

the period April 1, 2000, through March 31, 2001.¹ 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. § 1677a² 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

¹ 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).

² 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.

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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.

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Dated: August 26, 2005.

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

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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