

destruction of proprietary information disclosed under 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.

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

Dated: September 12, 2011.

**Christian Marsh,**

*Acting Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-833]

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

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

**SUMMARY:** On April 21, 2011, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan. The period of review is May 1, 2009, through April 30, 2010. We gave interested parties an opportunity to comment on the preliminary results. We received comments from Far Eastern New Century Corporation. The final weighted-average dumping margin for Far Eastern New Century Corporation is listed below in the "Final Results of the Review" section of this notice.

**DATES:** *Effective Date:* September 19, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Michael A. Romani, 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.

#### **Background**

On April 21, 2011, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain polyester staple fiber from Taiwan. See

*Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review*, 76 FR 22366 (April 21, 2011) (*Preliminary Results*). We invited interested parties to comment on the *Preliminary Results*. We received comments from the respondent.

The Department has conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

#### **Scope of the Order**

The product covered by the order is polyester staple fiber (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 the 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 the 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.

#### **Analysis of Comments Received**

All issues raised in the case briefs by parties to this review are addressed in the "Issues and Decision Memorandum" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, dated concurrently with this notice (Decision Memorandum), and hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded in the Decision Memorandum is attached to

this notice as an Appendix. The Decision Memorandum, which is a public document, is on file in the Department's Central Records Unit of the main Commerce building, Room 7046, and is accessible on the Internet at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content.

#### **Results of Cost Test**

For these final results, we continue to find that, for certain products, more than 20 percent of the respondent's sales in the home market were at prices below the cost of production and 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.

#### **Final Results of the Review**

We made one change to our calculations announced in the *Preliminary Results*. In calculating the cost of production in the *Preliminary Results*, we inadvertently used the ratio for general and administrative expenses reported by Far Eastern New Century Corporation in its initial response to our questionnaire rather than a correction to this ratio which the respondent provided in a subsequent submission. In these final results we employed the subsequently reported ratio. This change had no effect on the weighted-average dumping margin determined for Far Eastern New Century Corporation. As a result of our review, we determine that a weighted-average dumping margin of 2.92 percent exists for Far Eastern New Century Corporation for the period May 1, 2009, through April 30, 2010.

#### **Assessment Rates**

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. Although Far Eastern New Century Corporation 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 names of the importers of record for all of its U.S. sales. Because Far Eastern New Century Corporation also reported the entered value for all of its U.S. sales, we have calculated importer-specific assessment rates for the merchandise in question by

aggregating the dumping margins we calculated for all U.S. sales to each importer and dividing this amount by the total entered value of those sales.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the period of review produced by Far Eastern New Century Corporation for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed 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 *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

The Department intends to issue assessment instructions directly to CBP 15 days after publication of these final results of review.

#### Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of this 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)(1) of the Act: (1) The cash-deposit rate for Far Eastern New Century Corporation will be 2.92 percent; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation or previous reviews, 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) the cash-deposit rate for all other manufacturers or exporters will continue to 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). These cash-deposit requirements shall remain in effect until further notice.

#### Notifications

This notice 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 Secretary'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 the 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 this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 13, 2011.

**Ronald K. Lorentzen**,  
Deputy Assistant Secretary for Import Administration.

#### Appendix

1. Zeroing
2. G&A Ratio

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Renewable Energy and Energy Efficiency Executive Business Development Mission; Clarification and Amendment

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

**ACTION:** Notice.

**SUMMARY:** The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (CS) is publishing this supplement to the Notice of the Renewable Energy and Energy Efficiency Executive Business Development Mission, 76 FR, No. 140, July 21, 2011, to clarify eligibility and amend the Notice to revise the dates and provide for selection of applicants on a rolling basis.

#### SUPPLEMENTARY INFORMATION:

##### Amendments To Revise the Dates and Provide for Selection of Applicants on a Rolling Basis

###### Background

Recruitment for this Mission began at the end of June, and some pending applicants have indicated a need to finalize their schedules and travel arrangements for upcoming holidays and end of fiscal 2011 year financial reports. Rather than wait until after the October 17, 2011 deadline to vet all applicants and make selection decisions, CS is amending the Notice to allow for vetting and selection decisions on a rolling basis beginning September 1, 2011, until the maximum of 20 participants is selected. Although applications will be accepted through October 17th (and after that date if space remains and scheduling constraints permit), interested U.S. renewable energy firms and trade organizations which have not already submitted an application are encouraged to do so as soon as possible.

##### Amendments

1. For the reasons stated above, the Timeframe for Recruitment and Applications section of the Notice of the Renewable Energy and Energy Efficiency Executive Business Development Mission, 76 FR, No. 140, July 21, 2011, is amended to read as follows:

##### Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (<http://export.gov/trademissions>) and other Internet Web sites, press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for this mission will conclude no later than October 17, 2011. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis beginning August 31, 2011. We will inform all applicants of selection decisions on a rolling basis. Applications received after the October 17 deadline will be considered only if space and scheduling constraints permit.

**FOR FURTHER INFORMATION CONTACT:** Michael Lally, Commercial Officer.