

board, and sanding, and 2) if the importer establishes to U.S. Customs and Border Protection's (CBP) satisfaction that the lumber is of U.S. origin.

- *Softwood lumber products contained in single family home packages or kits*,<sup>1</sup> regardless of tariff classification, are excluded from the scope of the orders if the following criteria are met:
  - (A) The imported home package or kit constitutes a full package of the number of wooden pieces specified in the plan, design or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design or blueprint;
  - (B) The package or kit must contain all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, connectors and if included in purchase contract decking, trim, drywall and roof shingles specified in the plan, design or blueprint;
  - (C) Prior to importation, the package or kit must be sold to a retailer of complete home packages or kits pursuant to a valid purchase contract referencing the particular home design plan or blueprint, and signed by a customer not affiliated with the importer;
  - (D) The whole package must be imported under a single consolidated entry when permitted by CBP, whether or not on a single or multiple trucks, rail cars or other vehicles, which shall be on the same day except when the home is over 2,000 square feet;
  - (E) The following documentation must be included with the entry documents:
    - a copy of the appropriate home design, plan, or blueprint matching the entry;
    - a purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer;
    - a listing of inventory of all parts of the package or kit being entered that conforms to the home design package being entered;
    - in the case of multiple shipments on the same contract, all items listed immediately above which are included in the present shipment shall be identified as well.

We have determined that the excluded products listed above are outside the

scope of this order provided the specified conditions are met. Lumber products that CBP may classify as stringers, radius cut box-spring-frame components, and fence pickets, not conforming to the above requirements, as well as truss components, pallet components, and door and window frame parts, are covered under the scope of this order and may be classified under HTSUS subheadings 4418.90.40.90, 4421.90.70.40, and 4421.90.98.40. Due to changes in the 2002 HTSUS whereby subheading 4418.90.40.90 and 4421.90.98.40 were changed to 4418.90.45.90 and 4421.90.97.40, respectively, we are adding these subheadings as well.

In addition, this scope language has been further clarified to now specify that all softwood lumber products entered from Canada claiming non-subject status based on U.S. country of origin will be treated as non-subject U.S.-origin merchandise under the antidumping and countervailing duty orders, provided that these softwood lumber products meet the following condition: upon entry, the importer, exporter, Canadian processor and/or original U.S. producer establish to CBP's satisfaction that the softwood lumber entered and documented as U.S.-origin softwood lumber was first produced in the United States as a lumber product satisfying the physical parameters of the softwood lumber scope.<sup>2</sup> The presumption of non-subject status can, however, be rebutted by evidence demonstrating that the merchandise was substantially transformed in Canada.

#### **Final Results of Changed Circumstances Review**

Based on the information provided by the Abitibi Group and the fact that the Department did not receive any comments during the comment period following the preliminary results of this review, the Department hereby determines that entries of certain softwood lumber products produced and exported by PFS shall receive the Abitibi's cash deposit rate of 3.12 percent. PFS's new deposit rate will become effective upon publication of this notice in the **Federal Register**.

#### **Instructions to the U.S. Customs and Border Protection**

The Department will instruct the U.S. Customs and Border Protection (CBP) to apply the Abitibi Group's cash deposit rate of 3.12 percent to all shipments of the subject merchandise produced and

exported by PFS entered, or withdrawn from warehouse, for consumption, on or after the publication date of this notice. This deposit rate shall remain in effect until publication of the final results of the next administrative review in which Abitibi Group participates.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. 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.

This notice is in accordance with sections 751(b) and 777(i)(1) of the Act, and section 351.221(c)(3)(i) of the Department's regulations.

Dated: May 18, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-2655 Filed 5-24-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**A-565-801**

#### **Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Remand**

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

**SUMMARY:** On March 23, 2005, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) redetermination on remand of the final determination of sales at less than fair value on stainless steel butt-weld pipe fittings from the Philippines. *See Tung Fong Industrial Co., Inc. v. United States*, Court No. 01-0070, Slip Op. 05-39 (CIT March 23, 2005) (*Tung Fong II*). The Department is now issuing this amended final determination reflecting the CIT's decision.

**EFFECTIVE DATE:** May 25, 2005.

**FOR FURTHER INFORMATION CONTACT:** Fred Baker at (202) 482-2924 or Robert James at (202) 482-0649, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

<sup>1</sup> To ensure administrability, we clarified the language of this exclusion to require an importer certification and to permit single or multiple entries on multiple days as well as instructing importers to retain and make available for inspection specific documentation in support of each entry.

<sup>2</sup> See the scope clarification message (3034202), dated February 3, 2003, to CBP, regarding treatment of U.S.-origin lumber on file in the Central Records Unit, Room B-099 of the main Commerce Building.

**SUPPLEMENTARY INFORMATION:****Background**

On December 27, 2000, the Department published the final determination of sales at less than fair value of stainless steel butt-weld pipe fittings from the Philippines. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Butt-Weld Pipe Fittings From the Philippines*, 65 FR 81823 (December 27, 2000). Respondent Tung Fong Industrial Co., Ltd. (Tung Fong) filed a lawsuit challenging this determination. On April 7, 2004, the CIT issued an Order and Opinion remanding two issues to the Department. *See Tung Fong Industrial Co., Inc. v. United States*, 318 F. Supp. 2d 1321 (CIT April 7, 2004) (*Tung Fong I*). Specifically, the CIT ordered the Department to (1) reconsider the adequacy of the domestic manufacturers' petition, and the consequence of the falsity of their allegations of home market sales by Tung Fong; and (2) to reconsider its decision to resort to facts available in calculating Tung Fong's antidumping margin (and, if appropriate, to reevaluate the particular adverse facts available it selected). *See Tung Fong I*, 318 F. Supp. 2d 1321 at 1338. In accordance with the CIT's order in *Tung Fong I*, the Department filed its remand results on September 7, 2004. On March 23, 2005, the CIT affirmed the Department's final results of remand redetermination in their entirety. *See Tung Fong II*. Accordingly, we are amending our final determination of sales at less than fair value.

**Amendment to Final Determination**

The CIT affirmed our final results of redetermination pursuant to Court remand on March 23, 2005. Given the particular circumstances of this case, we consider that the case is now final and conclusive. We are now amending the final determination of sales at less than fair value. We determine that a weighted-average margin of 7.59 percent exists for Tung Fong for the period of investigation, which was October 1, 1998, through September 30, 1999. No entries were enjoined during the pendency of this litigation, and no reviews of entries by any party have been requested or conducted since the less than fair value investigation. Accordingly, the Department will instruct U.S. Customs and Border Protection (CBP) to require a cash deposit of 7.59 percent for all entries of subject merchandise manufactured by Tung Fong beginning April 2, 2005. Furthermore, because the margin we assigned to "all others" in the final

determination was based upon the margin we calculated for Tung Fong, we will also instruct CBP that the same cash deposit requirements are applicable to "all others" as are applicable to Tung Fong.

This notice is issued and published in accordance with section 735(d) of the Tariff Act of 1930, as amended.

Dated: May 18, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-2601 Filed 5-24-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****National Sea Grant Review Panel**

**AGENCY:** Department of Commerce, National Oceanic and Atmospheric Administration, Oceanic and Atmospheric Research, National Sea Grant Program.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The meeting will have several purposes. Panel members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described below:

**DATES:** The announced meeting is scheduled for: Sunday, June 5, 2005, 8 a.m. to 5 p.m.

**ADDRESSES:** North Samoset Room, Samoset Resort, 220 Warrenton Street, Rockport, Maine 04856.

**FOR FURTHER INFORMATION CONTACT:** Dr. Francis M. Schuler, Designated Federal Official, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 11837, Silver Spring, Maryland 20910, (301) 713-2445.

**SUPPLEMENTARY INFORMATION:** The Panel, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94-461, 33 U.S.C. 1128). The Panel advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such

other matters as the Secretary refers to them for review and advice.

The agenda for this meeting can be found at <http://www.seagrant.noaa.gov/other/admininfo.html>. This meeting will be open to the public.

**Louisa Koch,**

*Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.*

[FR Doc. 05-10464 Filed 5-24-05; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 050605C]

**Marine Mammals; File No. 1042-1736**

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Animal Training and Research, International, Moss Landing Marine Laboratories, 8272 Moss Landing Road, Moss Landing, CA 95039, (Jennifer Hurley, Ph.D., Principal Investigator) has been issued a permit to obtain up to four stranded, releasable California sea lions (*Zalophus californianus*) and up to two stranded, releasable Pacific harbor seals (*Phoca vitulina*) for the purpose of public display.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Skidmore or Amy Sloan, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On March 18, 2004, notice was published in the *Federal Register* (69 FR 12836) that a request for a public display permit to obtain up to four stranded, releasable California sea lions and up to two stranded, releasable Pacific harbor seals had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking