

consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: August 19, 2005.

**Holly A. Kuga,**

*Senior Office Director AD/CVD Operations, Office 4 for Import Administration.*

[FR Doc. E5-4800 Filed 8-31-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews**

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

**ACTION:** Notice of Upcoming Sunset Reviews.

**Background**

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended, the Department of Commerce

("the Department") and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

**Upcoming Sunset Reviews for October 2005**

The following Sunset Reviews are scheduled for initiation in October 2005 and will appear in that month's Notice of Initiation of Five-year Sunset Reviews.

Antidumping Duty Proceedings	Department Contact
Gray Portland Cement & Clinker from Japan (A-588-815) .....	Zev Primor (202) 482-4114
Gray Portland Cement & Clinker from Mexico (A-201-802) .....	Zev Primor (202) 482-4114
Countervailing Duty Proceedings	
No countervailing duty proceedings are scheduled for initiation in October 2005.	
Suspended Investigations	
No suspended investigations are scheduled for initiation in October 2005.	

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3--Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin"). The Notice of Initiation of Five-year ("Sunset") Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the

Dated: August 19, 2005.

**Holly A. Kuga,**

*Senior Office Director, AD/CVD Operations, Office 4 for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Import Administration**

[A-533-824]

**Notice of Amended Final Determination in Accordance With Court Decision: Antidumping Duty Investigation of Polyethylene Terephthalate Film, Sheet, and Strip from India**

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

**SUMMARY:** On May 12, 2005, the United States Court of Appeals for the Federal Circuit (CAFC) affirmed the decision of the Court of International Trade (CIT) to sustain the final remand determination of the Department of Commerce (the Department) in the antidumping duty (AD) investigation of polyethylene terephthalate film, sheet, and strip (PET

final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests for

film) from India. *See, Dupont Teijin Films USA, LP, et al, v. United States and Polyplex Corp. Ltd.*, Slip Op. 04-1548, (May 12, 2005), and the Department's Final Results of Redetermination Pursuant to Court Remand in Dupont Teijin Films USA, LP, et al, v. United States and Polyplex Corp. Ltd., Consol. Court No. 02-00463. As there is now a final and conclusive court decision in this case, the Department is amending the final determination of sales at less than fair value.

**EFFECTIVE DATE:** September 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Drew Jackson or Howard Smith at (202) 482-4406 or (202) 482-5193, respectively; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 16, 2002, the Department published in the **Federal Register** the *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 Fed. Reg. 34899 (May 16, 2002) (*Final Determination*), covering

extension of that five-day deadline based upon a showing of good cause.

the period April 1, 2000, through March 31, 2001.<sup>1</sup> In that determination, the Department calculated a dumping margin of 10.34 percent for Polyplex Corporation Limited (Polyplex); however, it excluded Polyplex from the AD order on PET film from India because its AD cash deposit rate was zero percent. The Department calculated the zero percent AD cash deposit rate by reducing the dumping margin of 10.34 percent by the 18.66 percent countervailing duty (CVD) rate on export subsidies that was established in the companion CVD investigation. See, *Issues and Decision Memorandum* accompanying the *Final Determination* at Comment 2. The petitioners filed a motion for judgment upon the agency record contesting the *Final Determination*, claiming that the Department should not have excluded Polyplex from the AD order based on a zero cash deposit rate when Polyplex's dumping margin is greater than *de minimis*. The Court of International Trade (CIT) held that the Department's exclusion of Polyplex from the order was in error, noting that the Department cannot exclude an exporter from an order because its cash deposit rate is zero. See, *Dupont Teijin Films USA, LP, et al. v. United States and Polyplex Corp. Ltd.*, 273 F. Supp. 2d 1347, 1352 (CIT July 9, 2003). In remanding the case to the Department, the CIT stated that the Department must calculate Polyplex's dumping margin after considering the applicability of 19 U.S.C. § 1677a<sup>2</sup> and must find Polyplex's merchandise to be subject to the AD order on PET film from India if the Department continues to calculate a dumping margin for the company of 10.34 percent.

On August 11, 2003, the Department issued its Final Results of Redetermination Pursuant to Court Remand in which it explained that countervailing duties are imposed upon the issuance of a CVD order, and that, at the time the Department issued its *Final Determination*, the order in the companion CVD investigation had not yet been issued. Thus, the Department argued, Polyplex's sales were not

<sup>1</sup> This determination was subsequently amended to reflect the correction of a ministerial error. See, *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 Fed. Reg. 44175 (July 1, 2002).

<sup>2</sup> This section of the statute requires U.S. price to be increased by the amount of any countervailing duty imposed to offset export subsidies. In the *Final Determination*, the Department accounted for the countervailing duty on export subsidies by adjusting the AD cash deposit rate, rather than U.S. price.

subject to a CVD order, and the decision not to increase U.S. price by the amount of the countervailing duty on export subsidies that was established in the companion CVD investigation was consistent with 19 U.S.C. § 1677a. Because Polyplex's dumping margin was 10.34 percent, the Department determined, consistent with the finding of the CIT decision, that Polyplex is subject to the AD order on PET film from India. In *Dupont Teijin Films USA, LP, et al. v. United States and Polyplex Corp. Ltd.*, 297 F. Supp. 2d 1367 (*Dupont Teijin II*), the CIT sustained the Department's determination in part, but remanded the case in part, instructing the Department to address certain concerns regarding the application of its new interpretation of "imposed."

On March 3, 2004, the Department issued its second Final Results of Redetermination Pursuant to Court Remand (Second Remand Determination) in which it addressed the CIT's concerns. On June 18, 2004, the CIT sustained the Department's Second Remand Determination in its entirety. See, *Dupont Teijin Films USA, LP, et al. v. United States and Polyplex Corp. Ltd.*, No. 02-00463, 2004 WL 1368838 (CIT June 18, 2004) (*Dupont Teijin III*). Polyplex timely appealed this decision to the CAFC.

On May 12, 2005, the CAFC affirmed the decision of the CIT in *Dupont Teijin III*, thereby sustaining the Department's Second Remand Determination and its determination that Polyplex is subject to the AD duty order on PET film from India.

As the litigation in this case has concluded, the Department is amending the *Final Determination*. Because the Department calculated a weighted-average dumping margin of 10.34 percent for Polyplex, Polyplex is subject to the AD order on PET film from India. However, as discussed above, for cash deposit purposes, the Department is subtracting from Polyplex's cash deposit rate the CVD rate on export subsidies that was established in the companion affirmative CVD determination (*i.e.*, 18.66 percent). After this adjustment, the cash deposit rate for Polyplex is zero.

This notice is issued and published in accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended.

Dated: August 26, 2005.

**Joseph A. Spetrini**,  
Acting Assistant Secretary for Import Administration.

[FR Doc. E5-4799 Filed 8-31-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Environmental Technologies Trade Advisory Committee (ETTAC)

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Cancellation Notice of September 16, 2005 Open Meeting.

*Date:* September 16, 2005.

*Time:* 8:30 a.m. to 4 p.m.

*Place:* Department of Commerce, 14th and Constitution NW., Washington DC 20230, Room 4830.

**SUMMARY:** The Environmental Technologies Trade Advisory Committee (ETTAC) has elected to cancel its previously scheduled September 16, 2005 plenary meeting. The meeting will be rescheduled for a later time to be determined in 2005.

The ETTAC is mandated by Public Law 103-392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the Trade Promotion Coordinating Committee (TPCC).

ETTAC was originally chartered in May of 1994. It was most recently rechartered until May 30, 2006.

For further information phone Joseph Ayoub, Office of Energy and Environmental Technologies Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482-5225 or [Joseph.Ayoub@mail.doc.gov](mailto:Joseph.Ayoub@mail.doc.gov).

Dated: August 26, 2005.

**Carlos F. Montoulieu**,  
Director, Office of Energy and Environmental Industries.

[FR Doc. E5-4798 Filed 8-31-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Science Advisory Board

**AGENCY:** Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of charter renewal.

**SUMMARY:** The Department of Commerce's Chief Financial Officer and Assistant Secretary for Administration