

**DEPARTMENT OF COMMERCE**

**Economic Development Administration**

**Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance**

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below.

Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

**LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE**

[3/10/2011 through 4/15/2011]

Firm Name	Address	Date accepted for investigation	Products
Arctic Lady Enterprises .....	12042 SE Sunnyside Rd., PMB 333, Clackamas, OR 97086.	13-Apr-11	The firm produces fresh crab.
Bremtown Fine Custom Cabinetry, Inc..	1456 SR 331 North, Bremen, IN 46506.	13-Apr-11	The firm manufactures wooden cabinetry for residential kitchens.
Collegiate Furnishings, Inc. ....	280 Reese Road, State College, PA 16801.	25-Mar-11	The firm manufactures wooden furniture from Southern Yellow Pine.
Edgemate, Inc. ....	213 Smith Transport Road, Roaring Spring, PA 16673.	13-Apr-11	The firm manufactures wood veneer sheets and edgbanding.
Intelicoat Technologies Image Products Holdco, LLC.	28 Gaylord St., Ste. 1, South Hadley, MA 01075.	13-Apr-11	The firm manufactures coated paper, film, and specialty substrates for imaging technologies.
Laserlith Corporation .....	4775 Technology Circle, Suite 3, Grand Forks, NC 58203.	11-Apr-11	The firm manufactures inertial sensors and low-power miniature radar sensors.
Mega Corporation .....	516 Morse Avenue, Schaumburg, IL 60193.	25-Mar-11	The firm manufactures molded plastic components and assemblies.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 7106, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: April 15, 2011.

**Bryan Borlik,**

*Director.*

[FR Doc. 2011-9681 Filed 4-20-11; 8:45 am]

**BILLING CODE 3510-WH-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-583-833]

**Certain Polyester Staple Fiber From Taiwan: Preliminary Results of 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 certain polyester staple fiber (PSF) from Taiwan. The period of review is May 1, 2009, through April 30, 2010. This review covers imports of certain PSF from one producer/exporter. We have preliminarily found that sales of the subject merchandise have been made below normal value. If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results. We will issue the final results not later than 120 days after the date of publication of this notice.

**DATES:** *Effective Date:* April 21, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Michael A. Romani or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-0198 or (202) 482-4477, respectively.

**Background**

On June 30, 2010, the Department published a notice initiating an administrative review of the antidumping duty order on certain PSF from Taiwan covering the respondents Far Eastern Textiles Ltd. (aka & dba Far Eastern New Century Corporation) and Nan Ya Plastics Corporation (Nan Ya). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 75 FR 37759 (June 30, 2010). We have rescinded the review in part with respect to Nan Ya. See *Polyester Staple Fiber from Taiwan: Rescission of Antidumping Duty Administrative Review in Part*, 75 FR 51442 (August 20, 2010).

On July 8, 2010, the Department published a notice determining that Far Eastern New Century Corporation (FENC) was the successor-in-interest to Far Eastern Textiles Limited. See

*Polyester Staple Fiber from Taiwan: Final Results of Changed-Circumstances Antidumping Duty Administrative Review*, 75 FR 39208 (July 8, 2010).

On January 31, 2011, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department extended the due date for the preliminary results by an additional 74 days from the original due date of January 31, 2011, to April 15, 2011. See *Certain Polyester Staple Fiber From Taiwan: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 76 FR 5331 (January 31, 2011).

#### Scope of the Order

The product covered by the order is 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 in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.00.20 is specifically excluded from the order. Also specifically excluded from the order are PSF 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 subject to the order is dispositive.

#### Request for Verifications

The Department will verify factual information relied upon in an administrative review if a domestic interested party submits a written request not later than 100 days after the date of initiation of the review and the Department conducted no verification during either of the two immediately preceding administrative reviews. See 19 CFR 351.307(b)(1)(v)(A). Alternatively, we will conduct a

verification where “good cause” exists. See 19 CFR 351.307(b)(1)(iv).

Invista S.a.r.l., the petitioner, requested that we conduct cost and sales verifications of FENC in comments it submitted on March 8, 2011. The request was filed 151 days after the 100-day deadline established in 19 CFR 351.307(b)(1)(v)(A). Accordingly, the petitioner’s request was untimely in this case. In addition, we preliminarily find that good cause, as described in 19 CFR 351.307(b)(1)(iv), to conduct verifications does not exist in this review because FENC has provided adequate explanations of alleged flaws in its responses. See Memorandum to the File entitled “Certain Polyester Staple Fiber from Taiwan: Far Eastern New Century Corporation Analysis Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order (5/1/09–4/30/10)” dated concurrently with this notice.

#### Product Comparisons

We compared U.S. sales to monthly weighted-average prices of contemporaneous sales made in the home market. We found contemporaneous sales of identical merchandise in the home market for all U.S. sales in accordance with section 771(16) of the Act.

#### Date of Sale

Section 351.401(i) of the Department’s regulations states that the Department normally will use the date of invoice, as recorded in the producer’s or exporter’s records kept in the ordinary course of business, as the date of sale. The regulation provides further that the Department may use a date other than the date of the invoice if the Secretary is satisfied that a different date better reflects the date on which the material terms of sale are established. The Department has a long-standing practice of finding that, where shipment date from the factory precedes invoice date, shipment date better reflects the date on which the material terms of sale are established. See *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From Thailand*, 69 FR 76918 (December 23, 2004), and accompanying Issues and Decision Memorandum at Comment 10; see also *Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams From Germany*, 67 FR 35497 (May 20, 2002), and accompanying Issues and Decision Memorandum at Comment 2.

With respect to FENC’s sales to the United States, shipment date usually occurs on or before the date of invoice. The date of shipment is the date on which goods are shipped from the factory. The date of invoice is the date on which the Government Uniform Invoice is issued. Further, based on record evidence, all material terms of sale are established at the time of shipment and do not change prior to the issuance of the invoice. Therefore, we used the date of shipment as the date of sale where shipment date preceded the date of sale in accordance with our practice. Where the date of invoice preceded the shipment date we used the date of invoice for the date of sale.

For the majority of FENC’s home-market sales, the goods are shipped from the factory on the same day that the Government Uniform Invoice is issued. For the remaining sales, the invoice date occurs a few days after the date of shipment from the factory. Based on record evidence, all material terms of sale are established at the time of shipment. There is no evidence on the record that there were order changes in the few days between the date of shipment and the issuance of the Government Uniform Invoice. Based upon these facts and in accordance with our practice, we preliminarily determine that shipment date is the appropriate date of sale for all home-market sales.

#### Export Price

For sales to the United States, we calculated export price in accordance with section 772(a) of the Act because the merchandise was sold prior to importation by the exporter or producer outside the United States to the first unaffiliated purchaser in the United States and because constructed export-price methodology was not otherwise warranted. We calculated export price based on the free-on-board price to unaffiliated purchasers in the United States. Where appropriate, we made deductions, consistent with section 772(c)(2)(A) of the Act, for the following movement expenses: Inland freight from the plant to the port of exportation, inland insurance in Taiwan, brokerage and handling, harbor service fees, trade promotion fees, and containerization expenses. No other adjustments were claimed or allowed.

#### Normal Value

##### *Selection of Comparison Market*

To determine whether there was a sufficient volume of sales of PSF in the home market to serve as a viable basis for calculating normal value, we

compared the volume of the respondent's home-market sales of the foreign like product to its volume of U.S. sales of the subject merchandise in accordance with section 773(a) of the Act. Pursuant to section 773(a)(1)(B) of the Act, because the respondent's aggregate volume of home-market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable for comparison purposes.

#### *Cost of Production*

We disregarded below-cost sales by FENC in the last administrative review of the order completed prior to the initiation of this review. See *Certain Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review*, 74 FR 18348 (April 22, 2009); see also *Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review*, 74 FR 6136, 6137 (February 5, 2009). Therefore, pursuant to section 773(b)(2)(A)(ii) of the Act, there were reasonable grounds to believe or suspect that the respondent made sales of the foreign like product in its comparison market at prices below the cost of production within the meaning of section 773(b) of the Act in this review.

We calculated the cost of production on a product-specific basis, based on the sum of the respondent's cost of materials and fabrication for the foreign like product plus amounts for general and administrative expenses, interest expenses, and the costs of all expenses incidental to preparing the foreign like product for shipment in accordance with section 773(b)(3) of the Act.

We relied on cost-of-production information FENC submitted in its response to our cost questionnaire, including FENC's adjustment to its cost-of-manufacturing information which accounts for purchases of purified terephthalic acid from affiliated parties at non-arm's-length prices in accordance with the major-input rule of section 773(f)(3) of the Act.

On a product-specific basis, we compared the adjusted weighted-average cost-of-production figures for the period of review to the home-market sales of the foreign like product, as required under section 773(b) of the Act, to determine whether these sales were made at prices below the cost of production. The prices were exclusive of any applicable movement charges, packing expenses, warranties, and indirect selling expenses. In determining whether to disregard home-market sales made at prices below their

cost of production and in accordance with sections 773(b)(2)(B), (C), and (D) of the Act, we examined whether such sales were made within an extended period of time in substantial quantities and at prices which permitted the recovery of all costs within a reasonable period of time.

For home-market sales of models not produced during the period of review, we have relied on the cost-of-production information of the most physically similar models, consistent with our long-standing preference where such information is available. See *Stainless Steel Sheet and Strip in Coils From Mexico: Final Results of Antidumping Duty Administrative Review*, 76 FR 2332 (January 13, 2011), and the accompanying Issues and Decision Memorandum at Comment 1 and *Notice of Final Results of the Tenth Administrative Review and New Shipper Review of the Antidumping Duty Order on Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea*, 70 FR 12443 (March 14, 2005), and accompanying Issues and Decision Memorandum at Comment 5.

We found that, for certain products, more than 20 percent of the respondent's home-market sales were at prices below the cost of production and, in addition, 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 disregarded these sales and used the remaining sales of the same product as the basis for determining normal value in accordance with section 773(b)(1) of the Act.

#### *Calculation of Normal Value*

We calculated normal value based on the price FENC reported for home-market sales to unaffiliated customers which we determined were within the ordinary course of trade. We made adjustments for differences in domestic and export packing expenses in accordance with sections 773(a)(6)(A) and 773(a)(6)(B)(i) of the Act. We also made adjustments, consistent with section 773(a)(6)(B)(ii) of the Act, for inland-freight expenses from the plant to the customer and expenses associated with loading the merchandise onto the truck to be shipped. In addition, we made adjustments for differences in circumstances of sale in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made these adjustments, where appropriate, by deducting direct selling expenses incurred on home-market sales (*i.e.*,

imputed credit expenses and warranties) and adding U.S. direct selling expenses (*i.e.*, imputed credit expenses and bank charges) to normal value.

#### **Level of Trade**

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value based on sales in the comparison market at the same level of trade as the export price. Pursuant to 19 CFR 351.412(c)(1), the normal-value level of trade is based on the starting price of the sales in the comparison market or, when normal value is based on constructed value, the starting price of the sales from which we derive selling, general, and administrative expenses and profit. For export-price sales, the U.S. level of trade is based on the starting price of the sales in the U.S. market, which is usually from the exporter to the importer.

To determine whether comparison-market sales are at a different level of trade than export-price sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. See 19 CFR 351.412(c)(2). If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which normal value is based and the comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act.

In this review, we obtained information from FENC regarding the marketing stages involved in making its reported home-market and U.S. sales for each channel of distribution. FENC reported one channel of distribution (*i.e.*, direct sales to distributors) and a single level of trade in the U.S. market. For purposes of these preliminary results, we have organized the common selling functions into four major categories: sales process and marketing support, freight and delivery, inventory and warehousing, and quality assurance/warranty services. Because the sales process and selling functions FENC performed for selling to the U.S. market did not vary by individual customers, the necessary condition for finding they constitute different levels of trade was not met. Accordingly, we determined that all of FENC's U.S. sales constitute a single level of trade.

FENC reported a single channel of distribution (*i.e.*, direct sales to end-users) and a single level of trade in the home market. Because the sales process

and selling functions FENC performed for selling to home-market customers did not vary by individual customers, we preliminarily determine that all of FENC's home-market sales constitute a single level of trade.

We found that the export-price level of trade was similar to the home-market level of trade in terms of selling activities. Specifically, the levels of expense were similar for the selling functions FENC provided in both markets. Accordingly, we considered the export-price level of trade to be similar to the home-market level of trade and not at a different stage of distribution than the home-market level of trade. Therefore, we matched export-price sales to sales at the same level of trade in the home market and no level-of-trade adjustment under section 773(a)(7)(A) of the Act is necessary.

#### Preliminary Results of the Review

As a result of this review, we preliminarily determine that a dumping margin of 2.92 percent exists for FENC for the period May 1, 2009, through April 30, 2010.

#### Public Comment

We will disclose the documents resulting from our analysis to parties in this review within five days of the date of publication of this notice. See 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. See 19 CFR 351.310(c). If a hearing is requested, the Department will notify interested parties of the hearing schedule.

Interested parties are invited to comment on the preliminary results of this review. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included.

We intend to issue the final results of this review, including the results of our analysis of issues raised in any submitted written comments, within 120 days after publication of this notice.

#### Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. FENC reported the name of the importer of record and the entered value for all of its sales to

the United States during the period of review. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate for the merchandise in question by aggregating the dumping margins we calculated for all U.S. sales to the importer and dividing this amount by the total entered value of those sales.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the period of review produced by FENC for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed 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).

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

#### Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PSF from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash-deposit rate for FENC will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, 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; (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).

#### Notification to Importers

This notice also serves as a preliminary 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 double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 14, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011-9716 Filed 4-20-11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-909]

#### Certain Steel Nails From the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

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

**DATES:** *Effective Date:* April 21, 2011.

**SUMMARY:** On February 11, 2011, the Department of Commerce ("Department") received a request on behalf of Mid Continent Nail Corporation ("Petitioner") for a changed circumstances review and a request to revoke, in part, the antidumping duty order on certain steel nails from the People's Republic of China ("PRC") with respect to four types of steel nails. Petitioner's request expressed lack of interest in antidumping duty relief from imports of these four specific types of steel nails. In addition to the four physical descriptions of steel nails, Petitioner requested three of the nails include the labels "roof" or "roofing" on the packaging. The Department is preliminarily not adopting Petitioner's labeling request as an absolute requirement. However, we are preliminarily notifying the public of our intent to revoke, in part, the antidumping duty order as it relates to imports of four specific types of steel nails described below. The Department invites interested parties to comment on these preliminary results.