

("the Community") pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Notice of Initiation of Five-Year ("Sunset") Review*, 69 FR 53408 (September 1, 2004). On the basis of a notice of intent to participate filed on behalf of the domestic interested parties and adequate substantive comments filed on behalf of the domestic interested parties and the Community, the Department is conducting a full sunset review of the countervailing duty finding on sugar from the Community. As a result of this sunset review, the Department preliminarily finds that revocation of the countervailing duty finding would likely lead to continuation or recurrence of countervailable subsidies. The net countervailable subsidy rate and the nature of the subsidy are identified in the "Preliminary Results of Review" section of this notice.

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

**FOR FURTHER INFORMATION:** Martha V. Douthit, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5050.

**SUPPLEMENTARY INFORMATION:**

#### Scope

Imports covered by this countervailing duty finding are shipments of sugar from the European Community. During the review period, such merchandise was classifiable under item numbers 155.2025, 155.2045, 155.3000 and 183.05 of the Tariff Schedules of the United States Annotated ("TSUSA"). This merchandise is currently classifiable under item numbers 1701.11.05, 1701.11.10, 1701.11.20, 1701.11.50, 1701.12.05, 1701.12.10, 1701.12.50, 1701.91.05, 1701.91.10, 1701.90.30, 1701.99.05, 1701.99.1000, 1701.99.1090, 1701.99.5000, 1701.99.5090, 1702.90.05, 1702.90.10, 1702.90.20, 2106.90.42, 2106.90.44, 2106.90.46 of the Harmonized Tariff Schedule ("HTS"). Specialty sugars are exempt from the scope of this finding. On December 7, 1987, two interested parties, the United States Beet Sugar Association and the United States Cane Sugar Refiners' Association, requested a scope review of blends of sugar and dextrose, a corn-derived sweetener, containing at least 65 percent sugar. The merchandise is currently imported under the HTS item number 1701.99.00. On June 21, 1990, the Department issued a final scope clarification memorandum, which determined that such blends are within the scope of the finding, and that

imports of such blends from the Community are subject to the corresponding countervailing duty.

#### Background

The Department published the notice of initiation of the second sunset review of the countervailing duty finding on sugar from the Community pursuant to section 751(c) of the Act. See *Initiation of Five-Year ("Sunset") Reviews*, 69 FR 53408 (September 1, 2004). The Department received the Notice of Intent to Participate from the United States Beet Sugar Association, American Sugar Refiners' Association, American Sugar Cane League, Sugar Cane Growers Cooperative of Florida, Florida Sugar Cane League, Rio Grande Valley Sugar Growers, Inc., Hawaii Sugar Farmers, and the American Sugarbeet Growers Association, (collectively "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)(E) of the Act, as trade associations, the majority of whose members produce the domestic like product in the United States. We received substantive responses from domestic interested parties and the European Union Delegation of the European Commission (the "Community") within the deadline specified in 19 CFR 351.218(d)(3)(i).<sup>1</sup> As a result, pursuant to section 751(c)(5) of the Act and 19 CFR 351.218(e)(2)(i), the Department is conducting a full sunset review of this finding.

#### Analysis of Comments Received

All issues raised in these reviews are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 21, 2005, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailing subsidy likely to prevail if the finding were revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in room B-099 of the main Commerce Building.

<sup>1</sup>The European Commission is the authority responsible for administering the sugar export restitution scheme. The European Commission has in the past participated in this proceeding.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov>, under the heading "March 2005." The paper copy and electronic version of the Decision Memo are identical in content.

#### Preliminary Results of Review

The Department preliminarily finds that revocation of the countervailing duty finding on sugar from the Community would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy likely to prevail if the finding were revoked is 21.62 cents per pound. Interested parties may submit case briefs no later than May 9, 2005, in accordance with 19 CFR 351.309 (c)(1)(i). Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310 (c). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than May 14, 2005, in accordance with 19 CFR 351.309 (d). Any hearing, if requested, will be held on May 16, 2005. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than July 27, 2005.

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

Dated: March 21, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032105C]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that an Exempted Fishing Permit (EFP) application submitted by the Mount

Desert Oceanarium (MDO), Southwest Harbor, ME, contains all of the required information and warrants further consideration. The EFP would allow one fishing vessel to fish for, retain, and land small numbers of regulated fish species, and several unmanaged fish and invertebrate species, for the purpose of public display. The Assistant Regional Administrator has made a preliminary determination that the activities authorized under this EFP would be consistent with the goals and objectives of the Fishery Management Plans (FMPs) for these species.

However, further review and consultation may be necessary before a final determination is made to issue an EFP. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Written comments must be received on or before April 11, 2005.

**ADDRESSES:** Written comments should be sent to: Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on MDO Specimen Collection." Comments may also be sent via fax to: 978-281-9135. Or, comments may be submitted via e-mail to: [da5-57@noaa.gov](mailto:da5-57@noaa.gov). Include in the subject line of the e-mail "Comments on MDO Specimen Collection."

**FOR FURTHER INFORMATION CONTACT:** Michael Ruccio, Fishery Management Specialist, 978-281-9104.

**SUPPLEMENTARY INFORMATION:** The MDO submitted an application for an EFP on February 28, 2005, to collect several species of fish and invertebrates for public display. The target species would include American plaice (dab), winter flounder (blackback), yellowtail flounder, witch flounder (grey sole), Atlantic halibut, monkfish, eel pouts, sculpins, sea raven, Atlantic cod, lumpfish, Atlantic wolffish, spiny dogfish, little skate, barndoor skate, and various species of the phyla Arthropoda (excluding lobsters) and Echinodermata.

One chartered fishing vessel would use a shrimp otter trawl with 2-inch (5.08-cm) mesh to collect marine fish and invertebrates for a maximum of four days — two days during the period May 16-26, 2005, and two days during the period June 23-30, 2005. The specimens would be cared for in chilled and aerated seawater while on board the fishing vessel and would be transferred live to tanks the day they are caught. The fish would be brought to shore,

maintained in tanks for public display for a period of time not to exceed five months, and would be returned to the sea in October 2005.

Collection would be made within the Small Mesh Northern Shrimp Fishery Exemption Area (Area), specifically within an area off the coast of Maine. Because the shrimp fishery will be closed at the time of the proposed collection, and this area lies within the Gulf of Maine Regulated Mesh Area, an exemption from the Northeast (NE) multispecies minimum mesh requirements of 6-inch (15.24-cm) diamond/6.5-inch (16.51-cm) square mesh at 50 CFR 648.80(a)(3) would be required.

The applicant would retain a maximum of six individuals per species, juveniles and adults combined, with the exception of Atlantic halibut. In addition to an exemption from the NE multispecies minimum mesh requirements, the applicant would only be permitted to retain a total of one Atlantic halibut with a minimum length of 36 inches (91.44 cm). The applicant has requested the following exemptions from the NE Multispecies and Monkfish Fishery Management Plans: effort control program requirements at §§ 648.82(a) and 648.92(a); minimum fish sizes at §§ 648.83(a)(1) and 648.93(a)(1); and monkfish possession restrictions at § 648.94(b)(6). The EFP would also exempt the vessels from the possession and landing restrictions for the NE skate complex fishery at § 648.322(c).

Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 21, 2005.

**Alan D. Risenhoover,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 121603A]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits; Correction

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

**ACTION:** Notice; correction.

**SUMMARY:** On September 27, 2004, NMFS announced that the Assistant Regional Administrator, Northeast Region, NOAA Fisheries (Assistant Regional Administrator) was proposing to issue Exempted Fishing Permits (EFPs) in response to an application submitted by the University of Rhode Island, Department of Fisheries, Animal and Veterinary Science (URI). These EFPs would allow three commercial fishing vessels to conduct a bycatch reduction study in the directed haddock bottom trawl fishery, using side-by-side tows to compare the control net with one experimental large-mesh net. The **Federal Register** notification announcing these EFPs had an incorrect end date of November 2005. This notice is intended to inform the public that the corrected end date is December 2005.

**DATES:** Written comments on this action must be received on or before April 11, 2005.

**ADDRESSES:** Comments on this notice may be submitted by e-mail to: [DA640@noaa.gov](mailto:DA640@noaa.gov). Written comments may also be sent to: Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Bycatch EFP Proposal." Or, comments may be sent via fax to: 978-281-9135.

**FOR FURTHER INFORMATION CONTACT:** Heather Sagar, Fishery Management Specialist, phone: 978-281-9341, fax: 978-281-9135, e-mail: [heather.sagar@noaa.gov](mailto:heather.sagar@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 27, 2004 (69 FR 57676), NMFS published notification in the **Federal Register** announcing the receipt of an application for an EFP to conduct a study to determine if an experimental trawl gear would achieve a reduction in cod bycatch significant enough to warrant consideration as a Special Access Program (SAP) under provisions in Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). The **Federal Register** notice indicated the end date for the study would be November 2005. The 15-day comment period on the proposed EFP closed on October 12, 2004, and NMFS recently issued EFPs to the applicant that indicated that the study would be concluded on November 30, 2005. Upon receipt of the EFPs, the applicant informed NMFS that an incorrect end date was cited in the EFP and the **Federal Register** notice. This notification corrects the end date to read December 2005.