

the issues contained in the enclosed agenda.

**DATES:** The meeting will be held on December 8, 2010, from 7 p.m. to 9 p.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn Hotel in Mayaguez, Puerto Rico.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-2577; telephone: (787) 766-5926.

**SUPPLEMENTARY INFORMATION:** The Catch Share Panel of The Caribbean Fishery Management Council will hold a public meeting to discuss the following agenda items:

- Alternatives for the collection of statistical data for the deep-water fishes in the west coast of Puerto Rico.
- Report on the “Energy and Fisheries” Workshop—Nelson Crespo.
- “Catch Shares Experience in the United States” Presentation—Greg Engstrom.
- Other Issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council’s intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Simultaneous interpretation will be provided (English-Spanish). For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico, 00918-2577, telephone: (787) 766-5926, at least 5 days prior to the meeting date.

Dated: November 5, 2010.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 2010-28411 Filed 11-9-10; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-928]

#### Uncovered Innerspring Units From the People’s Republic of China: Preliminary Results of First 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 uncovered innerspring units (“innersprings”) from the People’s Republic of China (“PRC”), covering the period of review (“POR”) August 6, 2008–January 31, 2010. As discussed below, we preliminarily determine that the PRC-wide entity made sales in the United States at prices below normal value (“NV”). If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (“CBP”) to assess antidumping duties on entries of subject merchandise during the POR.

**DATES:** *Effective Date:* November 10, 2010.

**FOR FURTHER INFORMATION CONTACT:** Toni Dach, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-1655.

**SUPPLEMENTARY INFORMATION:** On March 1, 2010, we received a request from the Petitioner<sup>1</sup> to conduct administrative reviews for two companies, Foshan Jingxin Steel Wire & Spring Co., Ltd. (“Jingxin”) and Top One Manufacturing Factory (“Top One”). On March 30, 2010, we initiated an administrative review of the antidumping order on innersprings from the PRC.<sup>2</sup>

On March 31, 2010, the Department issued antidumping duty questionnaires to Jingxin and Top One, since they were the only two companies for which a review was requested.<sup>3</sup> On April 3, 2010, Jingxin received the antidumping duty questionnaire. On April 23, 2008, the Department re-issued the antidumping duty questionnaire to Top

One because the initial questionnaire had not been delivered by FedEx.<sup>4</sup> On April 26, 2010 Top One received the antidumping duty questionnaire reissued by the Department on April 23, 2010.<sup>5</sup> We note that neither Jingxin nor Top One responded to the Department’s questionnaire.

### Scope of the Order

The merchandise subject to the order is uncovered innerspring units composed of a series of individual metal springs joined together in sizes corresponding to the sizes of adult mattresses (*e.g.*, twin, twin long, full, full long, queen, California king and king) and units used in smaller constructions, such as crib and youth mattresses. All uncovered innerspring units are included in the scope regardless of width and length. Included within this definition are innersprings typically ranging from 30.5 inches to 76 inches in width and 68 inches to 84 inches in length. Innersprings for crib mattresses typically range from 25 inches to 27 inches in width and 50 inches to 52 inches in length.

Uncovered innerspring units are suitable for use as the innerspring component in the manufacture of innerspring mattresses, including mattresses that incorporate a foam encasement around the innerspring.

Pocketed and non-pocketed innerspring units are included in this definition. Non-pocketed innersprings are typically joined together with helical wire and border rods. Non-pocketed innersprings are included in this definition regardless of whether they have border rods attached to the perimeter of the innerspring. Pocketed innersprings are individual coils covered by a “pocket” or “sock” of a nonwoven synthetic material or woven material and then glued together in a linear fashion.

Uncovered innersprings are classified under subheading 9404.29.9010 and have also been classified under subheadings 9404.10.0000, 7326.20.0070, 7320.20.5010, or 7320.90.5010 of the Harmonized Tariff Schedule of the United States (“HTSUS”). The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the order is dispositive.

### Facts Available

Section 776(a)(2) of the Tariff Act of 1930, as amended (“the Act”), provides that, if an interested party: (A)

<sup>4</sup> See the Department’s letter dated April 23, 2010; see also Delivery Memo.

<sup>5</sup> See Delivery Memo.

<sup>1</sup> The petitioner is Leggett & Platt, Incorporated (hereinafter referred to as the “Petitioner”).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 75 FR 15679 (March 30, 2010) (“*Initiation*”).

<sup>3</sup> See the Department’s letters dated March 31, 2010.

Withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

As discussed in the **SUPPLEMENTARY INFORMATION** section above, neither Jingxin nor Top One responded to the antidumping duty questionnaires issued by the Department on March 31, 2010, and April 23, 2010, respectively. Additionally, the Department confirmed delivery for the initial questionnaires.<sup>6</sup> Therefore, the Department finds that Jingxin and Top One did not cooperate to the best of their abilities, and their non-responsiveness necessitates the use of facts available, pursuant to sections 776(a)(2)(A), (B) and (C) of the Act.

Based upon Jingxin's and Top One's failure to submit responses to the Department's questionnaires, the Department finds that Jingxin and Top One withheld requested information, failed to provide the information in a timely manner and in the form requested, and significantly impeded this proceeding, pursuant to sections 776(a)(2)(A), (B) and (C) of the Act. Further, because Jingxin and Top One failed to demonstrate that they qualify for separate rate status,<sup>7</sup> we consider both entities to be part of the PRC-wide entity. Thus, we find that the PRC-wide entity, including Jingxin and Top One, withheld requested information, failed to provide information in a timely manner and in the form requested, and significantly impeded this proceeding. Therefore, the Department must rely on the facts otherwise available in order to determine a margin for the PRC-wide entity, pursuant to section 776(a)(2)(A), (B) and (C) of the Act.<sup>8</sup>

#### Adverse Facts Available

Section 776(b) of the Act states that if the Department "finds that an interested

party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission \* \* \*, in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available."<sup>9</sup> Adverse inferences are appropriate "to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully."<sup>10</sup> An adverse inference may include reliance on information derived from the petition, the final determination in the investigation, any previous review, or any other information placed on the record.<sup>11</sup>

Because Jingxin and Top One, which are part of the PRC-wide entity, failed to cooperate to the best of their ability in providing the requested information, as discussed above, we find it appropriate, in accordance with sections 776(a)(2)(A), (B) and (C), as well as section 776(b), of the Act, to assign total adverse facts available ("AFA") to the PRC-wide entity.<sup>12</sup> By doing so, we ensure that the companies that are part of the PRC-wide entity will not obtain a more favorable result by failing to cooperate than had they cooperated fully in this review.

As discussed above, section 776(b) of the Act authorizes the Department to use, as AFA, information derived from the petition, the final determination in the less-than-fair-value ("LTFV") investigation, any previous administrative review, or any other information placed on the record. In selecting an AFA rate, the Department's practice has been to assign non-cooperative respondents the highest margin determined for any party in the LTFV investigation or in any administrative review.<sup>13</sup> As AFA, we are assigning the PRC-wide entity, which

includes Jingxin and Top One, the highest rate from any segment of this proceeding, which in this case is 234.51 percent, as establish in the investigation.<sup>14</sup>

#### Corroboration of PRC-Wide Entity Rate

Section 776(c) of the Act requires that where the Department relies on secondary information, the Department corroborate, to the extent practicable, a figure which it applies as AFA. To be considered corroborated, information must be found to be both reliable and relevant. As noted above, we are applying as AFA the highest rate from any segment of this proceeding, which is the rate currently applicable to all exporters subject to the PRC-wide rate. The AFA rate in the current review (*i.e.*, the PRC-wide rate of 234.51 percent) represents the highest rate from the petition in the LTFV investigation.<sup>15</sup>

For purposes of corroboration, the Department will consider whether that margin is both reliable and relevant. The AFA rate we are applying for the current review was corroborated in the LTFV investigation.<sup>16</sup> Moreover, no information has been presented in the current review that calls into question the reliability of this information.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico; Final Results of Antidumping Administrative Review*, 61 FR 6812, 6814 (February 22, 1996), the Department disregarded the highest margin in that case as best information available (the predecessor to adverse facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. The information used in calculating this margin was based on sales and production data submitted by the petitioner in the LTFV investigation, together with the most appropriate surrogate value information available to the Department chosen from submissions by the parties in the LTFV investigation. Furthermore, the calculation of this margin was subject to comment from interested parties in the

<sup>9</sup> See also Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103-316 at 870 (1994).

<sup>10</sup> *Id.*

<sup>11</sup> See section 776(b) of the Act.

<sup>12</sup> See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of the First Administrative Review and New Shipper Review*, 72 FR 10689, 10692 (March 9, 2007) (decision to apply total AFA to the NME-wide entity unchanged in *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of the First Antidumping Duty Administrative Review and First New Shipper Review*, 72 FR 52052 (September 12, 2007)).

<sup>13</sup> See *Certain Steel Nails from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 73 FR 33977 (June 16, 2008).

<sup>14</sup> See *Uncovered Innerspring Units from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 73 FR 79443 (December 29, 2008).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>6</sup> See Delivery Memo.

<sup>7</sup> In a non-market economy companies that do not submit a response to the questionnaire or do not adequately establish that they are independent of government control are subject to the single economy-wide rate. In this case, by failing to respond to the antidumping duty questionnaire, Jingxin and Top One did not provide evidence that they are independent of government control.

<sup>8</sup> See *Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 71 FR 69546 (December 1, 2006) and accompanying Issues and Decision Memorandum at Comment 1.

proceeding after this margin was selected in calculating the rate for the PRC-wide entity in the investigation's *Innersprings Investigation Prelim*.<sup>17</sup> As there is no information on the record of this review that demonstrates that this rate is not appropriate for use as AFA, we determine that this rate continues to have relevance.

As the 234.51 percent rate is both reliable and relevant, we determine that it has probative value and is corroborated to the extent practicable, in accordance with section 776(c) of the Act. Therefore, we have assigned this AFA rate to exports of the subject merchandise by the PRC-wide entity.

### Preliminary Results of Review

The Department has determined that the following preliminary dumping margin exists for the period August 6, 2008–January 31, 2010:

#### INNERSPRINGS FROM THE PRC

Manufacturer/Exporter	Margin (percent)
PRC-wide Entity <sup>18</sup> .....	234.51

In accordance with section 351.301(c)(3)(ii) of the Department's regulations, for purposes of the final results of this administrative review, interested parties may submit publicly available information to value factors of production within 20 days after the date of publication of these preliminary results. Interested parties must provide the Department with supporting documentation for the publicly available information to value each factor of production. Additionally, in accordance with section 351.301(c)(1) of the Department's regulations, for purposes of the final results of this administrative review, interested parties may submit factual information to rebut, clarify, or correct factual information submitted by an interested party less than ten days before, on, or after, the applicable deadline for submission of such factual information. However, the Department notes that section 351.301(c)(1) of the Department's regulations permits new information only insofar as it rebuts, clarifies, or corrects information recently placed on the record. The Department generally cannot accept the submission of additional, previously absent-from-the-record alternative surrogate value

<sup>17</sup> See *Uncovered Innerspring Units from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 73 FR 45729 (August 6, 2008) ("*Innersprings Investigation Prelim*").

<sup>18</sup> The PRC-wide entity includes Jingxin and Top One.

information pursuant to section 351.301(c)(1) of the Department's regulations.<sup>19</sup>

Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review.<sup>20</sup> Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication of these preliminary results of review.<sup>21</sup> The Department urges interested parties to provide an executive summary of each argument contained within the case briefs and rebuttal briefs.

The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review excluding any reported sales that entered during the gap period.

### Cash Deposit Requirements

The following cash-deposit requirements will be effective upon publication of these final results for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by Jingxin and Top One the cash deposit rate will be the PRC-wide rate of 234.51 percent; (2) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, and thus, are a part of the PRC-wide entity, the cash-deposit rate will be the PRC-wide rate of 234.51 percent; and (3) for all non-PRC exporters of subject merchandise, the cash-deposit rate will be the rate applicable to the PRC supplier of that

<sup>19</sup> See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission*, in Part, 72 FR 58809 (October 17, 2007) and accompanying Issues and Decision Memorandum at Comment 2.

<sup>20</sup> See section 351.309(c)(ii) of the Department's regulations.

<sup>21</sup> See section 351.309(d) of the Department's regulations.

exporter. These deposit requirements shall remain in effect until further notice.

### Notification of Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under section 351.402(f) of the Department's regulations 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.

This administrative review, and this notice are in accordance with sections 751(a)(1) and 777(i) of the Act, and sections 351.213 and 351.221(b)(4) of the Department's regulations.

Dated: October 27, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-28415 Filed 11-9-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

#### Foreign-Trade Zone 226—Merced, Madera, Fresno, and Tulare Counties, California; Site Renumbering Notice

Foreign-Trade Zone 226 was approved by the Foreign-Trade Zones Board on December 22, 1997 (Board Order 946, 63 FR 778-779, 01/07/98) and expanded on May 14, 2003 (Board Order 1276, 68 FR 27985, 05/22/03).

FTZ 226 currently consists of 12 "Sites" totaling some 2,424 acres located within and adjacent to the Fresno Customs port of entry area. The current update does not alter the physical boundaries that have previously been approved, but instead involves an administrative renumbering of existing Site 4A to separate unrelated, non-contiguous sites for recordkeeping purposes.

Under this revision, the site list for FTZ 226 will be as follows: Site 1 (791 acres)—Castle Airport (formerly Castle Air Force Base) Morimoto Industrial Park, 3450 C Street, Atwater (Merced County); Site 2 (242 acres)—within the MidState 99 Distribution Center, Visalia (Tulare County) (includes 65 acres located at 2525 North Plaza Drive approved on a temporary basis until 3/1/11); Site 3 (191 acres)—Mid Cal Business Park, Highway 33, Gustine