

1990) (*Timken*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on certain steel concrete reinforcing bars (rebar) from Turkey covering the period of review (POR) of April 1, 2003, through March 31, 2004. See *Certain Steel Concrete Reinforcing Bars From Turkey; Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination To Revoke in Part*, 70 FR 67665 (Nov. 8, 2005) (*Final Results*).

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

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood, 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) 482-3874.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 8, 2005, the Department published its final results in the antidumping duty administrative review of rebar from Turkey covering the POR of April 1, 2003, through March 31, 2004. See *Final Results*. In the *Final Results*, the Department followed its normal practice of using POR weighted-average costs in its margin calculations for all companies, instead of quarterly-average costs as requested by one respondent, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas). In addition, in the *Final Results*, the Department based the U.S. date of sale for each respondent on the earlier of shipment date or invoice date, contrary to Habas' request to use contract date as its U.S. date of sale.

On November 15, 2007, the CIT remanded two issues to the Department for reconsideration related to the *Final Results* for Habas: 1) using POR weighted-average costs versus quarterly-average costs in its margin calculations; and 2) basing the U.S. date of sale on invoice date versus contract date. On March 3, 2008, the Department issued its final results of redetermination pursuant to the CIT's November 15, 2007, ruling.

On June 15, 2009, the CIT affirmed the Department's determination to use contract date as the date of sale for Habas' U.S. sales. However, the CIT also determined that the Department's *Final Results* were not supported by substantial evidence on the record with respect to the agency's cost test. Thus, it remanded to the Department once again whether it is appropriate to use

quarterly or POR-average costs for Habas in this case.

On September 8, 2009, the Department issued its final results of redetermination pursuant to the CIT's June 15, 2009, ruling. The remand redetermination explained that, in accordance with the CIT's instructions, the Department reconsidered its use of POR cost data and as a result it recalculated the margin for Habas using quarterly costs. Further, the Department adopted an alternative methodology for the recovery-of-cost test and eliminated the 90/60 day window period for price-to-price comparisons to prevent distortions as a result of the use of quarterly costs.

The Department's redeterminations resulted in changes to the *Final Results* weighted-average margin for Habas from 26.07 percent to 5.58 percent.

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision on November 23, 2009, constitutes a final decision of that court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from Habas based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: December 4, 2009.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XR39**

**Endangered and Threatened Species; Recovery Plans; Correction**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Extension of public comment period; correction.

**SUMMARY:** On November 24, 2009, we, NMFS, announced an extension of the public comment period for the Draft Central Valley Salmon and Steelhead Recovery Plan (Draft Plan). The Draft Plan addresses the Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU), the Central Valley spring-run Chinook salmon (*O. tshawytscha*) ESU, and the Distinct Population Segment (DPS) of Central Valley Steelhead (*Oncorhynchus mykiss*). In response to requests for an extension of the public comment period, we extended the comment period for the proposed action an additional 60 days, but the new comment due date and zip code for written comments were incorrect. The correct end date for submission of comments is February 3, 2010, and correct zip code for written comments is 95814.

**FOR FURTHER INFORMATION CONTACT:** Howard Brown, NMFS Sacramento River Basin Branch Chief at (916) 930-3608 or Brian Ellrott at (916) 930-3612.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 24, 2009, we, NMFS, announced an extension of the public comment period for the Draft Central Valley Salmon and Steelhead Recovery Plan (Draft Plan) (74 FR 61329). NMFS inadvertently published February 3, 2009 for the comment period end date, and the correct end date should read, in all instances, February 3, 2010. NMFS also inadvertently published an incorrect mailing address zip code, and the correct zip code is 95814. The Draft Plan addresses the Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU), the Central Valley spring-run Chinook salmon (*O. tshawytscha*) ESU, and the Distinct Population Segment (DPS) of Central Valley Steelhead (*Oncorhynchus mykiss*). In response to requests for an extension of the public comment period, we extended the comment period for the

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.

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**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