

7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and BCBP purposes, the written description of the merchandise under investigation is dispositive.

#### Period of Review

The POR is May 1, 2001 through April 30, 2002.

#### Preliminary Rescission of Review in Part

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise. Both Ta Chen and YUSCO certified on the record that they did not export subject merchandise to the United States during the POR. The Department then conducted a BCBP inquiry and pursued additional questions following the BCBP inquiry pertaining to Ta Chen and YUSCO. In response to our requests, BCBP supplied further information to the Department. For Ta Chen, all the documentation provided to the Department by BCBP indicates that there were no shipments of subject merchandise during the POR. *See* Memorandum to the File dated February 25, 2003.

Petitioners allege Ta Chen was affiliated with other Taiwanese companies during the POR. *See* Petitioners submission to the Department, dated April 4, 2003. Absent entries of subject merchandise produced and exported to the United States by Ta Chen during the POR, however, the Department has preliminarily determined to rescind this administrative review. *See* Memorandum to the File on February 25, 2003. The parties being reviewed in this case are Ta Chen and YUSCO, *not* the other parties which have been alleged to be affiliated with Ta Chen and YUSCO. Neither the Petitioners nor any other party requested an administrative review of Ta Chen's alleged affiliates. As it is, Ta Chen has been found preliminarily to have exported no subject merchandise to the United States during the POR. Therefore, absent entries, there is no reason for the

Department to conduct an affiliation analysis. If the Petitioners believe other parties potentially affiliated with Ta Chen and YUSCO are exporting subject merchandise to the United States, then a review in subsequent periods of reviews for those companies should be requested. However, for purposes of *this* administrative review, the Department preliminarily finds that Ta Chen had no entries of subject merchandise in the United States during the POR. *See* 19 CFR 351.213(b) providing that the domestic industry must specify the exporter or producer it wishes the Department to review in its request for an administrative review.

For YUSCO, the Department found a discrepancy in the BCBP database and contacted BCBP on this matter. BCBP agreed that a discrepancy existed and resolved it. *See* BCBP letter to Edward Yang from Alfred Morawski, placed on the record of this proceeding on March 20, 2003. As a result of BCBP's efforts, the BCBP's database now confirms that YUSCO had no shipments of subject merchandise to the United States during the POR.

Petitioners provided affiliation arguments for YUSCO as well, but again, absent entries to the United States by YUSCO during the POR, the Department has preliminarily determined to rescind this administrative review. Petitioners did not request a review of the alleged affiliated parties. Had they made such an allegation, we would have conducted a review accordingly. The record indicates YUSCO had no entries to the United States of subject merchandise during the POR. Thus, the Department has preliminarily determined to rescind this administrative review. *See* 19 CFR 351.213(b).

As discussed above, in this case the Department is satisfied, after a review of information on the record, certification from YUSCO and Ta Chen of no exports to the United States during the POR, the inquiry on data from BCBP, and further communications with BCBP, that there were no entries of stainless steel plate in coils produced or exported from Ta Chen or YUSCO during the POR to the United States. Therefore, the Department is preliminarily rescinding this administrative review. The cash deposit rate for YUSCO will remain at 8.02 percent, for Ta Chen the cash deposit rate will remain at 10.20 percent, and for "all other" producers/exporters of the subject merchandise the cash deposit rate will remain at 7.39 percent, the rates established in the most recently completed segment of this proceeding. *See Notice of Final Results and Rescission in Part of Antidumping*

*Duty Administrative Review: Stainless Steel Plate in Coils From Taiwan*, 67 FR 40914 (June 14, 2002).

Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to this preliminary rescission. Case briefs must be submitted within 30 days after the date of publication of this notice and rebuttal briefs, limited to arguments raised in the case briefs, must be submitted no later than 7 days after the time limit for filing case briefs. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

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

Dated: May 27, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 03-14039 Filed 6-3-02; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 052303E]

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan (ALWTRP)

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

**ACTION:** Notice.

**SUMMARY:** The Assistant Administrator for Fisheries (AA), NOAA, announces that lobster trap/pot and anchored gillnet fishermen are requested to remove on a voluntary basis their gear from an area totaling approximately 925 square nautical miles (nm<sup>2</sup>) (1,714 km<sup>2</sup>), northeast of Cape Cod, MA, for 15 days. These fishermen are also asked not to set additional gear during this period. The purpose of this action is to provide protection to an aggregation of North Atlantic right whales (right whales).

**DATES:** Effective beginning at 0001 hours May 29, 2003, through 2400 hours June 13, 2003.

**ADDRESSES:** Copies of the proposed and final Dynamic Area Management rules, Environmental Assessment (EA), Atlantic Large Whale Take Reduction Team (ALWTRT) meeting summaries, and progress reports on implementation

of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:**

Diane Borggaard, NMFS/Northeast Region, 978-281-9328; or Kristy Long, NMFS, Office of Protected Resources, 301-713-1401.

**SUPPLEMENTARY INFORMATION:** *Electronic Access.* Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.nmfs.gov/whaletrp/>.

**Background**

The ALWTRP was developed pursuant to section 118 of the Marine Mammal Protection Act (MMPA) to reduce the incidental mortality and serious injury of four species of whales (right, fin, humpback, and minke) due to incidental interaction with commercial fishing activities. The ALWTRP, implemented through regulations codified at 50 CFR 229.32, relies on a combination of fishing gear modifications and time/area closures to reduce the risk of whales becoming entangled in commercial fishing gear (and potentially suffering serious injury or mortality as a result).

On January 9, 2002, NMFS published the final rule to implement the ALWTRP's Dynamic Area Management (DAM) program (67 FR 1133). The DAM program provides specific authority for NMFS to restrict temporarily on an expedited basis the use of lobster trap/pot and anchored gillnet fishing gear in areas north of 40° N. lat. to protect right whales. Under the DAM program, NMFS may: (1) require the removal of all lobster trap and anchored gillnet fishing gear for a 15-day period; (2) allow lobster trap and anchored gillnet fishing within a DAM zone with gear modifications determined by NMFS to sufficiently reduce the risk of entanglement; and/or (3) issue an alert to fishermen requesting the voluntary removal of all lobster trap and anchored gillnet gear for a 15-day period, and asking fishermen not to set any additional gear in the DAM zone during the 15-day period.

A DAM zone is triggered when NMFS receives a reliable report from a qualified individual of three or more right whales sighted within an area (75 nm<sup>2</sup> (139 km<sup>2</sup>)) such that right whale density is equal to or greater than 0.04 right whales per nm<sup>2</sup> (1.85 km<sup>2</sup>). A qualified individual is an individual ascertained by NMFS to be reasonably able, through training or experience, to identify a right whale. Such individuals

include, but are not limited to, NMFS staff, U.S. Coast Guard and Navy personnel trained in whale identification, scientific research survey personnel, whale watch operators and naturalists, and mariners trained in whale species identification through disentanglement training or some other training program deemed adequate by NMFS. A reliable report would be a credible right whale sighting.

On May 18, 2003, NMFS Aerial Survey Team reported a sighting of 3 right whales in the proximity of 42° 13' N latitude and 69° 37' W longitude. This position lies northeast of Cape Cod, MA, in an area called Wilkinson Basin. Thus, NMFS has received a reliable report from a qualified individual of the requisite right whale density to trigger the DAM provisions of the ALWTRP.

Once a DAM zone is triggered, NMFS determines whether to impose restrictions on fishing and/or fishing gear in the zone. This determination is based on the following factors, including but not limited to: the location of the DAM zone with respect to other fishery closure areas, weather conditions as they relate to the safety of human life at sea, the type and amount of gear already present in the area, and a review of recent right whale entanglement and mortality data.

Because the Seasonal Area Management (SAM) East zone overlaps a portion of the DAM zone, this area is excluded the DAM zone.

NMFS has reviewed the factors and management options noted above relative to the DAM under consideration. NMFS requests the voluntary removal of lobster trap/pot and anchored gillnet gear and asks lobster trap/pot and anchored gillnet fishermen not to set any new gear in this area during the 15-day restricted period. The DAM zone is bound by the following coordinates:

42°33'N, 69°56'W (NW Corner)  
42°33'N, 69°24'W  
41°55'N, 69°24'W  
41°55'N, 69°56'W

NMFS requests voluntary action within the DAM zone because of the minimal amount of fishing gear in these waters during this time of year and, based on what we know about right whale migration, the animals should be moving into other protected areas such as the SAM East zone and the Great South Channel Critical Habitat. The request for removal of gear and no setting of additional gear will be in effect beginning at 0001 hours May 29, 2003, through 2400 hours June 13, 2003, unless terminated sooner or extended by NMFS, through another notification in the **Federal Register**.

The request for voluntary action will be announced to state officials, fishermen, Atlantic Large Whale Take Reduction Team (ALWTRT) members, and other interested parties through e-mail, phone contact, NOAA website, and other appropriate media immediately upon filing with the **Federal Register**.

**Classification**

In accordance with section 118(f)(9) of the MMPA, the Assistant Administrator for Fisheries(AA) has determined that this action is necessary to implement a take reduction plan to protect North Atlantic right whales.

This action falls within the scope of alternatives and impacts analyzed in the Final EA prepared for the ALWTRP's DAM program. Further analysis under the National Environmental Policy Act (NEPA) is not required.

NMFS determined that the regulations establishing the DAM program and actions such as this one taken pursuant to those regulations are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of the U.S. Atlantic coastal states. This determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Following state review of the regulations creating the DAM program, no state disagreed with NMFS' conclusion that the DAM program is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program for that state.

The DAM program under which NMFS is taking this action contains policies with federalism implications warranting preparation of a federalism assessment under Executive Order 13132. Accordingly, in October 2001, the Assistant Secretary for Intergovernmental and Legislative Affairs, DOC, provided notice of the DAM program to the appropriate elected officials in states to be affected by actions taken pursuant to the DAM program. Federalism issues raised by state officials were addressed in the final rule implementing the DAM program. A copy of the federalism Summary Impact Statement for that final rule is available upon request (ADDRESSES).

The rule implementing the DAM program has been determined to be not significant under Executive Order 12866.

**Authority:** 16 U.S.C. 1361 *et seq.* and 50 CFR 229.32(g)(3)

Dated: May 28, 2003.

**John Oliver,**

*Deputy Assistant Administrator for  
Operations, National Marine Fisheries  
Service.*

[FR Doc. 03-13913 Filed 5-29-03; 4:39 pm]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 052803D]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches

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

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that an authorization for June 1, 2003 through December 31, 2003 to take small numbers of seals and sea lions has been issued to the 30th Space Wing, U.S. Air Force.

**ADDRESSES:** The letter of authorization and supporting documentation are available for review during regular business hours in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and the Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Skrupky, Office of Protected Resources, NMFS, (301) 713-2322, or Christina Fahy, NMFS, (562) 980-4023.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers 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 regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or

stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of seals and sea lions incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg Air Force Base, CA were published on March 1, 1999 (64 FR 9925), and remain in effect until December 31, 2003.

Issuance of this letter of authorization is based on a finding that the total takings will have no more than a negligible impact on the seal and sea lion populations off the Vandenberg coast and on the Northern Channel Islands.

Dated: May 28, 2003.

**Laurie K. Allen,**

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service*

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 053003A]

#### Caribbean Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Caribbean Fishery Management Council (Council) and its Administrative Committee will hold meetings.

**DATES:** The meetings will be held on June 18-20, 2003. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held at the Buccaneer Hotel, #7 Estate Shoys, Christiansted, St. Croix, USVI.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108,

San Juan, Puerto Rico 00918-1920, telephone: (787) 766-5926.

**SUPPLEMENTARY INFORMATION:** The Council will convene on Wednesday, June 18th, 2003, from 9 a.m. to 4 p.m., and the Administrative Committee will meet from 4:15 p.m. to 5:30 p.m. The Council will reconvene on Thursday, June 19, 2003, from 9 a.m. to 5 p.m., approximately, and Friday, June 20, 2003, from 9 a.m. to 5 p.m. The Council will hold its 112th regular public meeting to discuss the items contained in the following agenda:

#### June 28, 2003

9 a.m. - 4 p.m.

Call to Order  
Adoption of Agenda  
Consideration of 111th Council Meeting Verbatim Minutes  
Executive Director's Report  
Queen Conch Geographic Information System (GIS) - Dr. M. Barreto  
Culebra's Marine Reserve Survey - Dr. Edwin Hernandez  
Updates  
-Marine Conservation District (MCD) Mapping Project - Jose Rivera  
-MCD Photographic Survey - Graciela Garcia-Moliner  
-Hydro-acoustic Survey - Jose Rivera and Aida Rosario  
-West Coast of Puerto Rico Side Scan Sonar Projects - Aida Rosario  
Essential Fish Habitat- Draft Environmental Impact Statement (EFH-DEIS) - Bob Trumble

4:15 p.m. - 5:30 p.m.

Administrative Committee Meeting  
-Advisory Panel (AP)/Scientific and Statistical Committee/Habitat AP Membership  
-Budget: 2002, 2003, 2004-5  
-Queen Conch Initiative—Projects for Education and Scientific Literature  
-Personnel Issues and Statement of Organization Practices and Procedures  
-Other Business

#### June 19, 2003

9 a.m. - 5 p.m.

EFH/DEIS Continuation of Discussion  
-Schedule for the submission of EFH/DEIS

#### June 20, 2003

9 a.m. - 12 noon

NOAA Fisheries 2003 Constituents Session - Dr. W. Hogarth

1 p.m. to 5 p.m.

Enforcement  
-Federal Government  
-Puerto Rico  
-U.S. Virgin Islands