

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