

reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

#### Notifications to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under 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 the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221.

Dated: May 15, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Final Decision Memorandum

- I. Summary
- II. List of Comments
- III. Background
- IV. Scope of the Order
- V. Changes Made Since the *Preliminary Results*
- VI. Analysis of Comments
  - Comments Concerning Navneet*
    - Comment 1: Whether Commerce Should Apply Total or Partial Adverse Facts Available to Navneet in the Final Results
    - Comment 2: Whether Commerce Should Make a Central Excise Tax (CET) Adjustment for Navneet's Home Market Price and/or Navneet's Total Cost of Manufacture (TCOM)
    - Comments Concerning Kokuyo*
      - Comment 3: Whether Commerce Should Grant a Full Scrap Offset to Kokuyo
      - Comment 4: Whether Commerce Used the Correct Version of Kokuyo's Comparison Market Database
- VII. Recommendation

[FR Doc. 2019-10546 Filed 5-20-19; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-884]

#### Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Notice of Court Decision Not in Harmony With Amended Final Determination of the Countervailing Duty Investigation

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On May 1, 2019, the United States Court of International Trade (CIT) sustained the final remand results pertaining to the countervailing duty (CVD) investigation on certain hot-rolled steel flat products from the Republic of Korea covering the period January 1, 2014, through December 31, 2014. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the *Amended Final Determination* of the CVD investigation and that Commerce is amending the *Amended Final Determination* with respect to the CVD rate assigned to POSCO.

**DATES:** Applicable May 11, 2019.

**FOR FURTHER INFORMATION CONTACT:** Carrie Bethea, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1491.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 12, 2016, Commerce published its *Final Determination*.<sup>1</sup> Upon consideration of ministerial error allegations, Commerce issued an *Amended Final Determination* and calculated a subsidy rate of 56.68 percent for POSCO.<sup>2</sup>

On September 11, 2018, the CIT remanded various aspects of the *Amended Final Determination* to Commerce.<sup>3</sup> In its *Remand Order*, the CIT held that substantial evidence supports Commerce's decision to apply adverse facts available (AFA).<sup>4</sup> The CIT

held that the record demonstrated that POSCO failed to provide requested information in a timely manner, reflecting a failure to act to the best of its ability.<sup>5</sup>

However, the CIT also held that Commerce had not conducted a "fact-specific inquiry," under the relatively new statutory language of section 776(d)(2) of the Tariff Act of 1930, as amended (the Act) and had not "provide{d} its reasons for selecting the highest rate out of all potential countervailable subsidy rates."<sup>6</sup> The CIT, therefore, instructed Commerce to conduct this fact-specific inquiry.<sup>7</sup> In addition, because the CIT remanded Commerce's *Amended Final Determination* on this basis, the CIT reserved consideration of whether Commerce failed to corroborate the two selected rates in calculating POSCO's total AFA margin.<sup>8</sup> Pursuant to the *Remand Order*, Commerce issued its Final Redetermination, which addressed the CIT's holdings and revised the CVD rate for POSCO to 41.57 percent.<sup>9</sup> Specifically, we continued to find it appropriate to select the highest rate as an AFA rate, but selected the 1.05 percent rate from *Washers from Korea* to address concerns regarding the corroboration of the 1.64 percent rate used in the *Amended Final Determination*.<sup>10</sup> On May 1, 2019, the CIT sustained in whole Commerce's Final Redetermination.<sup>11</sup>

##### Timken Notice

In its decision in *Timken*,<sup>12</sup> as clarified by *Diamond Sawblades*,<sup>13</sup> the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Act, Commerce must publish a notice of court decision that is not "in harmony" with Commerce's determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's May 1, 2019 final judgment, sustaining Commerce's selection of the 1.05 percent rate from *Washers from Korea* as the subsidy rate for programs that were calculated on the basis of adverse facts

<sup>5</sup> *Id.* at 13-14, 17.

<sup>6</sup> *Id.* at 19.

<sup>7</sup> *Id.* at 15.

<sup>8</sup> *Id.*

<sup>9</sup> See *POSCO v. United States*, Consol. Court No. 16-00227, Slip Op. 18-117 (CIT 2018) Final Results of Redetermination Pursuant to Court Remand, dated November 13, 2018, at 24.

<sup>10</sup> *Id.* at 17-19.

<sup>11</sup> See *POSCO v. United States*, Consol. Court No. 16-00227, Slip Op. 19-52 (CIT May 1, 2019).

<sup>12</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>13</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>1</sup> See *Countervailing Duty Investigation of Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Affirmative Determination*, 81 FR 53439 (August 12, 2016) (*Final Determination*) and accompanying Issues and Decision Memorandum.

<sup>2</sup> See *Certain Hot-Rolled Steel Flat Products from Brazil and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determinations and Countervailing Duty Order*, 81 FR 67960 (October 3, 2016) (*Amended Final Determination*).

<sup>3</sup> See *POSCO v. United States*, Consol. Court No. 16-00227, Slip Op. 18-117 (CIT 2018) (*Remand Order*).

<sup>4</sup> See *Remand Order* at 15.

available and the resulting 41.57 percent CVD rate for POSCO, constitutes a final decision of that court that is not in harmony with the *Final Amended Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

This notice is issued and published in accordance with sections 516A(e)(1), 705(c)(1)(B), and 777(i)(1) of the Act.

Dated: May 15, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2019-10544 Filed 5-20-19; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF862**

#### Endangered Species; File No. 21367

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

**ACTION:** Notice; receipt of application for a permit modification.

**SUMMARY:** Notice is hereby given that Christopher Marshall, Ph.D., Texas A&M University at Galveston, 200 Seawolf Parkway, Galveston, TX 77553, has requested a modification to scientific research Permit No. 21367.

**DATES:** Written, telefaxed, or email comments must be received on or before June 20, 2019.

**ADDRESSES:** The modification request and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 21367 Mod 3 from the list of available applications. These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427-8401; fax: (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request

to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Amy Hapeman or Erin Markin, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject modification to Permit No. 21367, issued on March 15, 2018 (83 FR 17655) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 21367 authorizes the permit holder to conduct research on sea turtles to characterize the movement, habitat use, foraging ecology, and health of sea turtles on the Texas coast and in the western Gulf of Mexico. Researchers are authorized to capture sea turtles by hand, dip net, tangle net or cast net and perform the following procedures prior to release of animals: Examination, marking, morphometrics, biological sampling, and attachment of transmitters. The permit holder requests authorization to increase the number of green sea turtles (*Chelonia mydas*) that may be taken annually from 45 to 80 animals to accommodate increased efforts in Laguna Madre. No other changes to the permit are requested.

Dated: May 16, 2019.

**Julia Marie Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2019-10548 Filed 5-20-19; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-BI08**

#### Atlantic Highly Migratory Species; Amendment 13 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan

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

**ACTION:** Notice of intent (NOI) to prepare an environmental impact analysis; notice of availability of issues and options paper; request for comments.

**SUMMARY:** NMFS announces its intent to prepare an environmental impact

analysis under the National Environmental Policy Act (NEPA), and the availability of the Issues and Options Paper for Amendment 13 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) (Issues and Options Paper). This notice announces the start of a public process for determining the scope of significant issues related to the management of Atlantic bluefin tuna (bluefin), and addressing issues identified by considering modification of bluefin regulations. The catalysts for beginning this regulatory process are the release of the Draft Three-Year Review of the IBQ Program (Three-Year Review), recent changes in the bluefin fishery, and advice and input from the HMS Advisory Panel and the public.

The environmental impact analysis will include an assessment of the potential effects of alternative measures for management of bluefin under the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP). The subjects in the Issues and Options Paper include refining the Individual Bluefin Quota (IBQ) Program, reassessing allocation of the bluefin quota and subquota, including the potential elimination or phasing out of the Purse Seine category, and other regulatory provisions regarding directed fisheries and incidental pelagic longline fisheries. The scoping process and environmental impact analysis would determine whether existing management measures are the best means of achieving current management objectives and providing flexibility to adapt to variability in the future, consistent with the 2006 Consolidated HMS FMP, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Atlantic Tunas Convention Act (ATCA), and other relevant Federal laws. NMFS will use the scoping process and the draft environmental impact analysis to consider development of Amendment 13 to the 2006 Consolidated HMS FMP, if warranted.

NMFS is requesting comments on this NOI and the management options described in the Issues and Options Paper, and other potential regulatory provisions regarding the bluefin directed fisheries and incidental pelagic longline fishery that would meet the purpose and need for this action. NMFS will hold public scoping meetings and a webinar to gather comment on these measures and potential management options. The time and location details of the scoping meetings and webinar will be announced in a separate **Federal Register** notice. NMFS will also present