

### Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 25, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Grant Aldonas,  
Under Secretary.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-046]

### Notice of Initiation of Antidumping Duty Changed Circumstances Review: Polychloroprene Rubber from Japan

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

**SUMMARY:** In accordance with section 751(b) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 351.216 (2003), Showa Denko Elastomers K.K. (SDEL) and Showa Denko K.K. (SDK) requested that the Department of Commerce (the Department) conduct an expedited changed circumstances review of the antidumping duty finding on polychloroprene rubber (PR) from Japan. In response to this request, the Department is initiating a changed circumstances review of the above-referenced finding.

**EFFECTIVE DATE:** July 31, 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 Department of Treasury 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 Showa DDE Manufacturing KK (SDEM) and DDE Japan Kabushiki Kaisha (DDE Japan) and, as such, entitled to receive the same antidumping treatment as these companies have been accorded.

Accordingly, SDEL/SDK requested that the Department conduct an expedited changed circumstances review of the antidumping duty finding on PR from Japan pursuant to section 751(b)(1) of the Act and 19 CFR 351.221(c)(3)(ii) of the Department's regulations.

#### 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 for U.S. Bureau of Customs and Border Protection (BCBP). The Department's written descriptions of the scope remain dispositive.

#### Initiation of Antidumping Duty Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty finding which shows changed circumstances sufficient to warrant a review of the order. Information submitted by SDEL/SDK regarding a change in ownership of the prior SDEM/DDE Japan joint venture shows changed circumstances sufficient to warrant a review. See 19 CFR 351.216(c) (2003).

In antidumping duty changed circumstances reviews involving a successor-in-interest determination, the Department typically 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 single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor company if the resulting operations are essentially the same as those of the predecessor company. 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. Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor. See, e.g., *Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changes Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999). Although SDEL/SDK submitted information indicating, allegedly, that with respect to subject merchandise, it operates in the same manner as its predecessor, SDEM/DDE Japan, that information is lacking any supporting documents. See Memoranda from Zev Primor to The File "Polychloroprene Rubber from Japan: Request for Additional Information for Changed Circumstances Review" dated June 30 and July 15, 2003.

Concerning SDEL/SDK's request that the Department conduct an expedited antidumping duty changed circumstances review, the Department has determined that it would be inappropriate to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii). Because of the absence of evidence to support SDEL/SDK's claims, the Department finds that an expedited proceeding is impracticable. Therefore, the Department is not issuing the preliminary results of its antidumping duty changed circumstances review at this time.

The Department will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(4) and 19 CFR 351.221(c)(3)(I). This notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of its antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated.

During the course of this antidumping duty changed circumstances review, we will not change the cash deposit requirements for the merchandise

subject to review. The cash deposit will only be altered, if warranted, pursuant to the final results of this review.

This notice of initiation is in accordance with sections 751(b)(1) of the Act and 19 CFR 351.221(b)(1) of the Department's regulations.

Dated: July 24, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Grant Aldonas,  
Under Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 071003D]

#### Marine Mammals; Notice Announcing Preparation of an Environmental Assessment for a Take Reduction Plan for the Western North Atlantic Coastal Stock of Bottlenose Dolphins

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

**ACTION:** Notice announcing preparation of an Environmental Assessment(EA).

**SUMMARY:** NMFS announces its intention to prepare a draft EA, in accordance with the National Environmental Policy Act (NEPA), for the development of a Bottlenose Dolphin Take Reduction Plan (BDTRP) to reduce the incidental mortality and serious injury of the western North Atlantic coastal stock of bottlenose dolphins (bottlenose dolphin) in commercial fisheries to below the potential biological removal(PBR)level for the stock. Through a previous notice, NMFS informed the public of the agency's intent to prepare an Environmental Impact Statement (EIS). NMFS has since received information indicating that in this case an EA is a more appropriate analysis under NEPA.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for information on the comment period for the EA.

**ADDRESSES:** For additional information on the BDTRP, contact Katie Moore, NMFS Southeast Regional Office, 9721 Executive Center Drive N, St. Petersburg, FL 33702, fax: 727-570-5517; Brian Hopper, NMFS Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-2298, fax: 978 281-9394; or Tanya Dobrzynski, NMFS Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, fax: 301-713-0376.

#### FOR FURTHER INFORMATION CONTACT:

Katie Moore, phone: 727-570-5312; or Tanya Dobrzynski, phone: 301-713-2322. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

For additional information on western North Atlantic coastal bottlenose dolphins, refer to the final 2002 Atlantic and Gulf of Mexico Marine Mammal Stock Assessment Reports (SARs). The reports can be accessed via the Internet at: [http://www.nmfs.noaa.gov/prot\\_res/PR2/Stock\\_Assessment\\_Program.html](http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program.html). For more information on the BDTRP, access the BDTRP site at: [http://www.nmfs.noaa.gov/prot\\_res/PR2/Health.html](http://www.nmfs.noaa.gov/prot_res/PR2/Health.html).

On July 22, 2002, NOAA Fisheries published in the **Federal Register** a Notice of Intent (NOI) to Prepare an Environmental Impact Statement(EIS)(67 FR 47772) for the development of a BDTRP. At that time, given the best available information, NMFS believed that the regulations to implement the BDTRP would have a significant adverse impact on participants in the related fisheries, as well as a significant beneficial impact on the western North Atlantic coastal stock of bottlenose dolphin. On September 19, 2002, NMFS published a notice reopening the comment period for an additional 45 days to ensure that the public had ample opportunity to provide comments. Since publication of the NOI, NMFS has received additional information on the status of the western North Atlantic Bottlenose Dolphin stock complex. New abundance estimates indicate an increase in stock abundance and an associated increase in potential biological removal (PBR) for 6 of the 8 management units within the bottlenose dolphin stock complex. Because of this new information, NMFS believes that take reduction measures necessary to reach PBR are much less likely to significantly impact either the stock or the related fisheries, as previously believed.

Pursuant to the National Oceanic and Atmospheric Administration (NOAA's) Administrative Order 216-6, when the agency determines not to pursue a proposed action after a notice of intent has been published, a second notice should be published to inform the public of the change. Through this

action, NMFS is providing notice that it will prepare an EA rather than an EIS as previously announced. The purpose of an EA is to determine whether significant environmental impacts could result from a proposed action. If the action is determined not to be significant, the EA and resulting Finding of No Significant Impact will be the final environmental documents required by the NEPA. If the EA reveals that significant environmental impacts may be reasonably expected to occur, then the agency will prepare an EIS. Through comments received on the NOI for the EIS and the associated public review process for the draft EA and proposed rule to implement the BDTRP, the agency will receive feedback on its determination of significance.

NMFS intends to develop and implement a BDTRP pursuant to section 118 of the Marine Mammal Protection Act (MMPA). The purpose of the proposed action is to reduce the incidental mortality and serious injury of the western North Atlantic coastal stock of bottlenose dolphins in commercial fisheries to below the PBR level for the stock. The BDTRP will address mortality and serious injury of western North Atlantic coastal bottlenose dolphins incidentally taken in the following Category I and II commercial fisheries: Mid-Atlantic coastal gillnet; North Carolina inshore gillnet; Southeast Atlantic gillnet; Southeastern U.S. Atlantic shark gillnet; Atlantic blue crab trap/pot; Mid-Atlantic haul/beach seine; North Carolina long haul seine; North Carolina roe mullet stop net; and Virginia pound net. The take reduction plan is being developed pursuant to the process described in section 118(f) of the MMPA.

Section 118(f) of the MMPA requires NMFS to convene a take reduction team to assist in the recovery and prevent the depletion of each strategic stock that interacts with Category I or II fisheries. The western North Atlantic coastal stock of bottlenose dolphins is a strategic stock. For more information about the stock, consult the SAR, as described in the Electronic Access portion of this notice. Strategic status was initially assigned because the stock is designated as depleted under the MMPA as a result of a large-scale mortality event that occurred in 1987-1988 (58 FR 17789, April 6, 1993). The stock also qualifies as strategic because mortality and serious injury of this stock incidental to commercial fishing exceeds the PBR level of the stock.

The immediate goal of a take reduction plan for a strategic stock of marine mammals is to reduce, within 6