

proposed action an additional 60 days, but the new comment due date and zip code for written comments were incorrect. On page 61329, third column, under **DATES**, and on page 61330, first column under **SUPPLEMENTARY INFORMATION**, the correct date that comments should be received by is February 3, 2010. Also on page 61329, third column under **ADDRESSES**, the correct zip code is 95814.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: December 7, 2009.

**Angela Somma,**

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9-29477 Filed 12-9-09; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-839]

#### Certain Polyester Staple Fiber from the Republic of Korea: Final Results of the 2007-2008 Antidumping Duty Administrative Review

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

**SUMMARY:** On June 9, 2009, the Department of Commerce published the preliminary results of the eighth 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 no 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 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** Seth Isenberg 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) 482-0588 and (202) 482-0182, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 9, 2009, the Department of Commerce ("the Department") published *Certain Polyester Staple Fiber from the Republic of Korea: Preliminary Results of the 2007/2008 Antidumping*

*Duty Administrative Review*, 74 FR 27281 (June 9, 2009) ("*Preliminary Results*") in the **Federal Register**.

From July 27 to July 31, 2009, the Department conducted a verification of Huvis Corporation's ("Huvis") submitted cost information. The Department reported its findings on September 15, 2009. See Memorandum to the File, "Verification of the Cost Response of Huvis Corporation in the Antidumping Review of Certain Polyester Staple Fiber from the Republic of Korea" dated September 15, 2009. This report is on file in the Department's Central Records Unit ("CRU") in room 1117 of the main Department building.

On September 18, 2009, 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 December 7, 2009, 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: Extension of Time Limit for the Final Results of the 2007-2008 Antidumping Duty Administrative Review*, 74 FR 47919 (September 18, 2009).

On September 28, 2009, Huvis filed a case brief. On October 5, 2009, Invista, S.a.r.L., and DAK Americas, LLC (collectively, "the petitioners") filed a rebuttal brief.

##### Scope of the Order

For the purposes of the 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 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 under the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 5503.20.00.25 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 under the order is dispositive.

##### Period of Review

The period of review ("POR") is May 1, 2007, through April 30, 2008.

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the December 7, 2009, Issues and Decision Memorandum for the Eighth 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 CRU. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web. at <http://ia.itadoc.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 the Republic of 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*.

##### Final Results of the Review

We find that the following margin percentage exists for the period May 1, 2007, through April 30, 2008:

Manufacturer	Weighted-average margin percentage
Huvis Corporation .....	1.50%

##### Assessment Rates

Huvis submitted evidence demonstrating that it was the importer of record for certain of its POR sales. We examined the customs entry documentation submitted by Huvis and

tied it to the U.S. sales listing. Therefore, for purposes of calculating the importer-specific assessment rates, we have treated Huvis 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 have 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.

Regarding sales where Huvis was not the importer of record, we note that Huvis did not report the entered value for the U.S. sales in question. Accordingly, we have calculated importer-specific per-unit duty 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 U.S. Customs and Border Protection ("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 intends to issue assessment instructions directly to CBP 15 days after publication of the 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 the Republic of 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 merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation or a previous review, the cash deposit rate will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (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: December 2, 2009.

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

#### Appendix I

List of Comments in the Decision Memorandum

*Comment 1:* Valuation of Upstream Inputs Consumed in Qualified Terephthalic Acid

*Comment 2:* Offsetting Negative Margins [FR Doc. E9-29467 Filed 12-9-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-817]

#### Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On August 5, 2009, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products (hot-rolled steel) from Thailand. The period of review is November 1, 2007, through October 31, 2008. We received comments from interested parties, but have made no changes to the margin for the final results. The final margin for the respondent is listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** December 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** David Cordell or Robert James AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0408 or (202) 482-0469, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On August 5, 2009, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain hot-rolled steel from Thailand. See *Certain Hot-Rolled Carbon Steel Flat Products*