

instructions directly to CBP 15 days after publication of the final results of this review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these reviews for shipments of subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(1) and (a)(2)(C) of the Act: (1) For all respondents receiving a separate rate, the cash deposit rate will be that established in the final results of these reviews; (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 216.01 percent; 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 exporters 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) 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 Department is issuing and publishing these preliminary results of administrative review in accordance with section 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: February 1, 2010.

### Carole Showers,

Acting Deputy Assistant Secretary for Policy and Negotiations.

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BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-833]

### Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce  
**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain polyester staple fiber (PSF) from Taiwan. The period of review is May 1, 2008, through April 30, 2009. This review covers imports of certain polyester staple fiber from one producer/exporter. We have preliminarily found that sales of the subject merchandise have been made below normal value. If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results. We will issue the final results not later than 120 days after the date of publication of this notice.

**EFFECTIVE DATE:** February 5, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Michael A. Romani or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482-0198 or (202) 482-4477, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On June 24, 2009, the Department published a notice initiating an administrative review of the antidumping duty order on certain PSF from Taiwan covering the respondents Far Eastern Textiles Ltd. (FET) and Nan Ya Plastics Corporation (Nan Ya). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 74 FR 30052 (June 24, 2009). We have rescinded the review with respect to Nan Ya. See *Polyester Staple Fiber from Taiwan: Rescission of Antidumping Duty Administrative Review in Part*, 74 FR 41684 (August 18, 2009).

#### Scope of the Order

The product covered by the order is PSF. PSF is defined as synthetic staple

fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the *Harmonized Tariff Schedule of the United States* (HTSUS) at subheading 5503.20.00.20 is specifically excluded from the order. Also specifically excluded from the order are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from this order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

#### Fair-Value Comparisons

To determine whether FET's sales of PSF to the United States were made at less than normal value, we compared export price to normal value as described in the "Export Price" and "Normal Value" sections of this notice.

Pursuant to section 777A(d)(2) of the Tariff Act of 1930, as amended (the Act), we compared the export price of individual U.S. transactions to the monthly weighted-average normal value of the foreign like product where there were sales made in the ordinary course of trade, as discussed in the "Cost of Production" section below.

#### Product Comparisons

We compared U.S. sales to monthly weighted-average prices of contemporaneous sales made in the home market. We found contemporaneous sales of identical merchandise in the home market for all U.S. sales in accordance with section 771(16) of the Act.

#### Date of Sale

Section 351.401(i) of the Department's regulations states that the Department normally will use the date of invoice, as recorded in the producer's or exporter's

records kept in the ordinary course of business, as the date of sale. The regulation provides further that the Department may use a date other than the date of the invoice if the Secretary is satisfied that a different date better reflects the date on which the material terms of sale are established. The Department has a long-standing practice of finding that, where shipment date precedes invoice date, shipment date better reflects the date on which the material terms of sale are established. See *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From Thailand*, 69 FR 76918 (December 23, 2004), and accompanying Issues and Decision Memorandum at Comment 10; see also *Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams From Germany*, 67 FR 35497 (May 20, 2002), and accompanying Issues and Decision Memorandum at Comment 2.

With respect to FET's U.S. market sales, shipment date occurs on or before the date of invoice. The date of invoice is the date on which the Government Uniform Invoice is issued. Further, based on record evidence, all material terms of sale are established at the time of shipment and do not change in the subsequent time prior to the issuance of the invoice. Therefore, we used the date of shipment as the date of sale in accordance with our practice.

With respect to most of FET's home-market sales, shipment date occurs on or before the invoice date. Further, based on record evidence, all material terms of sale are established at the time of shipment and do not change in the subsequent time prior to the issuance of the invoice. We note that FET had some home-market sales in which invoice dates preceded shipment dates; for these home-market sales, we used the invoice date as the date of sale in accordance with our practice. For all other home-market sales, we used shipment date as date of sale.

#### Export Price

For sales to the United States, we calculated export price in accordance with section 772(a) of the Act because the merchandise was sold prior to importation by the exporter or producer outside the United States to the first unaffiliated purchaser in the United States and because constructed export-price methodology was not otherwise warranted. We calculated export price based on the free-on-board price to unaffiliated purchasers in the United

States. Where appropriate, we made deductions, consistent with section 772(c)(2)(A) of the Act, for the following movement expenses: inland freight from the plant to the port of exportation, inland insurance in Taiwan, brokerage and handling, harbor service fees, trade promotion fees, and containerization expenses. No other adjustments were claimed or allowed.

#### Normal Value

##### *Selection of Comparison Market*

To determine whether there was a sufficient volume of sales of PSF in the home market to serve as a viable basis for calculating normal value, we compared the volume of the respondent's home-market sales of the foreign like product to its volume of U.S. sales of the subject merchandise in accordance with section 773(a) of the Act. Pursuant to section 773(a)(1)(B) of the Act, because the respondent's aggregate volume of home-market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable for comparison purposes.

##### *Cost of Production*

We disregarded below-cost sales by FET in the last administrative review of the order completed prior to the initiation of this review. See *Certain Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review*, 74 FR 18348 (April 22, 2009); see also *Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 6136, 6137-38 (February 5, 2009). Therefore, pursuant to section 773(b)(2)(A)(ii) of the Act, there were reasonable grounds to believe or suspect that the respondent made sales of the foreign like product in its comparison market at prices below the cost of production within the meaning of section 773(b) of the Act.

We calculated the cost of production on a product-specific basis, based on the sum of the respondent's costs of materials and fabrication for the foreign like product plus amounts for general and administrative expenses, interest expenses, and the costs of all expenses incidental to preparing the foreign like product for shipment in accordance with section 773(b)(3) of the Act.

We relied on cost-of-production information FET submitted in its response to our cost questionnaire except we adjusted FET's reported cost of manufacturing to account for purchases of purified terephthalic acid

and monoethylene glycol from affiliated parties at non-arm's-length prices in accordance with the major-input rule of section 773(f)(3) of the Act.

On a product-specific basis, we compared the adjusted weighted-average cost-of-production figures for the period of review to the home-market sales of the foreign like product, as required under section 773(b) of the Act, to determine whether these sales were made at prices below the cost of production. The prices were exclusive of any applicable movement charges, packing expenses, warranties, and indirect selling expenses. In determining whether to disregard home-market sales made at prices below their cost of production and in accordance with sections 773(b)(2)(B), (C), and (D) of the Act, we examined whether such sales were made within an extended period of time in substantial quantities and at prices which permitted the recovery of all costs within a reasonable period of time.

We found that, for certain products, more than 20 percent of the respondent's home-market sales were at prices below the cost of production and, in addition, the below-cost sales were made within an extended period of time in substantial quantities. In addition, these sales were made at prices that did not permit the recovery of costs within a reasonable period of time. Therefore, we disregarded these sales and used the remaining sales of the same product as the basis for determining normal value in accordance with section 773(b)(1) of the Act.

##### *Calculation of Normal Value*

We calculated normal value based on the price FET reported for home-market sales to unaffiliated customers which we determined were within the ordinary course of trade. We made adjustments for differences in domestic and export packing expenses in accordance with sections 773(a)(6)(A) and 773(a)(6)(B)(i) of the Act. We also made adjustments, consistent with section 773(a)(6)(B)(ii) of the Act, for inland-freight expenses from the plant to the customer and expenses associated with loading the merchandise onto the truck to be shipped. In addition, we made adjustments for differences in circumstances of sale in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made these adjustments, where appropriate, by deducting direct selling expenses incurred on home-market sales (*i.e.*, imputed credit expenses and warranties) and adding U.S. direct selling expenses (*i.e.*, imputed credit expenses and bank charges).

In addition, FET reported one transaction in its home-market sales database for which it acknowledged it had reason to know would be exported to the People's Republic of China. See FET's December 23, 2009, response to our supplemental questionnaire. Because FET knew or had reason to know at the time of sale that this transaction was destined for export, we removed it from our calculation of normal value in accordance with section 773(a)(1)(C) of the Act.

#### Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the comparison market at the same level of trade as the export price. Pursuant to 19 CFR 351.412(c)(1), the normal-value level of trade is based on the starting price of the sales in the comparison market or, when normal value is based on constructed value, the starting price of the sales from which we derive selling, general, and administrative expenses and profit. For export-price sales, the U.S. level of trade is based on the starting price of the sales in the U.S. market, which is usually from the exporter to the importer.

To determine whether comparison-market sales are at a different level of trade than export-price sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. See 19 CFR 351.412(c)(2). If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and the comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act.

In this review, we obtained information from FET regarding the marketing stages involved in making its reported home-market and U.S. sales for each channel of distribution. FET reported one channel of distribution (*i.e.*, direct sales to distributors) and a single level of trade in the U.S. market. For purposes of these preliminary results, we have organized the common selling functions into four major categories: sales process and marketing support, freight and delivery, inventory and warehousing, and quality assurance/warranty services. Because the sales process and selling functions FET performed for selling to the U.S. market did not vary by individual

customers, the necessary condition for finding they constitute different levels of trade was not met. Accordingly, we determined that all of FET's U.S. sales constituted a single level of trade.

FET reported a single channel of distribution (*i.e.*, direct sales to end-users) and a single level of trade in the home market. Because the sales process and selling functions FET performed for selling to home-market customers did not vary by individual customers, we determined that all of FET's home-market sales constituted a single level of trade.

We found that the export-price level of trade was similar to the home-market level of trade in terms of selling activities. Specifically, the levels of expense were similar for the selling functions FET provided in both markets. Accordingly, we considered the export-price level of trade to be similar to the home-market level of trade and not at a different stage of distribution than the home-market level of trade. Therefore, we matched export-price sales to sales at the same level of trade in the home market and no level-of-trade adjustment under section 773(a)(7)(A) of the Act is necessary.

#### Preliminary Results of the Review

As a result of this review, we preliminarily determine that a dumping margin of 2.11 percent exists for FET for the period May 1, 2008, through April 30, 2009.

#### Public Comment

We will disclose the documents resulting from our analysis to parties in this review within five days of the date of publication of this notice. See 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. See 19 CFR 351.310(c). If a hearing is requested, the Department will notify interested parties of the hearing schedule.

Interested parties are invited to comment on the preliminary results of this review. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included.

We intend to issue the final results of this review, including the results of our analysis of issues raised in any

submitted written comments, within 120 days after publication of this notice.

#### Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Although FET indicated that it was not the importer of record for any of its sales to the United States during the period of review, it reported the name of the importer of record for all of its U.S. sales. Because FET reported the entered value for all of its U.S. sales and in accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate for the merchandise in question by aggregating the dumping margins we calculated for all U.S. sales to the importer and dividing this amount by the total entered value of those sales. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Clarification*). This clarification will apply to entries of subject merchandise during the period of review produced by FET for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Assessment Clarification*.

#### Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PSF from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) the cash-deposit rate for FET will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the

exporter nor the manufacturer is a firm covered in this review, the cash-deposit rate will be 7.31 percent, the all-others rate established in *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000).

#### 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.

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

Dated: February 1, 2010.

**Carole A. Showers,**

*Acting Deputy Assistant Secretary for Policy and Negotiations.*

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**BILLING CODE 3510-DS-S**

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

#### Procurement List; Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to and Deletions from Procurement List.

**SUMMARY:** This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List products and services previously furnished by such agencies.

**DATES:** *Effective Date:* March 8, 2010.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

#### SUPPLEMENTARY INFORMATION:

##### Additions

On 12/4/2009 (74 FR 63732) and 12/11/2009 (74 FR 65758-65760), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

##### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for addition to the Procurement List.

##### End of Certification

Accordingly, the following products and services are added to the Procurement List:

##### Products

NSN: 7220-00-NIB-0382—36"x72" Fingertip Mat, Heavy-duty, Black

NSN: 7220-00-NIB-0372—4x6' Vinyl Loop Scraper Mat, Gray

NSN: 7220-00-NIB-0377—3x5' Loop-twist Outdoor Scraper Mat, Gray

NSN: 7220-00-NIB-0383—3x5' Wiper/Scraper Mat, Medium Duty, Recycled PET, Gray

NSN: 7220-00-NIB-0391—3x5' Indoor Wiper Mat, Recycled PET, Gray

NSN: 7220-00-NIB-0397—2x3' Ribbed Vinyl Anti-fatigue mat, Gray

NSN: 7220-00-NIB-0399—2x3' Industrial deck-plate, Anti-fatigue Mat, Black

Coverage: A—List for the total government requirement as aggregated by the General Services Administration

NSN: 7220-00-NIB-0398—3x5' Ribbed Vinyl

Anti-fatigue mat, Gray  
NSN: 7220-00-NIB-0400—3x5' Industrial deck-plate, Anti-fatigue Mat, Black  
NSN: 7220-00-NIB-0402—2x3' Industrial deck-plate, Anti-fatigue Mat, Black  
NSN: 7220-00-NIB-0403—3x5' Industrial deck-plate, Anti-fatigue Mat, Black  
NSN: 7220-00-NIB-0411—2x3' Anti-fatigue Mat, Recycled content, Gray  
NSN: 7220-00-NIB-0412—3x5' Anti-fatigue Mat, Recycled content, Gray  
NSN: 7220-00-NIB-0384—4x6' Wiper/Scraper Mat, Medium Duty, Recycled PET, Gray  
NSN: 7220-00-NIB-0378—4x6' Loop-twist Outdoor Scraper Mat, Gray  
NSN: 7220-00-NIB-0392—4x6' Indoor Wiper Mat, Recycled PET, Gray  
NSN: 7220-00-NIB-0369—3x5' Vinyl Loop Scraper Mat, Black  
NSN: 7220-00-NIB-0370—4x6' Vinyl Loop Scraper Mat, Black  
NSN: 7220-00-NIB-0375—24"x32" Fingertip Mat, Medium-duty, Black  
NSN: 7220-00-NIB-0376—36"x72" Fingertip Mat, Medium-duty, Black  
NSN: 7220-00-NIB-0381—23"x32" Fingertip Mat, Heavy-duty, Black  
Coverage: B—List for the broad government requirement as aggregated by the General Services Administration  
NPA: Wiscraft Inc.—Wisconsin Enterprises for the Blind, Milwaukee, WI  
Contracting Activity: Federal Acquisition Service, GSA/FAS Southwest Supply Center (QSDAC), Fort Worth, TX

##### Services

Service Type/Locations: Document Destruction Service  
NPA: NISH (Prime Contractor)  
Contracting Activity: Dept Of The Treasury/Internal Revenue Service, Washington, DC

I.R.S. Offices at the following locations:  
2385 CHAMBLEE TUCKER ROAD,  
CHAMBLEE, GA  
J GORDON LOW BLDG: 120 BARNARD ST,  
SAVANNAH, GA  
401 W PEACHTREE ST, ATLANTA, GA  
600 EAST FIRST ST, ROME, GA  
RICHARD B. RUSSELL FB: 75 SPRING ST,  
ATLANTA, GA  
R. G. STEPHENS JR FB: 355 HANCOCK AVENUE, ATHENS, GA  
4800 BUFORD HIGHWAY, CHAMBLEE, GA  
NE KOGER: 2888 WOODCOCK BLVD,  
ATLANTA, GA  
SNAPPFINGER TECH: 5240 SNAPPFINGER PARK DR, DECATUR, GA  
2970 BRANDYWINE RD, ATLANTA, GA  
2980 BRANDYWINE RD, ATLANTA, GA  
ATSC TRAINING: 2965 FLOWERS RD,  
CHAMBLEE, GA  
2400 HERODIAN WAY, SMYRNA, GA  
FIRST FEDERAL PLAZA: 777 GLOUCESTER ST, BRUNSWICK, GA  
2743 PERIMETER PKWY, AUGUSTA, GA  
233 PEACHTREE ST, ATLANTA, GA  
6655 PEACHTREE DUNWOODY RD NE,  
ATLANTA, GA  
329 OAK STREET, GAINESVILLE, GA  
1008 PROFESSIONAL BLVD., DALTON, GA  
6600 BAY CIRCLE, NORCROSS, GA  
640 NORTH AVENUE, MACON, GA  
33 E. TWOHIG AVE, SAN ANGELO, TX