

Hot-Rolled Carbon Steel Flat Products from the Netherlands, 66 FR 22146 (May 3, 2001). Following publication of the preliminary determination, Corus requested that the Department extend the deadline for the final determination, and in making this request, agreed to an extension of provisional measures from a four-month period to not more than six months. However, the Department inadvertently excluded language from the antidumping duty order indicating it would lift suspension of liquidation (*i.e.*, cease collection of provisional measures) six months after the date of the preliminary determination, consistent with section 733(d) of the Tariff Act.

On March 7, 2003, the Court issued a remand order to the Department to revise its antidumping duty order to preclude collection of provisional measures beyond the six month period, and to also explain its practice of interpreting the provisional measures time period, *i.e.*, in calendar months or the equivalent in six 30-day periods. See *Corus Staal BV et al. v. United States I*, Consol. Ct. No. 02-00003, Slip Op. 03-25 (March 7, 2003). The Department released its "Draft Redetermination Pursuant to Court Remand" (Draft Results) on March 20, 2003, noting that in cases subsequent to the final determination in the underlying investigation, the Department has followed the practice of interpreting six months to mean 180 days. See, *e.g.*, *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Antidumping Investigation of Low Enriched Uranium From France*, 67 FR 6680 (February 13, 2002) and *Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine*, 67 FR 65945, 65947 (October 29, 2002). Because 180 days from the publication of the preliminary determination was October 30, 2001, the Department stated in its Draft Results that provisional measures should not have been collected after October 29, 2001 and therefore it would amend its instructions to Customs to lift suspension of liquidation on October 30, 2001. The Department also clarified in its Draft Results that the appropriate date to resume collection of definitive duties, pursuant to section 737 of the Tariff Act, was the date when the Commission publishes a final injury determination, which in this case was November 15, 2001. Therefore, the Department proposed instructing Customs to resume collection of cash deposits effective November 15, 2001. In

response to the Department's Draft Results, Corus submitted comments on March 31, 2003, stating that while it agreed with the Department on the date of termination of suspension of liquidation, it disagreed with the Department on the date on which the collection of definitive duties was to resume. Instead, Corus argued, the collection of cash deposits should resume on the date of publication of the antidumping duty order, *i.e.*, November 29, 2001.

On April 7, 2003, the Department filed with the Court its Final Results of Redetermination, stating that upon approval by the Court it would issue an amended antidumping duty order and instructions to Customs including language lifting suspension of liquidation "180 days from the publication of the preliminary determination until publication of the Commission's final affirmative determination." On August 12, 2003, the Court sustained the portion of the Department's Final Results of Redetermination which stated that provisional measures should not have been collected more than 180 days after the preliminary determination. However, the Court ruled that the issue of the end date of the provisional measures time period could not be raised on remand. Thus, the Court ordered the Department to amend its remand determination to declare the date of publication of the antidumping duty order (*i.e.*, November 29, 2001) to be the end date for the termination of suspension of liquidation in this case. See *Corus Staal BV et al. v. United States II*, Consol. Ct. No. 02-00003, Slip Op. 03-101 (August 12, 2003). Pursuant to the Court's order in *Corus Staal BV v. United States II*, on September 2, 2003 the Department filed a revised final results of redetermination stating that consistent with the Court's order, the end date for the termination of suspension of liquidation in this case was November 29, 2001. The Department also indicated that upon issuance of a final and conclusive decision by the Court, it would publish an amended antidumping duty order and issue instructions to Customs to resume the collection of cash deposits effective November 29, 2001. See "Final Results of Redetermination Pursuant to Second Court Remand: Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands," Consol. Court No. 02-00003, Slip Op. 03-101 (CIT 2003). On September 29, 2003, the Court affirmed the Department's amended remand redetermination and entered a final judgment order with regards to the *Final*

Determination. See *Corus Staal BV et al. v. United States III*, Consol. Court No. 02-00003, Slip Op. 03-127 (CIT September 29, 2003). As there is now a final court decision with respect to this litigation, we are publishing this notice of final court decision affirming our remand redetermination.

Suspension of Liquidation

In *Timken*, the Federal Circuit held that the Department must publish notice of a decision made by the Court or the Federal Circuit which is not "in harmony" with the Department's final determination or final results. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation for all subject merchandise entered, or withdrawn from warehouse, for consumption between October 30, 2001 and November 28, 2001, inclusive, pending the expiration of the period of appeal for *Corus Staal BV v. United States III*, or, if that decision is appealed, pending a final decision by the Federal Circuit. Upon expiration of the period of appeal or completion of any future litigation in this matter, the Department will issue instructions to Customs to liquidate all entries of subject merchandise made between October 30, 2001 and November 28, 2001, inclusive, without regard to antidumping duties (*i.e.*, release all bonds and refund all cash deposits). The Department will also instruct Customs to resume collection, effective November 29, 2001, of a cash deposit equal to the estimated weighted-average antidumping duty margins published in the *Final Determination*.

Dated: October 20, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-046]

Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review: Polychloroprene Rubber from Japan

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

ACTION: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review.

SUMMARY: On July 31, 2003, the Department of Commerce (the Department) published a notice of initiation of changed circumstances review of the antidumping duty finding on polychloroprene rubber (PR) from Japan to determine whether Showa Denko Elastomers, K.K. (SDEL) and Showa Denko K.K. (SDK) are the successor-in-interest companies to Showa DDE Manufacturing K.K. (SDEM) and DDE Japan Kabushiki Kaisha (DDE Japan). *See Notice of Initiation of Antidumping Duty Changed Circumstances Review: Polychloroprene Rubber from Japan*, 68 FR 44924 (July 31, 2003) (*Notice of Initiation*). We have preliminarily determined that the restructured manufacturing and marketing joint venture, SDEL and SDK, are the successor-in-interest companies to SDEM and DDE Japan, for purposes of determining antidumping liability in this proceeding. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 24, 2003.

FOR FURTHER INFORMATION CONTACT: Zev Primor or Ronald Trentham, AD/CVD Enforcement, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4114 or (202) 482-6320, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, the Treasury Department published in the **Federal Register** (38 FR 33593) the antidumping finding on PR from Japan. On June 17, 2003, SDEL and SDK submitted a letter stating that they are the successor-in-interest to SDEM and DDE Japan, and, as such, entitled to receive the same antidumping treatment as these companies have been accorded. On July 18, 2003, at the request of the Department, SDEL and SDK submitted additional information and documentation pertaining its change circumstances request.

Scope of Review

Imports covered by this review are shipments of PR, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). HTSUS item

numbers are provided for convenience and customs purposes. The written description remains dispositive.

Preliminary Results of Changed Circumstances Review

In submissions to the Department dated June 17 and July 18, 2003, SDEL and SDK advised the Department that on November 1, 2002, the joint venture of SDEM and DDE Japan was restructured. Prior to the current restructure, SDEM and DDE Japan were co-owned by Dupont Dow Elastomers L.L.C. (Dupont Dow) and SDK. *See Notice of Final Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber from Japan*, 67 FR 58 (January 2, 2002). In the original joint venture, SDEM was the manufacturing arm of joint venture producing PR while DDE Japan was the marketing arm of the joint venture. As part of the current restructuring, DuPont Dow transferred its interest in SDEM to SDK. SDK, in turn, transferred its interest in DDE Japan to DuPont Dow. As a result of these interest transfers, SDK became the sole owner of SDEM and DuPont Dow became the sole owner of DDE Japan. On the same date, SDEM was renamed SDEL while maintaining the original production facility. The marketing end of SDEL's business was assumed by SDK.

In making a successor-in-interest determination, the Department examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See Brass Sheet and Strip from Canada: Notice of Final Results of Antidumping Administrative Review*, 57 FR 20460, 20462 (May 13, 1992) (*Canadian Brass*). While no one or several of these factors will necessarily provide a dispositive indication, the Department will generally consider the new company to be the successor to the previous company if its resulting operation is not materially dissimilar to that of its predecessor. *See, e.g., Industrial Phosphoric Acid from Israel: Final Results of Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994) and *Canadian Brass*, 57 FR 20460. Therefore, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company essentially operates as the same business entity as the former company, the Department will assign the new company the cash deposit rate of its predecessor.

Our review of the evidence provided by SDEL and SDK indicates, preliminarily, that the change in ownership has not significantly changed

the companies' personnel, operations, supplier/customer relationship, or production facilities. The new corporate entity of SDEL and SDK provided a certified copy of the official corporate registry showing SDEL as a successor to SDEM as of November 1, 2002, the effective date of the restructuring, as well as documents showing that since the name change, SDEL continued its production of PR in the same manner using the same suppliers and facilities as it did under its previous name of SDEM. Additionally, the corporate registry indicates that the majority of SDEM's management was retained by the new corporate entity SDEL.

Furthermore, SDK provided certified statements from its general manager that certain activities undertaken by DDE Japan prior to November 1, 2002, (*i.e.*, sales and marketing, technical services, order receiving and freight forwarding of PR) have since been performed by SDK. SDK also certified that it rehired key marketing personnel from DDE Japan. Finally, SDK provided a copy of Stock Purchase Agreement for DDE Japan and a copy of Offers of Employment for DDE Japan's key marketing employees as evidence that the marketing functions, performed originally by DDE Japan, have been assumed by SDK.

In sum, SDEL and SDK have presented evidence to establish a prima facie case of their successorship status. The restructuring has precipitated minimal changes to the original structure of the SDEM and DDE Japan joint venture. The management, production facilities, supplier relationships, sales facilities and customer base are essentially unchanged from those of SDEM and DDE Japan. Therefore, the record evidence demonstrates that the new entity essentially operates in the same manner as the predecessor companies of SDEM and DDE Japan. As SDEL manufactures PR and SDK sells/distributes PR produced by SDEL for the newly restructured entity, we preliminarily determine that SDEL and SDK should be given the same antidumping duty treatment as SDEM and DDE Japan, *i.e.*, zero percent antidumping duty cash deposit rate.

The cash deposit determination from this changed circumstances review will apply to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed circumstances review. *See Granular Polytetrafluoroethylene Resin from Italy: Final Results of Antidumping Duty Changed Circumstances Review*, 68 FR

25327 (May 12, 2003). This deposit rate shall remain in effect until publication of the final results of the next administrative review in which SDK and SDEL participate.

Public Comment

Any interested party may request a hearing within 30 days of publication of this notice. 19 CFR 351.310 (c)(2003). Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication of this notice. 19 CFR 351.309(c)(ii)(2003). Rebuttal briefs, which must be limited to issues raised in such briefs or comments, may be filed not later than 37 days after the date of publication of this notice. See 19 CFR 351.309(d)(2003). Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.

Consistent with section 351.216(e) of the Department's regulations, we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated.

This notice is in accordance with sections 751(b) and 777(i)(1) of the Tariff Act of 1930, as amended, and section 351.221(c)(3)(i)(2003) of the Department's regulations.

Dated: October 17, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 03-26937 Filed 10-23-03; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-816]

Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Extension of Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of extension of time limit for final results of antidumping duty administrative review.

SUMMARY: The Department of Commerce ("the Department") is extending the time limit for the final results of the review of stainless steel butt-weld pipe fittings from Taiwan. This review covers

the period June 1, 2001 through May 31, 2002.

EFFECTIVE DATE: October 24, 2003.

FOR FURTHER INFORMATION CONTACT: Jon Freed, Enforcement Group III--Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3818.

Background

On July 8, 2003, the Department published the preliminary results of the administrative review of the antidumping duty order on stainless steel butt-weld pipe fittings from Taiwan. See *Certain Stainless Steel Butt-Weld Pipe Fittings From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 68 FR 40637 (July 8, 2003). The final results of this administrative review are currently due no later than November 5, 2003.

Extension of Time Limit for Final Results

Section 751(a)(3)(A) of the Act states that if it is not practicable to complete the review within the time specified, the administering authority may extend the 120-day period, following the date of publication of the preliminary results, to issue its final results by an additional 60 days. Completion of the final results within the 120-day period is not practicable for the following reasons: (1) this review involves certain complex Constructed Export Price ("CEP") adjustments including, but not limited to CEP profit and CEP offset; and (2) this review involves a complex affiliation issue.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for issuing the final results of review by 35 days until no later than December 10, 2003.

Dated: October 17, 2003.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration, Group III.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 100903B]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability and request for comment.

SUMMARY: Notice is hereby given that NMFS has prepared a draft Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) of the potential effects of approval of a Fishery Management and Evaluation Plan (FMEP) submitted by the Oregon Department of Fish and Wildlife (ODFW) for a coho salmon fishery in Siltcoos and Tahkenitch Lakes, located south of the town of Florence along the Oregon Coast. The objectives of the FMEP are to provide some fishing opportunity in years when coho salmon returns are high and in a manner that does not affect the viability of the local coho population and the Oregon Coast Evolutionarily Significant Unit (ESU) as a whole. This document serves to notify the public of the availability of the draft EA for public comment before a final decision on whether to issue a Finding of No Significant Impact is made by NMFS.

DATES: Written comments on the draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on November 10, 2003.

ADDRESSES: Written comments and requests for copies of the draft EA and ODFW's FMEP should be addressed to Lance Kruzic, Salmon Recovery Division, 2900 N.W. Stewart Parkway, Roseburg, OR 97470 or faxed to (541) 957-3381. The documents are also available on the Internet at <http://www.nwr.noaa.gov/1fmep/fmepsbmt.htm>. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Lance Kruzic, Roseburg, OR, at phone number (541) 957-3381 or e-mail: lance.kruzic@noaa.gov.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Oregon Coast coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit.

Background

The ODFW has submitted to NMFS a FMEP for a recreational fishery in Siltcoos and Tahkenitch Lakes, located along the Oregon Coast. As specified in the July 10, 2000, Endangered Species Act 4(d) rule for salmon and steelhead (65 FR 42422), NMFS may approve an FMEP if it meets criteria set forth in § 223.203 (b)(4)(i)(A) through (I). Prior to final approval of an FMEP, NMFS must publish notification announcing its availability for public review and