

for Revocation in Part, 70 FR 51009 (August 29, 2005). On September 29, 2005, Moline e Pastificio Tomasello S.r.L. withdrew its request for review. No other party requested a review for Moline e Pastificio Tomasello S.r.L..

### Scope of the Countervailing Duty Order

Imports covered by this order are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, Bioagricoop S.r.l., QC&I International Services, Ecocert Italia, Consorzio per il Controllo dei Prodotti Biologici, Associazione Italiana per l'Agricoltura Biologica, or Codex S.r.L. In addition, based on publicly available information, the Department has determined that, as of August 4, 2004, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Bioagricert S.r.l. are also excluded from this order. See *Memorandum from Eric B. Greynolds to Melissa G. Skinner*, dated August 4, 2004, which is on file in the Department's Central Records Unit ("CRU") in Room B-099 of the main Department building.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

The Department has issued the following scope rulings:

1. On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the antidumping and countervailing duty orders. See

*Memorandum from Edward Easton to Richard Moreland*, dated August 25, 1997, which is on file in the CRU.

2. On July 30, 1998, the Department issued a scope ruling, finding that multipacks consisting of six one-pound packages of pasta that are shrink-wrapped into a single package are within the scope of the antidumping and countervailing duty orders. See *Letter from Susan H. Kuhbach to Barbara P. Sidari*, dated July 30, 1998, which is available in the CRU.

3. On October 23, 1997, the petitioners filed an application requesting that the Department initiate an anti-circumvention investigation of Barilla S.r.L. ("Barilla"), an Italian producer and exporter of pasta. The Department initiated the investigation on December 8, 1997. See *Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order on Certain Pasta From Italy*, 62 FR 65673 (December 15, 1997). On October 5, 1998, the Department issued its final determination that, pursuant to section 781(a) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act effective January 1, 1995 ("the Act"), circumvention of the antidumping order on pasta from Italy was occurring by reason of exports of bulk pasta from Italy produced by Barilla which subsequently were repackaged in the United States into packages of five pounds or less for sale in the United States. See *Anti-Circumvention Inquiry of the Antidumping Duty Order on Certain Pasta from Italy: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 63 FR 54672 (October 13, 1998).

4. On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances is within the scope of the antidumping and countervailing duty orders. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the antidumping and countervailing duty orders. See *Memorandum from John Brinkmann to Richard Moreland*, dated May 24, 1999, which is available in the CRU.

5. On April 27, 2000, the Department self-initiated an anti-circumvention inquiry to determine whether Pastificio Fratelli Pagani S.p.A.'s importation of pasta in bulk and subsequent repackaging in the United States into packages of five pounds or less constitutes circumvention with respect

to the antidumping and countervailing duty orders on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225(b). See *Certain Pasta from Italy: Notice of Initiation of Anti-circumvention Inquiry of the Antidumping and Countervailing Duty Orders*, 65 FR 26179 (May 5, 2000). On September 19, 2003, we published an affirmative finding of the anti-circumvention inquiry. See *Anti-Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta from Italy: Affirmative Final Determinations of Circumvention of Antidumping and Countervailing Duty Orders*, 68 FR 54888 (September 19, 2003).

### Rescission of Review

The Department's regulations at 351.213(d)(1) provide that the Department will rescind an administrative review, in part, if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Moline e Pastificio Tomasello S.r.L. withdrew its request for an administrative review on September 15, 2005, which is within the 90-day deadline, and no other party requested a review with respect to this company. Therefore, the Department is rescinding this administrative review, in part, for Moline e Pastificio Tomasello S.r.L.

This notice is issued and published in accordance with 19 CFR 351.213(d)(4).

Dated: October 20, 2005.

**Gary Taverman,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5-5952 Filed 10-25-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Puerto Rico Highway and Transportation Authority From an Objection by the Puerto Rico Planning Board

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

**ACTION:** Notice of appeal and request for comments.

**SUMMARY:** This announcement provides notice that the Puerto Rico Highway and Transportation Authority has filed an administrative appeal with the Department of Commerce asking that the Secretary override the Puerto Rico

Planning Board's objection to a consistency certification prepared in conjunction with the proposed reconstruction of a stone revetment and replacement of a bridge at Aguadilla Bay.

**DATES:** Public and federal agency comments on the appeal are due within 30 days of the publication of this notice.

**ADDRESSES:** All e-mail comments on issues relevant to the Secretary's decision in this appeal may be submitted to [prhighway.comments@noaa.gov](mailto:prhighway.comments@noaa.gov). Comments may also be sent by mail to Brett Grosko, Attorney-Adviser, Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111 Silver Spring, MD 20910. Materials from the appeal record will be available at the NOAA Office of the General Counsel for Oceanic Services. In addition, public filings made by the parties to the appeal will be available at the office of the Puerto Rico Planning Board.

**FOR FURTHER INFORMATION CONTACT:** Brett Grosko, Attorney-Adviser, NOAA Office of the General Counsel, 301-713-7384.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Notice of Appeal**

The Puerto Rico Highway and Transportation Authority (PRHTA) has filed a notice of appeal with the Secretary of Commerce pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR Part 930, Subpart H. The PRHTA appealed an objection raised by the Puerto Rico Planning Board to a consistency certification contained within its application to the U.S. Army Corps of Engineers for a permit necessary to reconstruct a stone revetment and replace a bridge at Aguadilla Bay.

The Appellant requests that the Secretary override the Puerto Rico Planning Board's consistency objection on the basis that the proposed activity is "consistent with the objectives" of the CZMA. To make this determination, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity

to be conducted in a manner consistent with enforceable policies of Puerto Rico's management program. 15 CFR 930.121. The Appellant also requests that the Secretary override the Puerto Rico Planning Board's consistency objection on the basis that the proposed activity is necessary in the interest of national security. To reach this conclusion, the Secretary must find that a national defense or other national security interest would be significantly impaired were the activity in question not permitted to go forward as proposed. 15 CFR 930.122.

##### **II. Public and Federal Agency Comments**

Written public comments are invited on any of the issues that the Secretary must consider in deciding this appeal. Comments must be received within 30 days of the publication of this notice, and may be submitted by e-mail to [prhighway.comments@noaa.gov](mailto:prhighway.comments@noaa.gov). Comments may also be sent to Brett Grosko, Attorney-Adviser, NOAA Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Comments will be made available to the PRHTA and the Puerto Rico Planning Board.

##### **III. Appeal Documents**

NOAA intends to provide the public with access to all materials and related documents comprising the appeal record during business hours, at the NOAA Office of the General Counsel for Ocean Services. In addition, copies of public filings by the parties will be available for review at the offices of the Puerto Rico Planning Board.

For additional information about this appeal contact Brett Grosko, 301-713-7384.

Dated: October 19, 2005.

**James R. Walpole,**  
*General Counsel.*

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

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#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

[I.D. 102005A]

##### **North Pacific Fishery Management Council; Public Meetings**

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The North Pacific Fishery Management Council's (NPFMC) Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BS/AI) groundfish plan teams will meet in Seattle.

**DATES:** The meetings will be held on November 14-18, 2005.

**ADDRESSES:** The meetings will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., Bldg. 4, Room 2039 (BS/AI Plan Team) and Room 2076 (GOA Plan Team), Seattle, WA.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** Jane DiCosimo, Diana Stram, NPFMC, telephone: (907) 271-2809.

**SUPPLEMENTARY INFORMATION:** The meetings will begin at 1 p.m. on Monday, November 14, and continue through Friday, November 18.

The Teams will prepare the final Economic Stock Assessment Fishery Evaluation (SAFE) report, Ecosystem chapter, GOA and BSAI Groundfish SAFE reports and recommend Final acceptable biological catch Specifications for 2006/07 Groundfish fisheries.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the NPFMC's intent to take final action to address the emergency.

##### **Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen,