

2005, submission that it is not affiliated with its U.S. customer. Therefore, for purposes of this initiation, we find that Shanghai Taiside and its U.S. customer are not affiliated. However, we will examine the issue of Shanghai Taiside's potential affiliation with its U.S. customer further during the course of the new shipper review. We intend to issue the preliminary results of these reviews not later than 180 days after the date on which these reviews were initiated, and the final results of these reviews within 90 days after the date on which the preliminary results were issued.

Pursuant to 19 CFR 351.214(g)(1)(i)(A) of the Department's regulations, the period of review ("POR") for a new shipper review, initiated in the month immediately following the semi-annual anniversary month, will be the six-month period immediately preceding the semi-annual anniversary month. Therefore, the POR for the new shipper reviews of Shanghai Taiside and Shino-Food is December 1, 2004 through May 31, 2005.

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Shanghai Taiside and Shino-Food, including a separate rates section. The review will proceed if the responses provide sufficient indication that Shanghai Taiside and Shino-Food are not subject to either *de jure* or *de facto* government control with respect to their exports of honey. However, if either Shanghai Taiside or Shino-Food does not demonstrate their eligibility for a separate rate, then that company will be deemed not separate from other companies that exported during the POI and the new shipper review will be rescinded as to that company.

In accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e), we will instruct CBP to allow, at the option of the importers, the posting, until the completion of the review, of a single entry bond or security in lieu of a cash deposit for certain entries of the merchandise exported by Shanghai Taiside and Shino-Food. Specifically, since Shanghai Taiside and Shino-Food have stated that they are both the producers and exporters of the subject merchandise for the sales under review, we will instruct CBP to limit the bonding option only to entries of

merchandise that were both exported and produced by Shanghai Taiside and Shino-Food, respectively.

Interested parties that need access to proprietary information in these new shipper reviews should submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214(d).

Dated: August 1, 2005.

**Gary Taverman,**

*Acting Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-580-839, A-583-833)

#### **Certain Polyester Staple Fiber from the Republic of Korea and Taiwan: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders**

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

**SUMMARY:** On April 1, 2005, the Department of Commerce ("the Department") initiated sunset reviews of the antidumping duty orders on certain polyester staple fiber ("PSF") from the Republic of Korea ("Korea") and Taiwan pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of a notice of intent to participate and adequate substantive responses filed on behalf of domestic interested parties and inadequate responses from respondent interested parties, the Department conducted expedited (120-day) sunset reviews. As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping at the levels identified in the *Final Results of Reviews* section of this notice.

**EFFECTIVE DATE:** August 5, 2005.

**FOR FURTHER INFORMATION:** Yasmin Bordas or David Goldberger, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482-3813 or (202) 482-4136, respectively.

## SUPPLEMENTARY INFORMATION:

### Background

On April 1, 2005, the Department initiated sunset reviews of the antidumping duty orders on PSF from Korea and Taiwan pursuant to section 751(c) of the Act. *See Initiation of Five-year ("Sunset") Reviews*, 70 FR 16800 (April 1, 2005). The Department received a notice of intent to participate from DAK Fibers, LLC; Invista S.a.r.l (formerly Arteva Specialties S.a.r.l., d/b/a KoSa);<sup>1</sup> and Wellman, Inc., (collectively "the domestic interested parties"), within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations ("sunset regulations"). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic-like product in the United States. We received a complete substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no responses from any of the respondent interested parties. As a result, pursuant to section 751(c)(53)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited (120-day) sunset reviews of these orders.

### Scope of the Orders

For the purposes of these orders, the product covered 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 these orders 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 these orders. Also specifically excluded from these orders 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 these orders. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at

<sup>1</sup> On March 11, 2005, the Department was informed that Arteva Specialties, Inc. d/b/a KoSa changed its name to Invista S.a.r.l.

a significantly lower temperature than its inner core.

The merchandise subject to these orders 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 orders is dispositive.

**Analysis of Comments Received**

All issues raised in these cases are addressed in the "Issues and Decision Memorandum" from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated August 1, 2005, ("Decision Memorandum"), which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these sunset reviews and the corresponding recommendations in this public memorandum, which is on file in room B-099 of the main Department building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Reviews**

We determine that revocation of the antidumping duty orders on PSF from Korea and Taiwan would likely lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturers/Exporters/Producers	Weighted-Average Margin (Percent)
<b>Korea.</b>	
Sam Young Synthetics Co. ....	7.91
All Others .....	7.91
<b>Taiwan.</b>	
Far Eastern Corporation .....	11.50
Nan Ya Plastics Corporation, Ltd. ....	3.79
All Others .....	7.31

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or

conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 080105A]

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States and Coral and Coral Reefs Fishery in the South Atlantic; Exempted Fishing Permit**

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

**ACTION:** Notice; receipt of exempted fishing permit application; request for comments.

**SUMMARY:** NMFS has determined that an Exempted Fishing Permit (EFP) is required for the proposed activities described by Paul Rudershausen of North Carolina State University on behalf of Alex Ng and Anthony Ng, commercial fishermen who have made arrangements for cooperative research with North Carolina State University. The application was originally received as a request for a Letter of Acknowledgment (LOA). NMFS is considering issuance of an EFP. If granted, the EFP would authorize the applicant, with certain conditions, to collect up to 900 of each of the following species over the permit's effective period: red grouper, gag, red porgy, scamp, vermilion snapper, black sea bass, snowy grouper, and blueline tilefish. Specimens would be collected from Federal waters off the coast of North Carolina in Onslow Bay from September 1, 2005, through December 31, 2006.

**DATES:** Comments must be received no later than 5 p.m., eastern time, on August 22, 2005.

**ADDRESSES:** Comments on the application may be sent via fax to 727-

824-5308 or mailed to: Julie Weeder, Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701. Comments may be submitted by e-mail to: [ncstate.reeffish@noaa.gov](mailto:ncstate.reeffish@noaa.gov). Include in the subject line of the e-mail document the following text: Comment on NC State EFP Application. The application and related documents are available for review upon written request to the NMFS address above or to [julie.weeder@noaa.gov](mailto:julie.weeder@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Julie Weeder, 727-824-5305; fax: 727-824-5308; e-mail: [julie.weeder@noaa.gov](mailto:julie.weeder@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Regional Administrator issues EFPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The proposed collection involves activities otherwise prohibited by regulations implementing the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region. The applicants would be allowed to retain fish smaller than the minimum size limit and those collected during closed seasons, and would not be bound by applicable trip limits. Specimens would be collected using vertical hook and line and electric reels.

The applicants need the fish described above for use in age and growth studies of reef fishes being carried out by NMFS scientists. Such studies require sub-legal specimens and those caught out of season to give the most complete estimate of reef fish status.

NMFS finds that this application warrants further consideration, based on a preliminary review, and intends to issue an EFP. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to: Reduction in the number of specimens of any or all species to be collected; restrictions on the size of fish to be collected; prohibition of the harvest of any fish with visible external tags; and specification of locations, dates, and/or seasons allowed for collection of any or all species. A final decision on issuance of the EFP will depend on a NMFS review of public comments received on the application, conclusions of environmental analyses conducted pursuant to the National Environmental Policy Act, and consultations with North Carolina, the South Atlantic Fishery Management Council, and the U.S. Coast Guard.

**Authority:** 16 U.S.C. 1801 *et seq.*