

**EFFECTIVE DATE:** October 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger, Katherine Johnson, or Brandon Farlander, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4136, (202) 482-4929, and (202) 482-0182, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 1, 2006, the Department initiated and the ITC instituted a sunset review of the antidumping duty order on ferrovanadium and nitrided vanadium from Russia, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). See *Initiation of Five-Year ("Sunset") Reviews*, 71 FR 25568 (May 1, 2006).

The Department conducted an expedited sunset review of this order. As a result of its review, the Department found that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the order to be revoked. See *Final Results of Expedited Sunset Review: Ferrovanadium and Nitrided Vanadium from Russia*, 71 FR 44998 (August 8, 2006). On October 4, 2006, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on ferrovanadium and nitrided vanadium from Russia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Ferrovanadium and Nitrided Vanadium From Russia*, 71 FR 58630 (October 4, 2006).

**Scope of the Order**

The products covered by the order are ferrovanadium and nitrided vanadium, regardless of grade, chemistry, form or size, unless expressly excluded from the scope of this order. Ferrovanadium includes alloys containing ferrovanadium as the predominant element by weight (*i.e.*, more weight than any other element, except iron in some instances) and at least 4 percent by weight of iron. Nitrided vanadium includes compounds containing vanadium as the predominant element, by weight, and at least 5 percent, by weight, of nitrogen.

Excluded from the scope of the order are vanadium additives other than ferrovanadium and nitrided vanadium, such as vanadium-aluminum master

alloys, vanadium chemicals, vanadium waste and scrap, vanadium-bearing raw materials, such as slag, boiler residues, fly ash, and vanadium oxides.

The products subject to this order are currently classifiable under subheadings 2850.00.20, 7202.92.00, 7202.99.8040, 8112.40.3000, and 8112.40.6000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

**Determination**

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on ferrovanadium and nitrided vanadium from Russia.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) of the Act, the Department intends to initiate the next five-year review of this order not later than September 2011.

This five-year (sunset) review and this notice are in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: October 5, 2006.

**David M. Spooner**,  
Assistant Secretary for Import  
Administration.

[FR Doc. E6-16943 Filed 10-12-06; 8:45 am]

**BILLING CODE 3510-DS-P**

**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 June 6, 2006, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain polyester staple fiber from

Taiwan. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received and an examination of our calculations, we have made certain changes for the final results. The final weighted-average dumping margin for Far Eastern Textile Limited is listed below in the "Final Results of the Review" section of this notice.

**EFFECTIVE DATE:** October 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Devta Ohri or Andrew McAllister, Office 1, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482-3853 or (202) 482-1174, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 6, 2006, the Department of Commerce ("the Department") published *Certain Polyester Staple Fiber from Taiwan: Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 32514 (June 6, 2006) ("*Preliminary Results*") in the **Federal Register**.

We invited parties to comment on the preliminary results of the review. On July 13, 2006, Wellman, Inc. and Invista, S.a.r.l. (collectively, "the petitioners"), and Far Eastern Textile Limited ("FET" or "respondent"), filed case briefs. On July 24, 2006, the petitioners and FET filed rebuttal briefs.

**Scope of the Order**

For the purposes of this order, the product covered is certain 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 this 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 under the *Harmonized Tariff Schedule of the United States* ("HTSUS") at subheading 5503.20.00.25<sup>1</sup> is

<sup>1</sup> The most current edition of the Harmonized Tariff Schedule of the United States (2006) - Supplement 1 (Rev 1) (August 1, 2006) incorporates the revision of HTSUS number 5503.20.00.20 to 5503.20.00.25.

specifically excluded from this order. Also specifically excluded from this 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 under order is dispositive.

#### Period of Review

The period of review ("POR") is May 1, 2004, through April 30, 2005.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the October 4, 2006 "Issues and Decision Memorandum for the Fifth Antidumping Duty Administrative Review of Certain Polyester Staple Fiber from Taiwan" ("Decision Memorandum"), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the Decision Memorandum. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, Room B-099 of the main Department building ("CRU"). In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at [www.ia.ita.doc.gov/frn](http://www.ia.ita.doc.gov/frn). The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Fair Value Comparisons

To determine whether FET's sales of PSF to the United States were made at less than normal value ("NV"), we compared export price ("EP") to the NV. We calculated EP, NV, constructed value ("CV"), and the cost of production ("COP"), based on the same methodologies used in the Preliminary Results, with the following exceptions:

- We revised the major input adjustment calculations between the market price and the transfer price of affiliate purchases based on FET's January 20, 2006 supplemental questionnaire response for terephthalic acid and

mono ethylene glycol ("MEG"). As a result of these revisions, under section 773(f)(3) of the Tariff Act of 1930, as amended ("the Act"), the Department finds that no adjustment is necessary for MEG because the transfer price is higher than the market price and the affiliated supplier's COP. See Memorandum from Team, through Brandon Farlander, to the File, "Final Results Calculation Memorandum for Far Eastern Textile Limited," dated October 4, 2006 ("FET Final Calculation Memorandum"). See also Decision Memorandum at Comment 3.

- We corrected a ministerial error by including FET's fixed overhead costs in the total cost of manufacture. See FET Final Calculation Memorandum. See also Decision Memorandum at Comment 4.

#### Results of the COP Test

We found that, for certain products, more than 20 percent of the respondent's home market sales were at prices less than the COP and, thus, 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 excluded these sales and used the remaining sales of the same product, as the basis for determining NV, in accordance with section 773(b)(1).

#### Final Results of the Review

We find that the following dumping margin exists for the period May 1, 2004, through April 30, 2005:

Exporter/manufacturer	Weighted-average margin percentage
Far Eastern Textile Limited .....	4.05

#### Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries.

FET has indicated that it was not the importer of record for any of its sales to the United States during the POR. FET reported the name of its U.S. customer as the importer of record for all U.S. sales. As such, FET did not report the entered value for any of its U.S. sales. Accordingly, we have calculated importer-specific assessment rates for the merchandise in question by aggregating the dumping margins

calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer-specific ad valorem ratios based on the estimated entered value.

Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (i.e., less than 0.50 percent). The Department will issue appraisal instructions directly to CBP within 15 days of publication of these final results of 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). This clarification will apply to entries of subject merchandise during the period of review produced by the respondent 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).

#### Cash Deposit Requirements

The following deposit requirements are effective for all shipments of PSF from Taiwan entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate listed above (except no cash deposit will be required if its weighted-average margin is *de minimis*, i.e., less than 0.5 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation, the cash deposit rate will continue to be the most recent rate published in the final determination for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this 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; and (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). These cash deposit requirements shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Importers

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.

#### Notification Regarding Administrative Protective Orders

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 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.

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: October 4, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

#### APPENDIX I

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

*Comment 1:* Coding of Regular/Specialty Fiber Products  
*Comment 2:* FET's "Rebates"  
*Comment 3:* Major Input Adjustment  
*Comment 4:* Fixed Overhead Costs  
*Comment 5:* Using the Revised Total Cost of Manufacture for G&A Expenses and Financial Expenses  
*Comment 6:* Allocation of FET's G&A Expenses

*Comment 7:* Idled Equipment Expenses in the G&A Expenses Ratio  
*Comment 8:* Investment Expenses in the Financial Expenses Ratio  
*Comment 9:* Reconciliation of Total Consolidated Interest Expenses

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#### DEPARTMENT OF COMMERCE

##### National Institute of Standards and Technology

##### National Fire Protection Association (NFPA): Request for Comments on NFPA's Codes and Standards

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to request comments on the technical reports that will be published in the NFPA's 2007 Fall Revision Cycle. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of NFPA is being undertaken as a public service; NIST does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

Since 1896, the National Fire Protection Association (NFPA) has accomplished its mission by advocating scientifically based consensus codes and standards, research, and education for safety related issues. NFPA's *National Fire Codes*<sup>®</sup>, which holds over 270 documents, are administered by more than 225 Technical Committees comprised of approximately 7,000 volunteers and are adopted and used throughout the world. NFPA is a nonprofit membership organization with approximately 80,000 members from over 70 nations, all working together to fulfill the Association's mission.

The NFPA process provides ample opportunity for public participation in the development of its codes and standards. All NFPA codes and standards are revised and updated every three to five years in Revision Cycles that begin twice each year and that takes approximately two years to complete. Each Revision Cycle proceeds according to a published schedule that includes final dates for all major events in the process. The process contains five basic steps that are followed both for developing new documents as well as revising existing documents. These steps are: Calling for Proposals; Publishing the Proposals in the Report on Proposals; Calling for Comments on the Committee's disposition of the

Proposals and these Comments are published in the Report on Comments; having a Technical Report Session at the NFPA Annual Meeting; and finally, the Standards Council Consideration and Issuance of documents.

**Note:** Under new rules effective Fall 2005, anyone wishing to make Amending Motions on the Technical Committee Reports (ROP and ROC) must signal their intention by submitting a Notice of Intent to Make a Motion by the Deadline of October 19, 2007. Certified motions will be posted by November 16, 2007. Documents that receive notice of proper Amending Motions (Certified Amending Motions) will be presented for action at the annual June 2008 Association Technical Meeting. Documents that receive no motions will be forwarded directly to the Standards Council for action on issuance.

For more information on these new rules and for up-to-date information on schedules and deadlines for processing NFPA Documents, check the NFPA Web site at <http://www.nfpa.org> or contact NFPA Codes and Standards Administration.

The purpose of this notice is to request comments on the technical reports that will be published in the NFPA's 2007 Fall Revision Cycle. The publication of this notice by the National Institute of Standards and Technology (NIST) on behalf of NFPA is being undertaken as a public service; NIST does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

**DATES:** Thirty reports are published in the 2007 Fall Revision Cycle Report on Proposals and will be available on December 22, 2006. Comments received on or before March 2, 2007, will be considered by the respective NFPA Committees before final action is taken on the proposals.

**ADDRESSES:** The 2007 Fall Revision Cycle Report on Proposals is available and downloadable from NFPA's Web site—<http://www/nfpa.org> or by requesting a copy from the NFPA, Fulfillment Center, 11 Tracy Drive, Avon, Massachusetts 02322. Comments on the report should be submitted to Casey C. Grant, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02269-7471.  
**FOR FURTHER INFORMATION CONTACT:** Casey C. Grant, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02269-7471, (617) 770-3000.

#### SUPPLEMENTARY INFORMATION:

##### Background

The National Fire Protection Association (NFPA) develops building, fire, and electrical safety codes and