

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, 2006.²

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.

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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.

² 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*”).

Members of the public are invited to attend the forum, and are required to RSVP to Brooke.Stewart@noaa.gov by 5 p.m. EDT, Tuesday, October 25, 2011 if they wish to attend. The forum is to be held in a Federal facility; building security restrictions preclude attendance by members of the public who do not RSVP by the deadline. Space is also limited and public attendees will be admitted based on the order in which RSVPs are received.

Members of the public will be invited to offer their comments during a 30-minute period to be held from 9:30 to 10 a.m. on Tuesday, November 8, 2011. Each individual or group making a verbal presentation will be limited to a total time of five minutes. Please indicate your intention to participate in the public comment period when submitting the RSVP. Time for public comments will be allotted based on the order in which RSVPs are received. Written comments may be submitted via email or in hardcopy and must be received by October 25, 2011. Please see addresses below.

DATES: Forum Date and Time: The forum will be held on November 8–10, 2011 at the following times: November 8, 2011 from 8:15 a.m. to 5 p.m. EST; November 9, 2011 from 8:15 a.m. to 5:45 p.m. EST; and November 10, 2011 from 8:15 a.m. to 2 p.m. EST.

RSVP Deadline: Any member of the public wishing to attend the forum must RSVP no later than 5 p.m. EDT, Tuesday, October 25, 2011.

Deadline for Written Comments: Written comments must be received by October 25, 2011.

ADDRESSES: The forum will be held at the Veach-Baley Federal Complex, located at 151 Patton Avenue, Asheville, North Carolina 28801.

Written comments may be submitted to Brooke.Stewart@noaa.gov or in hard copy to Brooke Stewart, 151 Patton Avenue, Room 563, Asheville, North Carolina 28801.

For changes in the schedule, agenda, and updated information, please check the forum website at <https://sites.google.com/a/noaa.gov/heatwaves-coldwaves-floods-drought/>.

FOR FURTHER INFORMATION CONTACT: Brooke Stewart, National Climatic Data Center, 151 Patton Avenue, Room 563, Asheville, North Carolina 28801. (Phone: 828–257–3020, E-mail: brooke.stewart@noaa.gov).

SUPPLEMENTARY INFORMATION: This forum will provide an update to the climate science surrounding extreme events. The intent is to make key input available to the National Climate Assessment (NCA) for consideration.

Further information regarding the NCA is available at <http://www.globalchange.gov/what-we-do/assessment>. NOAA is sponsoring this forum in support of the National Climate Assessment process.

As materials for this forum become available, they may be found at <https://sites.google.com/a/noaa.gov/heatwaves-coldwaves-floods-drought/>.

Topics To Be Addressed

This forum will address observed changes and their causes with regard to specific types of extreme weather and climate events, including heat waves, cold waves, floods, and drought.

Participants Will Consider

- Observed changes and degree of confidence in those changes for heat waves, cold waves, floods, and drought
- Current state of mechanistic understanding of the above-mentioned extreme events
- Potential causes of observed changes in extreme events

The forum will feature invited speakers and discussions. The forum is designed to produce a detailed draft outline of an article for submission to a peer-reviewed scientific journal.

Mary E. Kicza.

Assistant Administrator for Satellite and Information Services.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA480

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Operation of the Northeast Gateway Liquefied Natural Gas Port Facility in Massachusetts Bay

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Northeast Gateway® Energy Bridge™ L.P. (Northeast Gateway or NEG) to incidentally harass, by Level B harassment only, small numbers of

marine mammals during operation of an offshore liquefied natural gas (LNG) facility in the Massachusetts Bay for a period of 1 year.

DATES: This authorization is effective from October 6, 2011, until October 5, 2012.

ADDRESSES: A copy of the application, IHA, and a list of references used in this document may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application may be obtained by writing to this address or by telephoning the contact listed here and is also available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 247–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as:

an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine