

States within a reasonably foreseeable time,<sup>1</sup> the Department of Commerce (the Department) is publishing this notice of revocation of the antidumping duty order on ferrovanadium and nitrided vanadium from Russia.

**DATES:** *Effective Date:* October 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger or Rebecca Trainor, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4136 and (202) 482-4007, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 10, 1995, the Department published the antidumping duty order on ferrovanadium and nitrided vanadium from Russia.<sup>2</sup> On September 1, 2011, the Department initiated and the ITC instituted the third 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).<sup>3</sup>

The Department expedited the third sunset review of the antidumping duty order on nitrided vanadium from Russia. 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.<sup>4</sup>

On August 22, 2012, the ITC notified the Department that, pursuant to section 751(c) of the Act, revocation of this order would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>5</sup>

**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 the 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 the order are currently classifiable under subheadings 2850.00.20, 7202.92.00, 7202.99.5040, 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.

**Revocation**

As a result of the determination by the ITC that revocation of the order is not likely to lead to the continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(d) of the Act, is revoking the antidumping duty order on ferrovanadium and nitrided vanadium from Russia. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is October 13, 2011 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the most recent notice of continuation of the antidumping duty order).<sup>6</sup> The Department intends to notify U.S. Customs and Border Protection (CBP), 15 days after publication of this notice, to discontinue suspension of liquidation and collection of cash deposits on entries of ferrovanadium and nitrided vanadium from Russia entered or withdrawn from warehouse on or after October 13, 2011, the effective date of revocation of the antidumping duty order. The Department will further instruct CBP to refund with interest any cash deposits on entries made on or after October 13, 2011. Entries of subject merchandise prior to the effective date

of revocation will continue to be subject to suspension of liquidation and antidumping deposit requirements. The Department will complete any pending administrative reviews of this order.

This notice also serves as the only reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

This revocation and notice are issued in accordance with section 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.222(i)(2).

Dated: August 30, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-905]

**Certain Polyester Staple Fiber From the People’s Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order**

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

**SUMMARY:** On May 1, 2012, the Department of Commerce (“the Department”) initiated the first five-year (“sunset”) review of the antidumping duty order on certain polyester staple fiber from the People’s Republic of China (“PRC”) pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested party, as well as a lack of response from respondent interested parties, the Department conducted an expedited sunset review of the antidumping duty order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of this sunset review, the Department finds that revocation of the antidumping duty order on certain polyester staple fiber from the PRC would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Review” section of this notice.

<sup>1</sup> See *Ferrovanadium and Nitrided Vanadium From Russia*, 77 FR 51825 (August 27, 2012) (*ITC Final*).

<sup>2</sup> See *Notice of Antidumping Order: Ferrovanadium and Nitrided Vanadium from the Russian Federation*, 60 FR 35550 (July 10, 1995).

<sup>3</sup> See *Initiation, and Ferrovanadium and Nitrided Vanadium From Russia; Institution of a Five-Year Review Concerning the Antidumping Duty Order on Ferrovanadium and Nitrided Vanadium From Russia*, 76 FR 54490 (September 1, 2011).

<sup>4</sup> See *Final Results of Expedited Sunset Review: Ferrovanadium and Nitrided Vanadium From Russia*, 76 FR 78888 (December 20, 2011).

<sup>5</sup> See *ITC Final and Ferrovanadium and Nitrided Vanadium From Russia*: Investigation No. 731-TA-702 (Third Review), USITC Publication 4345 (August 2012).

<sup>6</sup> See *Ferrovanadium and Nitrided Vanadium From Russia: Notice of Continuation of Antidumping Duty Order*, 71 FR 60475 (October 13, 2006).

**DATES:** *Effective Date:* September 6, 2012.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4047.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 1, 2012, the Department initiated the first sunset review of the antidumping duty order on certain polyester staple fiber from the PRC, pursuant to section 751(c) of the Act and 19 CFR 351.218(c)(2).<sup>1</sup> The Department received a notice of intent to participate from DAK Americas, LLC (“domestic interested party”) within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>2</sup> The domestic interested party claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States.

We received a complete substantive response from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>3</sup> We received no responses from respondent interested parties. As a result, the Department conducted an expedited sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

**Scope of the Order**

The merchandise subject to the order is certain polyester staple fiber defined under the scope of the order 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 millimeters (“mm”)) to five inches (127 mm). The subject merchandise may be coated, usually with a silicon or other finish, or not coated. Polyester staple fiber is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise subject to the order is currently classifiable in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheadings

5503.20.0045 (3.3 to 13.2 decitex) and 5503.20.00.65 (13.2 decitex or greater). Although the subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

The following products are excluded from the scope: Polyester staple fiber of less than 3.3 decitex (less than 3 denier) currently classifiable in the HTSUS at subheading 5503.20.00.25 and known to the industry as polyester staple fiber for spinning and generally used in woven and knit applications to produce textile and apparel products, PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches and that are generally used in the manufacture of carpeting, and low-melt polyester staple fiber defined as a bi-component fiber with an outer, non-polyester sheath that melts at a significantly lower temperature than its inner polyester core (classified at HTSUS 5503.20.0015).

**Analysis of Comments Received**

All issues raised in this review are addressed in the “Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Certain Polyester Staple Fiber from the People’s Republic of China” (“Decision Memorandum”) from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with and hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order was to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Services System (“IA ACCESS”). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit room 7046 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

**Final Results of Review**

We determine that revocation of the order would be likely to lead to continuation or recurrence of dumping and that the magnitudes of the margins

of dumping likely to prevail are as follows:

Exporter	Margin of dumping (percent)
Far Eastern Industries (Shanghai) Ltd .....	3.47
Cixi Sansheng Chemical Fiber Co., Ltd .....	4.44
Cixi Waysun Chemical Fiber Co., Ltd .....	4.44
Hangzhou Best Chemical Fibre Co., Ltd .....	4.44
Hangzhou Hanbang Chemical Fibre Co., Ltd .....	4.44
Hangzhou Huachuang Co., Ltd .....	4.44
Hangzhou Sanxin Paper Co., Ltd .....	4.44
Hangzhou Taifu Textile Fiber Co., Ltd .....	4.44
Jiangsu Fuda Chemical Fibre Factory .....	4.44
Nantong Luolai Chemical Fiber Co. Ltd .....	4.44
Nanyang Textile Co., Ltd .....	4.44
Suzhou PolyFiber Co., Ltd .....	4.44
Xiamen Xianglu Fiber Chemical Co .....	4.44
Zhaoqing Tifo New Fiber Co., Ltd .....	4.44
Zhejiang Anshun Pettechs Fibre Co., Ltd .....	4.44
Zhejiang Waysun Chemical Fibre Co., Ltd .....	4.44
PRC-Wide Rate .....	44.30

**Notice Regarding Administrative Protective Order (“APO”)**

This notice also serves as the only reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return of 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.

This sunset review and notice are in accordance with sections 751(c), 752(c), and 771(i)(1) of the Act.

Dated: August 29, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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<sup>1</sup> See *Initiation of Five-Year (“Sunset”) Review; Correction*, 77 FR 28355 (May 14, 2012).

<sup>2</sup> See Letter from domestic interested party, regarding: “Polyester Staple Fiber From China: Five Year (“Sunset”) Review of Antidumping Duty Order”, dated May 16, 2012.

<sup>3</sup> See Letter from domestic interested party, regarding: “Polyester Staple Fiber From China: Five Year (“Sunset”) Review of Antidumping Duty Order”, dated May 31, 2012.