or valve charge port. The valve body is a rectangular block, or brass forging, machined to be hollow in the interior, with a generally square shaped seat (bottom of body). The field connection tube and factory connection tube consist of copper or other metallic tubing, cut to length, shaped and brazed to the valve body in order to create two ports, the factory connection tube and the field connection tube, each on opposite sides of the valve assembly body. The valve charge port is a service port via which a hose connection can be used to charge or evacuate the refrigerant medium or to monitor the system pressure for diagnostic purposes.

The scope includes frontseating service valves of any size, configuration, material composition or connection type. Frontseating service valves are classified under subheading 8481.80.1095, and also have been classified under subheading 8415.90.80.85, of the Harmonized Tariff Schedule of the United States (“HTSUS”). It is possible for frontseating service valves to be

<sup>1</sup> See *Frontseating Service Valves from the People’s Republic of China: Preliminary Results of the 2008–2010 Antidumping Duty Administrative Review and Partial Rescission of Review*, 76 FR 26686 (May 9, 2011) (“*Preliminary Results*”).

<sup>2</sup> See *Preliminary Results*.

<sup>3</sup> See *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011).

<sup>4</sup> See Memorandum to the File, “Frontseating Service Valves from the People’s Republic of China: Industry-Specific Surrogate Wage Rate and Surrogate Financial Ratios,” dated July 19, 2011.

<sup>5</sup> See *Frontseating Service Valves from the People’s Republic of China: Extension of Time for the Final Results of the Antidumping Duty Administrative Review*, 76 FR 52935 (August 24, 2011).

<sup>6</sup> The frontseating service valve differs from a backseating service valve in that a backseating service valve has two sealing surfaces on the valve stem. This difference typically incorporates a valve stem on a backseating service valve to be machined of steel, where a frontseating service valve has a brass stem. The backseating service valve dual stem seal (on the back side of the stem), creates a metal to metal seal when the valve is in the open position, thus, sealing the stem from the atmosphere.

manufactured out of primary materials other than copper and brass, in which case they would be classified under HTSUS subheadings 8481.80.3040, 8481.80.3090, or 8481.80.5090. In addition, if unassembled or incomplete frontseating service valves are imported, the various parts or components would be classified under HTSUS subheadings 8481.90.1000, 8481.90.3000, or 8481.90.5000. The HTSUS subheadings are provided for convenience and customs purposes, but the written description of the scope of this proceeding is dispositive.

#### Rescission of Administrative Review in Part

In the *Preliminary Results*, the Department partially rescinded the review with respect to Tycon Alloy because it submitted a “no shipment” letter and our review of CBP import data did not contradict that information. Because Tycon Alloy is part of the PRC-wide entity, the Department stated that it would issue liquidation instructions for the PRC-wide entity, which includes Tycon Alloy, 15 days after the publication of these *Final Results*.<sup>7</sup>

#### Changes Since the Preliminary Results

Based on an analysis of the comments received, the Department has made certain changes in the margin calculation. For the final results, the Department has made the following changes:

- We revised the surrogate financial ratios for overhead, selling, general and administrative expenses and profit to account for our determination that the financial statements of Pyrocast India Private Limited (“Pyrocast”) alone represented the best information available on the record to value these ratios. See Comment 1 of the accompanying Issues and Decision Memorandum.

- We revised the valuation of brazing rings for Sanhua to account for the proportion of copper, silver and phosphorus recorded on a quality certificate that Sanhua provided with respect to brazing rings in its supplemental questionnaire response.

<sup>7</sup> Tycon Alloy was not previously assigned a separate rate from a prior segment of the proceeding. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 75 FR 29976 (May 28, 2010); and *Preliminary Results*, 76 FR at 26693. The Department could not order liquidation for a company which, although no longer under review as an independent entity, might still be under review as part of the PRC-wide entity. See *Preliminary Results*, 76 FR at 26693; and, *Certain Steel Nails From the People’s Republic of China: Notice of Extension of Time Limits and Partial Rescission of the Second Antidumping Duty Administrative Review*, 76 FR 23788 (April 28, 2011).

See Comment 6 of the accompanying Issues and Decision Memorandum.

- We valued DunAn’s brass bar processed by tollers using scrap provided by DunAn using publicly available data from an economically comparable country. See Comment 12 of the accompanying Issues and Decision Memorandum.

- Consistent with *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011), we have made revisions to the surrogate labor rate for the final results of this administrative review. For these final results, the surrogate labor rate has changed from US\$1.04/hour to 80.14 Indian Rupees per hour. See Memorandum to the File, “Frontseating Service Valves from the People’s Republic of China: Industry-Specific Surrogate Wage Rate and Surrogate Financial Ratios,” dated July 19, 2011; see also Memorandum to the File, “Antidumping Duty Administrative Review of Frontseating Service Valves from the People’s Republic of China: Factor Valuation for the Final Results of Review,” dated November 7, 2011.

#### Final Results Margin

We determine the weighted-average dumping margins for the period October 22, 2008, through March 31, 2010, to be:

#### FRONTSEATING SERVICE VALVES FROM THE PRC

Exporter	Weighted-average margin (percentage)
Zhejiang DunAn Hetian Metal Co. Ltd .....	9.42
Zhejiang Sanhua Co., Ltd ....	5.22

#### 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 review. For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this

basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer (or customer)-specific assessment rate is *de minimis* (i.e., less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer’s) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

#### 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 DunAn and Sanhua, the cash deposit rate will be the rate identified in the Final Results Margin section, as listed above; (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 which have not been found to be entitled to a separate rate (including Tycon Alloy), the cash deposit rate will continue to be the PRC-wide rate of 55.62 percent;<sup>8</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 that supplied that non-PRC exporter. The deposit requirements shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR

<sup>8</sup> This rate was established in the final results of the original investigation. See *Frontseating Service Valves from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 74 FR 10886 (March 13, 2009).

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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), 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.

#### Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

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

Dated: November 7, 2011.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix I

Issues for the Final Results

Surrogate Values

Comment 1: Selection of Surrogate Financial Statements

Comment 2: Surrogate Value Data Source for Brass Bar

Comment 3: Whether to Include French Import Data to Value Brass Bar

Comment 4: Whether To Use the Average of HTS 7407.21.10 and HTS 7407.21.20 Import Values to Value Brass Bar

Comment 5: The Valuation of Valve Bodies

Comment 6: The Valuation of Brazing Rings

Comment 7: The Classification of Ammonia Gas

Comment 8: The Valuation of Labor

Comment 9: The Use of October 2008 GTA Data in the Calculation of Surrogate Values

Issues With Respect to DunAn

Comment 10: Rebates Paid on Sales to the United States

Comment 11: Freight Charges on U.S. Sales

Comment 12: The Use of Tollers' FOPs in the Calculation of NV

Issues With Respect to Sanhua

Comment 13: Upward Billing Adjustments

Comment 14: Brokerage and Handling Expense in the United States

Comment 15: Indirect Selling Expenses in the United States

General Issues

Comment 16: Zeroing

Comment 17: Procedures for Issuing Liquidation Instructions

Comment 18: By-Product Offset for Brass Scrap

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-832]

#### Pure Magnesium From the People's Republic of China: Second Extension of Time for the Final Results of the Antidumping Duty Administrative Review

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

**DATES:** *Effective Date:* November 15, 2011.

**FOR FURTHER INFORMATION CONTACT:** Eve Wang, 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) 482-6231.

#### Background

On June 8, 2011, the Department of Commerce ("the Department") published the preliminary results of this administrative review for the period May 1, 2009, to April 30, 2010. *See Pure Magnesium From the People's Republic of China: Preliminary Results of the 2009-2010 Antidumping Duty Administrative Review*, 76 FR 33194 (June 8, 2011). On September 16, 2011, the Department extended the deadline to issue the final results.<sup>1</sup> The final results of review are currently due on November 21, 2011.

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

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to issue final results within 120 days after the date on

<sup>1</sup> *See Pure Magnesium From the People's Republic of China: Extension of Time for the Final Results of the Antidumping Duty Administrative Review*, 76 FR 59111 (September 23, 2011).

which the preliminary results are published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time period to a maximum of 180 days. The Department determines that completion of the final results of the administrative review by the current deadline is not practicable. After interested parties submitted case and rebuttal briefs, the Department placed new information on the record<sup>2</sup> and allowed parties to submit comments thereon,<sup>3</sup> and received additional comments and information. The Department requires additional time to consider this information and argument.

Because it is not practicable to complete this review within the time specified under the Act, we are again extending the time period for issuing the final results of the administrative review by additional 15 days, or until December 5, 2011, in accordance with section 751(a)(3)(A) of the Act.

We are publishing this notice pursuant to sections 751(a) and 777(i) of the Act.

Dated: November 7, 2011.

**Christian Marsh,**

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

[FR Doc. 2011-29499 Filed 11-14-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## COMMODITY FUTURES TRADING COMMISSION

### Sunshine Act Meeting; Emergency Meeting Notice

This notice that an emergency meeting was held is published pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, 5 U.S.C. 552b.

#### AGENCY HOLDING THE MEETING:

Commodity Futures Trading Commission.

**TIME AND DATE:** The Commission held an emergency closed meeting on November 9, 2011 at approximately 11:10 a.m. The Commission, by a recorded vote of 4-0, determined that the business of the agency required that the meeting be held at that time. The Chairman of the

<sup>2</sup> *See the Department's Memorandum to the File, "The 2006-2007 Financial Statements for Madras Aluminum Company ("MALCO") and Infobanc Truck Freight Rate Data,"* dated October 4, 2011.

<sup>3</sup> *See the Department's Memorandum to the File, "Soliciting Comments on the 2006-2007 Financial Statements for Madras Aluminum Company ("MALCO") and Infobanc Truck Freight Rate Data" dated November 1, 2011.*