

thermal expansion down to room temperature and cristobalite transformation at 215 degrees centigrade. An essential feature of the equipment is that it perform a non-contact optical measurement. Application accepted by Commissioner of Customs: March 14, 2008.

Dated: March 28, 2008.

Faye Robinson,

*Director, Statutory Import Programs Staff,
Import Administration.*

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DEPARTMENT OF COMMERCE

International Trade Administration

A-580-807

Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea: Final Results of Antidumping Duty Changed Circumstances Review and Reinstatement of the Antidumping Duty Order

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

SUMMARY: On October 2, 2007 the Department of Commerce (the Department) published the preliminary results of the changed circumstances review and intent to reinstate Kolon Industries, Inc. (Kolon) in the antidumping duty order on polyethylene terephthalate film, sheet and strip (PET film) from the Republic of Korea (Korea). *See Polyethylene Terephthalate Film Sheet and Strip from the Republic of Korea: Preliminary Results of Changed Circumstances Review and Intent to Reinstatement Kolon Industries, Inc. in the Antidumping Order*, 72 FR 56048 (October 2, 2007) (*Preliminary Results*). On February 6, 2008 we extended the time frame for completion of this changed circumstances review by 60 days. *See Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea: Extension of Time Limits for Final Results of Changed Circumstances Review*, 73 FR 6931 (February 6, 2008).

This review covers subject merchandise manufactured and exported by Kolon. The products covered by this order are all gauges of PET film, sheet and strip (see "Scope of the Review" section below). The period of review (POR) is July 1, 2005 through June 30, 2006. Based on our analysis of the comments received, we have made changes in the margin calculation. Therefore, the final results differ from the preliminary results. We determine

that Kolon sold subject merchandise at less than normal value (NV) during the POR, and hereby reinstate Kolon in the order. The final weighted-average dumping margin is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: April 3, 2008.

FOR FURTHER INFORMATION CONTACT:

Michael J. Heaney or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4475 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 2007, the Department published in the **Federal Register** the preliminary results of changed circumstances review and intent to reinstate Kolon in the antidumping order on PET film from Korea. *See Preliminary Results*. This review covers sales of subject merchandise by Kolon. The POR is July 1, 2005 through June 30, 2006.

We invited interested parties to comment on the preliminary results of review. On November 5, 2007, we received comments from Kolon and the petitioners (DuPont Teijin Films, Mitsubishi Polyester Film, Inc. and Toray Plastics (America) Inc.). On November 13, 2007, Kolon and the Petitioners filed rebuttal comments. At the request of Kolon, we held a hearing on this changed circumstances review on November 21, 2007. On February 6, 2008, we extended the time frame for completion of this changed circumstances review by 60 days. The Department has conducted this changed circumstances review in accordance with section 751(b) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

Imports covered by this review are shipments of all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from this review are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance enhancing resinous or inorganic layer of more than 0.00001 inches (0.254 micrometers) thick. PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.90 The HTS subheading is provided for convenience and for customs purposes. The written

description remains dispositive as to the scope of the product coverage.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by Kolon and the Petitioners are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated March 30, 2008, which is adopted by this notice. A list of issues which parties have raised is in the Decision Memorandum and is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in the Decision Memorandum which is on file in the Central Records Unit, Room 1117, of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://www.ia.ita.doc.gov/frn>. The paper copy and the electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made certain changes in the margin calculations. These changes are discussed in the relevant sections of the Decision Memorandum and the Memorandum to the File from Michael J. Heaney dated March 31, 2007 (Analysis Memorandum). Specifically, for these final results:

- 1) We matched home market and U.S. sales of PET film by their actual thicknesses rather than by thickness ranges.
- 2) We made a deduction from CEP to account for bank and postal charges incurred by Kolon's U.S. affiliate.
- 3) We corrected a clerical error in our recalculation of variable cost of manufacture.

Final Results of Review

We determine that the following weighted-average margin percentage exists for the period July 1, 2005 through June 30, 2006:

Manufacturer/Exporter	Margin
Kolon	1.53 percent

Since we have established that PET film from Korea manufactured and exported by Kolon is being sold at less than NV, Kolon is hereby reinstated in the antidumping order effective on the publication date of this notice. We will

advise the U.S. Customs and Border Protection to collect a cash deposit of 1.53 percent on all entries of the subject merchandise exported by Kolon that are entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results. This requirement shall remain in effect until publication of the final results of the next administrative review as to Kolon. There are no changes to the rates applicable to any other companies under this antidumping duty order.

Notification to Interested Parties

The Department will disclose calculations performed in connection with the final results of review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/disposition of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination in accordance with section 751(b)(1) of the Act and 19 CFR 351.216.

Dated: March 28, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix—Comments in Decision Memo

1. Authority to reinstate Kolon in the antidumping Order≤
2. Whether Changed Circumstances Reviews Are a Suitable Vehicle for Reinstating Previously Revoked Respondents Within an Order
3. Whether Reinstating Revoked Respondents is Consistent with the Court's Decision on *Asahi Chemical*
4. Authority of Department to Require Kolon to Sign a Reinstatement Agreement≤
5. Whether Procedures Applicable to Reviews or Investigations Should Govern this Proceeding
6. Zeroing
7. Model—Match Methodology
8. Calculation of General and Administrative Expenses
9. Calculation of Variable Cost of Manufacture
10. Adjustment for Kolon's Bank and Postal Charges

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG78

Atlantic Coastal Fisheries Cooperative Management Act Provisions; Tautog Fishery

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

ACTION: Notice of cancellation of Federal moratorium.

SUMMARY: NMFS announces the cancellation of the Federal moratorium on fishing for tautog in the State waters of New Jersey. NMFS canceled the moratorium, as required by the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act), based on the determination that New Jersey is now in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Tautog Interstate Fishery Management Plan (Plan).

DATES: Effective March 31, 2008.

ADDRESSES: Harold C. Mears, Director, State, Federal and Constituent Programs Office, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Bob Ross, Fishery Management Specialist, NMFS, Northeast Region, (978) 281-9327, fax (978) 281-9117, e-mail Bob.Ross@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

Tautog (*Tautog onitis*), often known by the common name "blackfish," is a coastal fish species ranging from Nova Scotia to South Carolina, but most abundant from the southern Gulf of Maine (lower Massachusetts Bay and southern Cape Cod Bay) to Chesapeake Bay. The Commission manages this species according to its Tautog Plan. The Commission's Tautog Plan can be located at <http://www.asmfrc.org>, (select "Interstate Fishery Management," then select "Tautog.").

On February 7, 2008, the Commission voted the State of New Jersey out of compliance with the Commission's Tautog Plan. Specifically, the Commission found that New Jersey had not implemented management measures to achieve the required 25.6 percent reduction in tautog exploitation as was required by the Tautog Plan. The Commission forwarded the findings of their vote on February 7, 2008, in a formal non-compliance referral letter

that the Secretary of Commerce (Secretary) received on February 11, 2008.

On March 10, 2008, upon a delegation of authority from the Secretary, NMFS completed its independent review of the Commission's findings and NMFS determined that the State of New Jersey was not in compliance with the Commission's Tautog Plan and that the measures New Jersey failed to implement and enforce are necessary for the conservation of the tautog fishery. New Jersey was notified by letter on March 11, 2008, that NMFS declared a Federal moratorium on fishing for, possession of, and landing of tautog by the recreational and commercial fishermen in New Jersey state waters effective April 1, 2008, if New Jersey has not complied with the Commission's Tautog Plan by that date. Details were provided in a **Federal Register** notice published on March 14, 2008 (73 FR 13864), and are not repeated here.

Activities Pursuant to the Atlantic Coastal Act

The Atlantic Coastal Act specifies that, if, after a moratorium is declared with respect to a State, the Secretary is notified by the Commission that it is withdrawing the determination of noncompliance, the Secretary shall immediately determine whether the State is in compliance with the applicable plan. If the state is determined to be in compliance, the moratorium shall be terminated. On March 26, 2008, NMFS received a letter from the Commission that New Jersey has taken corrective action to comply with the Tautog Plan, and that the Commission has withdrawn its determination of noncompliance.

Cancellation of the Moratorium

Based on the Commission's March 26, 2008, letter, information received from the State of New Jersey, and NMFS review of New Jersey's revised tautog regulations, which achieved the required 25.6-percent reduction in tautog exploitation as was required by the Tautog Plan, NMFS concurs with the Commission's determination that New Jersey is now in compliance with the Tautog Plan. Therefore, the moratorium on fishing for, possession of, and landing of tautog by the recreational and commercial fishermen within New Jersey waters is canceled.

Authority: 16 U.S.C. 5101 *et seq.*