

Duty Determination: Certain Expandable Polystyrene Resins from Indonesia, 65 FR 47713 (August 3, 2000).

Scope of Investigation

The scope of this investigation includes certain expandable polystyrene resins in primary forms; namely, raw material or resin manufactured in the form of polystyrene beads, whether of regular (shape) type or modified (block) type, regardless of specification, having a weighted-average molecular weight of between 160,000 and 260,000, containing from 3 to 7 percent blowing agents, and having bead sizes ranging from 0.4 mm to 3 mm.

Specifically excluded from the scope of this investigation are off-grade, off-specification expandable polystyrene resins.

The covered merchandise is found in the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3903.11.00.00. Although this HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Period of Investigation

The period of investigation is October 1, 1998, through September 30, 1999.

Facts Available

In the preliminary determination, the Department based the dumping margin for the mandatory respondent, PT Risjad Brasali Styrimdo (Brasali), on facts otherwise available, pursuant to section 776(a)(2)(A) of the Act. The use of facts otherwise available was required because the record did not contain company-specific information, given the respondent's failure to respond to the Department's antidumping questionnaire. For purposes of the preliminary determination, the Department also found that Brasali failed to cooperate by not acting to the best of its ability to comply with the Department's request for information, pursuant to section 776(b), and determined to use an adverse inference in selecting from among the facts otherwise available. Specifically, the Department assigned to the mandatory respondent the highest margin alleged in the petition, which was corroborated as required by section 776(c) of the Act. *See Preliminary Determination.*

Following the preliminary determination, interested parties did not file any comment and have not objected to the Department's decision to use adverse facts available for the mandatory respondent in this investigation, or to the Department's

choice of facts available. Accordingly, for the reasons discussed in the *Preliminary Determination*, for this final determination the Department is continuing to use the highest margin alleged by the petitioners for the mandatory respondent in this proceeding. In addition, the Department has left unchanged from the preliminary determination the "All Others Rate" in this investigation, which is the average of all the rates provided in the petition.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend all entries of expandable polystyrene resins from Indonesia, that are entered, or withdrawn from warehouse, for consumption on or after June 26, 2000, the date of publication of our preliminary determination. The Customs Service shall require a cash deposit or bond equal to the dumping margin, as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice. The dumping margins are provided below:

Manufacturer/exporter	Margin (percent)
PT Risjad Brasali Styrimdo	96.65
All Others	95.79

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction 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.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: November 8, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary, for Import Administration.

[FR Doc. 00-29406 Filed 11-15-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by Ricardo Ramirez by an Objection by the Puerto Rico Planning Board

ACTION: Dismissal of appeal.

By letter dated April 6, 1999, Ricardo Ramirez (Appellant) filed with the Secretary of Commerce a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act. The appeal is taken from an objection by the Puerto Rico Planning Board (PRPB) to the Appellant's consistency certification for an Army Corps of Engineers permit to reconstruct a stilt house of 47' by 42'.

The CZMA provides that a timely objection by a state (including Puerto Rico) to a consistency certification precludes any Federal agency from issuing licenses or permits for the activity unless the Secretary finds that the activity is either "consistent with the objectives of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(A). To make such a determination, the Secretary must find that the project satisfies the requirements of 15 CFR 930.121 or 930.122. Generally, the Appellant has the burden of submitting evidence in support of his appeal and the burden of persuasion under both Grounds I and II.

The Federal regulations implementing the CZMA provide, in part, that the Secretary may dismiss an appeal for failure of the Appellant to base the appeal on Grounds I or II.

In light of Appellant's failure to describe the way in which the proposed activity is either (1) consistent with the objectives or purposes of the CZMA or (2) necessary in the interest of national security, the appeal has been dismissed. The Appellant is barred from filing

another appeal from the Puerto Rico Planning Board's objection to his original consistency certification. This is a final agency action for purposes of judicial review.

FOR ADDITIONAL INFORMATION CONTACT: Ms. Mary Gray Holt, Attorney-Adviser, Office of the Assistant 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, 301-713-2967.

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

Dated: November 2, 2000.

Craig O'Connor,

Acting General Counsel.

[FR Doc. 00-29388 Filed 11-15-00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091300A]

Small Takes of Marine Mammals Incidental to Specified Activities; Explosives Testing at Eglin Air Force Base, FL

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

ACTION: Notice of withdrawal of a request for a small take exemption authorization.

SUMMARY: On October 26, 2000, NMFS was notified by the U.S. Air Force that it was withdrawing its request for an authorization under the Marine Mammal Protection Act (MMPA) to take small numbers of bottlenose and spotted dolphins, by harassment, incidental to explosive testing of obstacle and mine clearance systems at Eglin Air Force Base, FL (Eglin).

ADDRESSES: A copy of the application and/or letter of withdrawal may be obtained by writing to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, or by telephoning the contact listed here.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead 301-713-2055 ext. 128.

SUPPLEMENTARY INFORMATION: On August 6, 2000, NMFS received a small take application, under section 101(a)(5)(D) of the MMPA, from the U.S. Air Force

at Eglin Air Force Base, FL. The Air Force, in cooperation with the Naval Surface Warfare Center-Coastal Systems Station, U.S. Navy, requested, on that date, an authorization to take, by harassment and non-serious injury, bottlenose dolphins (*Tursiops truncatus*), and spotted dolphins (*Stenella frontalis*), incidental to explosive testing of an obstacle clearance system at Eglin. Eglin is located in the Florida Panhandle approximately midway between the cities of Pensacola and Panama City, FL. The location of the proposed action is on the beach areas on Santa Rosa Island, approximately 27 kilometers (17 mi) west of Destin, FL.

A notice of receipt of the application and proposed incidental harassment authorization (IHA) under the MMPA was published on October 20, 2000 (65 FR 63059), and a 30-day public comment period was provided on the application and proposed authorization. Please refer to that document for additional information on the Air Force request.

On October 26, 2000, NMFS received a letter from the Air Force at Eglin noting that the U.S. Navy does not support the acoustic modeling that was performed for the Biological Assessment under section 7 of the Endangered Species Act or the application for an IHA; in particular, a marine mammal injury threshold criterion of 5 pounds/inch²-milliseconds. The Navy believes that the methodologies and criteria developed by acousticians, energetic scientists, and independent scientific review for the SEAWOLF ship shock trial (63 FR 66069, December 1, 1998), as updated in the shock trial of the USS WINSTON CHURCHILL (65 FR 11542, March 3, 2000), are the appropriate means to establish harassment to marine mammals. As a result, the Air Force has requested NMFS to withdraw the application. The Air Force will inform NMFS if the Navy requests to use Eglin to conduct this or other tests in the future.

Dated: November 6, 2000.

Phil Williams,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00-29413 Filed 11-15-00; 8:45 am]

BILLING CODE: 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110800D]

Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements; Public Workshops

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

ACTION: Notice of workshops.

SUMMARY: NMFS, Alaska Region, and the U.S. Coast Guard North Pacific Regional Fisheries Training Center will present workshops on the 2001 recordkeeping and reporting requirements for the Alaska groundfish fisheries.

DATES: See **SUPPLEMENTARY INFORMATION** under the heading, "Meeting Dates and Addresses," for dates the workshops will be held.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** under the heading, "Meeting Dates and Addresses," for meeting addresses.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907-586-7008.

SUPPLEMENTARY INFORMATION: The workshops will include discussion of proposed 2001 changes to the recordkeeping and reporting requirements for Alaska groundfish fisheries along with instructions for completion and submittal of the required forms and logsheets. Suggestions and feedback on existing procedures are welcome.

Meeting Dates and Addresses

1. November 17, 2000, 10 a.m. to 12 noon Pacific standard time—FISH EXPO, Washington State Trade and Convention Center, Room 310, Seattle, WA.

2. December 4, 2000, 9 a.m. to 11 a.m. for vessels, 12:30 p.m. to 2:30 p.m. for shoreside processors, Alaska local time—Anchorage Federal Building, Room 154, 222 West Seventh Avenue, Anchorage, AK.

3. January 4, 2001, 9 a.m. to 11 a.m. for vessels, 12:30 p.m. to 2:30 p.m. for shoreside processors, Pacific standard time—NOAA Western Regional Center, 7600 Sandpoint Way, N.E., Building 9, Room A/B, Seattle, WA.

4. January 16, 2001, 9 a.m. to 11 a.m. for vessels, 12:30 p.m. to 2:30 p.m. for shoreside processors, Alaska local time—U.S. Coast Guard Base, North Pacific Regional Fisheries Training Center, Kodiak, AK.