

the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the Decision Memo are identical in content.

### Changes From the Preliminary Results

Based on our analysis of comments received and a review of the available information on the record, we have made certain changes to the margin calculations, including:

- We corrected the valuation of the "auxiliary agent" and the "wetting agent," which Liyang obtained from market economy sources and paid for in market economy currencies, by converting the per-kilogram prices for these inputs to per-metric ton prices for purposes of calculating Liyang's normal value.
- We revised the valuation of solid potassium hydroxide to rely on the average of the *Chemical Weekly* POR average price and the Indian import weighted-average value during the POR for this chemical.
- We corrected the valuation of liquid potassium hydroxide by adjusting the surrogate value for solid potassium hydroxide to reflect the concentration of the liquid input consumed by Liyang.
- We revised the valuation of liquid sodium hydroxide, also known as lye, to rely on the average of the *Chemical Weekly* POR average price and Indian import POR average value for this chemical, adjusted for the concentration consumed by Liyang. To calculate the Indian import portion of the value, we excluded imports from countries on which India has issued an antidumping duty order.
- We revised the valuation of solid sodium hydroxide, which was based on the average of the *Chemical Weekly* POR average price and the Indian import POR average value, to exclude imports of liquid sodium hydroxide and imports from countries on which India has issued an antidumping duty order from the import value portion of the calculation
- We revised the surrogate value for inland freight to apply the average of the Indian freight rate information derived from the February through May 2002 editions of *Chemical Weekly*.
- We revised the valuation of international freight to rely on the arrival notices submitted by Liyang.
- We revised the valuation of the foreign brokerage and handling expense to include an amount for terminal handling charges, which were considered part of the surrogate ocean

freight value applied in the preliminary results.

- We revised the valuation of marine insurance to apply the surrogate value rate on a percentage basis, rather than a per-unit basis.

For a discussion of these changes, see the "Margin Calculations" section of the Decision Memo, the Decision Memo comments, and the September 5, 2003, *Final Results Valuation Memorandum*.

### Final Results of the Review

We determine that the following margin percentage exists:

Manufacturer/producer/exporter	Margin percent
Liyang Skyblue Chemical Co., Ltd. ..	4.60

### Assessment Rates

The Department shall determine, and the U.S. Bureau of Customs and Border Protection (BCBP) shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. The Department will issue appropriate assessment instructions directly to BCBP within 15 days of publication of these final results of review. For entries of the subject merchandise during the POR from companies not subject to this review, we will instruct the BCBP to liquidate them at the cash deposit rate in effect at the time of entry.

### Cash Deposit Requirements

The cash deposit rate for all shipments by Liyang of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, will be the rate of 4.60 percent, as provided for by section 751(a)(1) of the Act. The cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding for which there was no request for administrative review will continue to be the rate assigned in that segment of the proceeding. The cash deposit rate for the PRC NME entity will continue to be 129.60 percent, and the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will continue to be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only 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(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213.

Dated: September 5, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

### Appendix—List of Issues

- Comment 1: Valuation of Phenylglycinonitrile
- Comment 2: Normal Value Based on Different Production Processes
- Comment 3: Surrogate Value for Castor Oil
- Comment 4: Valuation of Solid Potassium Hydroxide
- Comment 5: Adjustment for Concentration Levels of Liquid Sodium Hydroxide and Liquid Potassium Hydroxide
- Comment 6: Adjustment for Concentration Levels of Other Chemicals
- Comment 7: Valuation of Liquid Ammonia
- Comment 8: Valuation of Aniline
- Comment 9: Valuation of Ocean Freight
- Comment 10: Valuation of Auxiliary and Wetting Agents
- Comment 11: Valuation of Plastic Bags

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 090203B]

### Pacific Fishery Management Council; Notice of Intent

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS); request for written comments; notice of public scoping meetings.

**SUMMARY:** NMFS and the Pacific Fishery Management Council (Council) intend to prepare an EIS in accordance with the National Environmental Policy Act of 1969 analyzing the adoption of rebuilding plans for four overfished groundfish species: cowcod (*Sebastes levis*), bocaccio (*S. paucispinis*), widow rockfish (*S. entomelas*), and yelloweye rockfish (*S. ruberrimus*). The proposed action is to adopt these rebuilding plans as Amendment 16–3 to the Pacific Coast Groundfish Fishery Management Plan (Groundfish FMP) and adds key rebuilding targets to Federal groundfish regulations. This approach is consistent with the framework for rebuilding overfished species established in Amendment 16–1, which is currently under Secretarial review.

**DATES:** A public scoping meeting for the Amendment 16–3 EIS is scheduled for Sunday, November 2, 2003, from 3 p.m. to 5 p.m. in conjunction with the Council's November 3–7, 2003, meeting (see **SUPPLEMENTARY INFORMATION**). Written comments will be accepted at the Council office through November 10, 2003.

**ADDRESSES:** Written comments on issues and alternatives to be addressed in the Amendment 16–3 EIS should be sent to Dr. Donald McIsaac, Pacific Fishery Management Council, 7700 NE Ambassador Pl., Suite 200, Portland OR, 97220.

Comments also may be sent via email to [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov) (enter "Amendment 16–3 EIS scoping" in the subject line) or facsimile (fax) to 503–820–2299.

**FOR FURTHER INFORMATION CONTACT:** Matthew Harrington, NMFS, Northwest Region; telephone: 206–526–4742, fax: 206–526–6426 and e-mail: [matthew.harrington@noaa.gov](mailto:matthew.harrington@noaa.gov); or Kit Dahl, Pacific Fishery Management Council; telephone: 503–820–8220 or 866–806–7204 (toll free), fax: 503–820–2299 and email: [kit.dahl@noaa.gov](mailto:kit.dahl@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS and the Council published a notice of intent to prepare an EIS evaluating rebuilding plans for overfished groundfish at 67 FR 18576 on April 16, 2002. Rebuilding measures apply to groundfish species that have been declared overfished by the U.S. Secretary of Commerce pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and these

measures must be consistent with the provisions of Section 304(e) of the Magnuson-Stevens Act. At that time, NMFS and the Council planned to prepare a single EIS evaluating both the framework for adopting rebuilding plans and the adopted rebuilding plans themselves. A subsequent notice of intent, published in the **Federal Register** on March 18, 2003, (68 FR 12888) announced that separate analyses would be prepared: an environmental assessment (EA) for the framework portion of the action and one or more EISs for the rebuilding plans themselves. This approach facilitates rebuilding plan adoption for two reasons. First, the framework, which establishes procedures and standards, was not anticipated to result in significant impacts to the human environment. Therefore, the proposed action could be evaluated in an EA. Completing Council decision-making on this framework would provide greater certitude about the process and standards to be subsequently used in adopting rebuilding plans. Second, not all the scientific analyses needed to prepare rebuilding plans were completed simultaneously. Rather than waiting and delaying adoption of rebuilding plans, several amendments were planned based on the availability of stock assessments and scientific analyses. The framework is established in Amendment 16–1, which is currently under Secretarial review published in the **Federal Register** on August 18, 2003, at (68 FR 49415). The Council prepared an EIS for Amendment 16–2, that adopts rebuilding plans for four species: canary rockfish (*Sebastes pinniger*), darkblotched rockfish (*S. crameri*), Pacific ocean perch (*S. alutus*), and lingcod (*Ophiodon elongatus*). The Amendment 16–2 draft EIS (DEIS) is scheduled to be available for a 45-day public comment period beginning on September 19, 2003.

Amendment 16–3 will adopt rebuilding plans for four overfished groundfish species: cowcod (*Sebastes levis*), bocaccio (*S. paucispinis*), widow rockfish (*S. entomelas*), and yelloweye rockfish (*S. ruberrimus*). The rebuilding plan for Pacific whiting (*Merluccius productus*), the final groundfish species to be declared overfished to date, will be adopted in a subsequent FMP amendment.

#### Alternatives

According to the rebuilding plan framework, certain elements of rebuilding plans must be incorporated into the Groundfish FMP and Federal groundfish regulations. These include strategic rebuilding parameters, which

are subject to policy decisions made by the Council. These parameters reflect the tradeoff between rebuilding the stock in as short a time period as possible and the needs of fishing communities and the interaction of the stock with the marine ecosystem. Rebuilding means returning a fish stock to a size and structure capable of supporting maximum sustainable yield (or the highest level of harvest that can occur on a continuing basis). There are three such strategic rebuilding parameters. The first is the harvest control rule, which expresses a given fishing mortality rate over the course of rebuilding the stock. The second is, for a given fishing mortality rate, the probability that the stock will be rebuilt in the maximum time period allowed under National Standard 1 guidelines (50 CFR 600.310(e)(4)(ii)), or the "rebuilding probability." The third is a "target year," which is defined as the year in which there is a 50 percent likelihood that the stock will have been rebuilt, for a given fishing mortality rate. For any given fishing mortality rate, there is a unique value for the rebuilding probability and the related target year. However, in developing their strategy, policymakers can choose any one of the three strategic parameters, recognizing that choosing one parameter will determine the value of the other two parameters.

The alternatives in the Amendment 16–2 EIS present the choice of rebuilding strategies in terms of rebuilding probabilities for each of the overfished species. It is likely that the alternatives in Amendment 16–3 will be similarly structured. Once the strategic parameters are chosen, they will be used to determine annual harvest levels, or optimum yield (OY) values for overfished species. A rebuilding strategy also includes the management measures necessary to constrain fishing mortality to the OY. However, new management measures will not be incorporated into the FMP through Amendment 16–3. Instead, existing management measures, which are part of the Groundfish FMP management framework, will be used to manage total fishing mortality. These measures are implemented periodically, through a harvest specification process. (To date, this harvest specification process has occurred annually. Beginning in 2005, it will switch to a biennial cycle.) This approach is considered more adaptive, because management measures can be regularly adjusted in response to new information about the status of stocks.

### Preliminary Identification of Environmental Issues

A principal objective of the scoping and public input process is to identify potentially significant impacts to the human environment that should be analyzed in depth in the EIS. Council and NMFS staff conducted initial screening to identify potentially significant impacts resulting from the proposed action. These impacts relate to the likelihood that overfished stocks will rebuild and, generally, effects stemming from the need to constrain fishing in order to rebuild overfished groundfish stocks. Impacts to the following components of the biological and physical environment may be evaluated: (1) essential fish habitat and ecosystem; (2) protected species listed under the Endangered Species Act and Marine Mammal Protection Act and their critical habitat; and (3) the fishery management unit, including target and non-target fish stocks, and especially overfished groundfish stocks. Socioeconomic impacts are also considered in terms of the effect changes in projected harvests will have on the following groups of individuals: (1) those who participate in harvesting the fishery resources and other living marine resources; (2) those who process and market fish and fish products; (3) those who are involved in allied support industries; (4) those who consume fish products; (5) those who rely on living marine resources in the management area, either for subsistence needs or for recreational benefits; (6) those who benefit from non-consumptive uses of living marine resources; (7) those involved in managing and monitoring fisheries; and (8) fishing communities.

### Scoping

A public scoping meeting is scheduled for Sunday, November 2, 2003, from 3 p.m. to 5 p.m. This scoping session will coincide with the Council meeting and will occur at the same location, the Hilton San Diego/Del Mar, 15575 Jimmy Durante Blvd., Del Mar, CA 92014-1901 (858-792-5200). The primary purpose of the scoping meeting is to focus the analysis on the real issues and concerns of the public (see 40 CFR 1500.5(d) and 40 CFR 1501.7). Public comment also may be made during the November Council meeting (November 3-7, 2003), under the agenda when the Council will consider the proposed action. The agenda for this meeting will be available from the Council website or by request from Council offices in advance of the meeting (see **ADDRESSES**). The agenda will also identify the room in which the Sunday scoping meeting

will occur. Written comments on the scope of issues and alternatives may be submitted as described under **ADDRESSES**.

NMFS invites comments and suggestions on the scope of the analysis to be included in the environmental impact statement for Amendment 16-3. The scope includes the range of alternatives to be considered and potentially significant impacts to the human environment that should be evaluated in the EIS. In addition, NMFS is notifying the public that, in conjunction with the Council, it is beginning a full environmental analysis and decision-making process for this proposal so that interested or affected people may know how they can participate in the environmental analysis and contribute to the final decision.

A draft environmental impact statement (DEIS) will be prepared for comment later on in the process. The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time.

To be the most helpful, comments on the DEIS should be as specific as possible. Comments received during the scoping process, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

### Special Accommodations

These meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at 503-820-2280 at least five days prior to the scheduled meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 5, 2003.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 052803A]

#### Taking Marine Mammals Incidental to Specified Activities; Oceanographic Surveys at the Storegga Slide, Norwegian Sea

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

**ACTION:** Notice of issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to conducting oceanographic surveys at the Storegga Slide off the west coast of Norway in the Norwegian Sea has been issued to Lamont-Doherty Earth Observatory (LDEO).

**DATES:** Effective from August 28, 2003, through August 27, 2004.

**ADDRESSES:** The application, a list of references used in this document, and/or the IHA are available by writing to the Acting Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed here.

**FOR FURTHER INFORMATION CONTACT:** Sarah C. Hagedorn, Office of Protected Resources, NMFS, (301) 713-2322, ext 117.

### SUPPLEMENTARY INFORMATION:

#### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the