

Manufacturers/ Exporters/Producers	Weighted-Average Margin (percent)
WISCO (Wuhan Iron and Steel Co./Inter- national Economic and Trading Corp./ Cheerwu Trader Ltd.)	128.59
PRC-Wide .....	128.59

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely notification of the return or 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 the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: December 1, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

A-580-839

#### Certain Polyester Staple Fiber From Korea: Final Results of the 2006-2007 Antidumping Duty Administrative Review

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

**SUMMARY:** On May 30, 2008, the Department of Commerce published the preliminary results of the seventh administrative review of the antidumping duty order on certain polyester staple fiber from the Republic of Korea. The review covers the shipments of subject merchandise to the United States by Huvis Corporation. Based on our analysis of the comments received from interested parties, we have made certain changes for the final results. The final weighted-average dumping margins are listed below in the "Final Results of the Review" section of this notice.

**EFFECTIVE DATE:** December 5, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Andrew McAllister or Brandon Farlander, 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) 482-1174 and (202) 482-0182, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 30, 2008, the Department of Commerce ("the Department") published *Certain Polyester Staple Fiber from Korea: Preliminary Results of the 2006/2007 Antidumping Duty Administrative Review*, 73 FR 31058 (May 30, 2008) ("Preliminary Results") in the **Federal Register**. Prior to the publication of the *Preliminary Results*, on May 27, 2008, Wellman, Inc., Invista, S.a.r.L., and DAK Americas, LLC (collectively, "the petitioners") refiled their May 8, 2008, submission in accordance with the Department's May 22, 2008, letter allowing such refiling. On June 2, 2008, the petitioners submitted comments rebutting Huvis Corporation ("Huvis")'s May 22, 2008, submission. On June 6, 2008, Huvis submitted additional comments regarding the petitioners' May 27, 2008, submission.

On June 30, 2008, the petitioners and Huvis filed case briefs. On July 14, 2008, the petitioners and Huvis filed rebuttal briefs.

On September 15, 2008, the Department published in the **Federal Register** an extension of the time limit for the completion of the final results of this review until no later than November 26, 2008, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.213(h)(2). See *Certain Polyester Staple Fiber From the Republic of Korea: Notice of Extension of Time Limit for the Final Results of the 2006-2007 Administrative Review*, 73 FR 53190 (Sept. 15, 2008).

**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 is 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 the order is dispositive.

**Period of Review**

The period of review ("POR") is May 1, 2006, through April 30, 2007.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the November 26, 2008, Issues and Decision Memorandum for the Seventh Antidumping Duty Administrative Review of Certain Polyester Staple Fiber from the Republic of Korea ("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 1117 of the main Department building ("CRU"). In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Fair Value Comparisons**

To determine whether sales of PSF from Korea 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 exception:

- We have revised the comparison market and margin programs to

properly subtract credit expenses in U.S. dollars from the comparison market price. We have revised the comparison market program to properly include credit expenses in U.S. dollars when calculating CV. See Memorandum from the Team to the File, "2006/2007 Antidumping Duty Administrative Review of Certain Polyester Staple Fiber from Korea - Final Results Calculation Memorandum for Huvis Corporation," dated November 26, 2008 ("Huvis Final Calc Memo").

- We have also revised the comparison market and margin programs to properly reflect the gross unit price of home market sales in the currency in which the sale was transacted (*i.e.*, Korean Won or U.S. dollars). See Huvis Final Calc Memo.
- Different from the Preliminary Results, we have not increased the affiliated supplier's COP of PTA and QTA because the supplier's purchase prices for paraxylene reasonably reflect market prices. See Decision Memorandum at Comment 11; see also Huvis Final Calc Memo.

#### Final Results of the Review

We find that the following percentage margin exists for the period May 1, 2006, through April 30, 2007:

Manufacturer	Weighted-average margin percentage
Huvis Corporation .....	2.92%

#### Assessment Rates

Huvis reported that it acted as the importer of record for certain POR shipments. Pursuant to 19 CFR 351.212(b)(1), for all sales where Huvis is the importer of record, Huvis submitted the reported entered value of the U.S. sales and we calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales.

Where Huvis was not the importer of record, Huvis did not report the entered value for the U.S. sales in question. Accordingly, we 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 this 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 appropriate assessment instructions to CBP 15 days after 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 POR produced by companies included in these final results for which the reviewed companies did not know their 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. *Id.*

#### Cash Deposit Rates

The following antidumping duty deposits will be required on all shipments of certain PSF from Korea entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be the rate listed above (except no cash deposit will be required if a company's weighted-average margin is *de minimis*, *i.e.*, less than 0.5 percent); (2) for previously reviewed or investigated companies not listed above, 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; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 7.91 percent, the all-others rate established in *Certain Polyester Staple Fiber from the Republic of Korea: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision*, 68 FR 74552 (December 24, 2003). These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### 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(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 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: November 26, 2008.

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

#### APPENDIX I

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

- Comment 1:* Huvis's Reporting of Affiliated Parties
- Comment 2:* Huvis's Submitted Costs by CONNUM
- Comment 3:* Costs of the Suwon Factory
- Comment 4:* Huvis's Financial Expenses Ratio
- Comment 5:* Huvis's Classification of Certain Home Market Sales
- Comment 6:* Loading Fees For Huvis's Sales
- Comment 7:* Korean Brokerage Expenses for Huvis's U.S. Sales
- Comment 8:* Huvis's Absorption of Antidumping Duties
- Comment 9:* Ministerial Error in Calculation of Huvis's Credit Expenses
- Comment 10:* Valuing PTA and QTA
- Comment 11:* Adjustment for the Cost of Paraxylene

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