

initiation of changed circumstances review of the antidumping duty finding on PR from Japan to determine whether SDEL and SDK are the successor-in-interest companies to SDEM and DDE Japan. *See Notice of Initiation*. On October 24, 2003, we published a notice of preliminary results, determining 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. *See Notice of Preliminary Results*, 68 FR at 60913. In the same notice, the Department invited interested parties to comment on the preliminary results. Prior to receiving any comments, on December 5, 2003, SDEL and SDK petitioned the Department to withdraw their request for a changed circumstances review.

Scope of Review

Imports covered by this review are shipments of PR, an oil resistant synthetic rubber also known as polymeric chlorobutadiene or neoprene, currently classifiable under items 4002.41.00, 4002.49.00, 4003.00.00 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.

Rescission of Changed Circumstances Review

On December 5, 2003, SDEL and SDK petitioned the Department to withdraw their request for a changed circumstances review. No interested parties, including the petitioner, objected to this withdrawal request. Consequently, the Department is now rescinding this antidumping duty changed circumstances review. The U.S. Customs and Border Protection will continue to suspend entries of subject merchandise at the appropriate cash deposit rate for all entries of PR from Japan.

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 the APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with regulations and the terms of an APO is a sanctionable violation.

This notice is in accordance with sections 751(b) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: December 17, 2003.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-839]

Certain Polyester Staple Fiber from the Republic of Korea: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision

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

ACTION: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision on Polyester Staple Fiber from the Republic of Korea.

SUMMARY: On August 22, 2002, the Court of International Trade ("CIT") affirmed the Department's second remand determination and entered a judgment order in *Geum Poong Corporation and Sam Young Synthetics Co. Ltd. v. United States v. E.I. Dupont De Nemours, Inc., et. al.*, Slip. Op. 02-95, 2002 Ct. Intl. Trade LEXIS 94 (CIT 2002), a lawsuit challenging certain aspects of the Department of Commerce's ("the Department") *Notice of Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan*, 65 FR 16880 (March 30, 2000) and accompanying Issues and Decision Memorandum (March 22, 2000) ("*Issues and Decision Memorandum*"), and *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea, and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000) (collectively, "*Final Determination*"). The Department appealed this decision. On October 9, 2003, the CIT's opinion upholding the Department's final remand was affirmed without opinion by the U.S. Court of Appeals for the Federal Circuit. *See Geum Poong Corp. and Sam Young Synthetics Co. v. United States*, et. al, Court No. 03-1056, 1057, 2003 U.S. App. LEXIS 21438 (Fed. Cir. 2003) (Nonprecedential).

In its remand determination, the Department reviewed the record

evidence and derived a facts available profit cap using the financial statements of Saehan Industries, Inc., ("Saehan") and SK Chemical Co. Ltd., ("SK Chemical"), and calculated a profit rate for Geum Poong Corporation ("Geum Poong") using the same information.

As a result of the remand determination, Geum Poong will be excluded from the antidumping duty order on certain polyester staple fiber from Korea because its antidumping rate decreased from 14.10 percent to 0.12 percent (*de minimis*). The All-Others rate decreased from 11.38 percent to 7.91 percent. The antidumping duty rates for respondents Sam Young Synthetics Co. ("Sam Young"), and Samyang Corporation ("SAMYANG") were unchanged from the *Final Determination*. As there is now a final and conclusive court decision in this action, we are amending our *Final Determination*.

EFFECTIVE DATE: December 24, 2003.

FOR FURTHER INFORMATION CONTACT: Andrew McAllister or Judith Rudman, Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1174, or (202) 482-0192, respectively.

SUPPLEMENTARY INFORMATION:

Background

Following the publication of the *Final Determination*, the petitioners and the respondents in this case filed lawsuits with the CIT challenging the Department's *Final Determination*.

In the underlying investigation, the Department was required to calculate a CV profit rate for Geum Poong. Based on the information on the record, the Department determined that a combination of the CV profit rates calculated for the other respondents, Sam Young and Samyang, and a general profit ratio for the entire man-made fibers industry in Korea, extracted from a Bank of Korea ("BOK") publication, was a reasonable method for calculating Geum Poong's profit and was permissible under section 773(e)(2)(B)(iii) of the Act. (*See Final Determination*).

In its September 6, 2001, opinion, the Court affirmed certain aspects of the Department's method for calculating Geum Poong's CV profit. (*See Geum Poong Corp. v. United States*, 163 F. Supp. 2d. 669 (CIT 2002) ("*Geum Poong I*"). The Court also remanded certain aspects of the Department's determination. Specifically, the Court stated that the Department had not

adequately explained why a profit cap was not available and, even assuming a profit cap could not be applied, the Department had not adequately explained why the profit methodology it selected was reasonable. *Id.* at 678–9.

On October 5, 2001, the Department submitted its *Final Results of Redetermination Pursuant to Court Remand* (“*Redetermination I*”) in response to the Court’s remand order in *Geum Poong I*. In that redetermination, the Department stated its view that as a matter of law none of the profit information on the record of this proceeding could be used as a profit cap because all of the profit rates under consideration included, or likely included, profits on non-Korean sales. The Department further provided an explanation of its decision to reject certain profit data and to combine other profit rates to calculate the CV profit rate for Geum Poong.

In *Geum Poong Corporation and Sam Young Synthetics Co., Ltd. v. United States v. E. I. Dupont De Nemours, Inc., et. al.*, Slip Op 02–26 (March 8, 2002) (“*Geum Poong II*”), the Court remanded again the issue of Geum Poong’s CV profit.

We released the *Draft Redetermination Pursuant to Court Remand* (“*Draft Results*”) to interested parties on April 16, 2002. Comments on the *Draft Results* were received from the petitioners, Geum Poong and Sam Young on April 23, 2002. On April 30, 2002, the Department responded to the Court’s Order of Remand by filing its *Final Results of Redetermination Pursuant to Court Remand* (“*Final Results of Redetermination*”).

In the *Final Results of Redetermination*, we calculated a “facts available profit cap” using the financial statements of Saehan and SK Chemical. As per the Court’s express instructions, we used this “facts available profit cap” as the CV profit rate for Geum Poong.

The CIT affirmed the Department’s *Final Results of Redetermination* on August 22, 2002. See *Geum Poong Corporation and Sam Young Synthetics Co., Ltd. v. United States v. E.I. Dupont De Nemours, Inc.*, Court No. 00–06–00298, Slip. Op. 02–95 (CIT 2002). The Department appealed this decision. On October 9, 2003, the CIT’s decision was affirmed by the United States Court of Appeals for the Federal Circuit. See *Geum Poong Corp. and Sam Young Synthetics Co. V. United States, et. al.*, Court No. 03–1056, 1057, 2003 U.S. App. LEXIS 21438 (Fed. Cir. 2003) (Nonprecedential). On September 30, 2002, the Department published *Certain Polyester Staple Fiber from the Republic of Korea: Notice of Court Decision and*

Suspension of Liquidation (“*Timken Notice*”). See 67 FR at 61316. No party appealed the Federal Circuit opinion. Accordingly, we are now publishing the *Amended Final Determination* as provided in the *Timken Notice*.

Amendment to the Final Determination

Because there is now a final and conclusive decision in the court proceeding, effective as of the publication date of this notice, we are amending the *Final Determination* and establishing the following revised weighted-average dumping margins:

Exporter/manufacturer	Weighted-average margin percentage
Geum Poong Corporation Ltd.	0.12 (de minimis)
All-Others	7.91

The antidumping duty rates for respondents Sam Young and Samyang were unchanged from the *Final Determination*. The Department will issue appraisal instructions directly to U.S. Customs and Border Protection (“CBP”). The Department will instruct CBP to revise cash deposit rates for all parties subject to the All-Others rate, effective as of the publication of this notice. Furthermore, we will instruct CBP to liquidate entries from Geum Poong, which have been suspended pursuant to the antidumping duty order. In accordance with the Court’s decision, Geum Poong is now excluded from the antidumping duty order and its entries should be liquidated without regard to antidumping duties.

This notice is issued and published in accordance with section 751(a)(1) of the Act.

Dated: December 17, 2003.

James J. Jochum,

Assistant Secretary for for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Coastal Zone Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of intent to evaluate and notice of availability of final evaluation findings.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Texas Coastal Management Program; the North Carolina National Estuarine Research Reserve; the Grand Bay National Estuarine Research Reserve, Mississippi; and the Guana/Tolomato/Matanzas National Estuarine Research Reserve, Florida.

The Coastal Zone Management Program evaluation will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, and regulations at 15 CFR part 923, subpart L. The National Estuarine Research Reserve evaluations will be conducted pursuant to sections 312 and 315 of the CZMA and regulations at 15 CFR part 921, subpart E and part 923, subpart L.

The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Zone Management Programs and National Estuarine Research Reserves requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document or Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluations will include a site visit, consideration of public comments, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits.

Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of the public meetings during the site visits.

The Guana/Tolomato/Matanzas National Estuarine Research Reserve, Florida, evaluation site visit will be held February 9–12, 2004. One public meeting will be held during the week. The public meeting will be on Monday, February 9, 2004, at 6 p.m., at the Reserve’s offices at 9741 Ocean Shore Boulevard, Marineland, Florida.

The Texas Coastal Management Program evaluation site visit will be held March 22–26, 2004. One public meeting will be held during the week. The public meeting will be on Thursday, March 25, 2004, at 1 p.m., at the Carlos F. Truan Natural Resources Center, Conference Room 1003, Texas