

**Changes Since the Preliminary Results**

Based on case briefs, rebuttal briefs, and all supporting documentation, we made no changes from the *Preliminary Results*.

**Methodology**

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>12</sup> The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce’s conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

**Final Results of Review**

In accordance with 19 CFR 351.221(b)(5), we determine the following net subsidy rates for the 2016 administrative review:

Company	Subsidy rate (percent)
Heze Huayi Chemical Co., Ltd. ....	1.71
Juancheng Kangtai Chemical Co., Ltd. ....	1.54

**Assessment Rates**

In accordance with 19 CFR 351.212(b)(2), Commerce intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review, to liquidate shipments of subject merchandise produced and/or exported by the companies listed above, entered, or withdrawn from warehouse, for consumption on or after January 1, 2016 through December 31, 2016, at the *ad valorem* rates listed above.

**Cash Deposit Instructions**

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit

<sup>12</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

requirements, when imposed, shall remain in effect until further notice.

**Administrative Protective Orders**

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.

**Notification to Interested Parties**

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 12, 2019.  
**Jeffrey I. Kessler,**  
*Assistant Secretary for Enforcement and Compliance.*

**Appendix—List of Topics Discussed in the Final Decision Memorandum**

- I. Summary
- II. Background
- III. List of Interested Party Comments
- IV. Scope of the Order
- V. Changes From the Preliminary Results
- VI. Subsidies Valuation Information
- VII. Benchmarks
- VIII. Use of Facts Otherwise Available and Adverse Inferences
- IX. Programs Determined To Be Countervailable
- X. Programs Determined Not To Confer Measurable Benefits
- XI. Programs Determined Not To Be Used During the POR
- XII. Analysis of Comments
  - Comment 1: Applying AFA to the Export Buyer’s Credit Program
  - Comment 2: AFA Rate
- XIII. Conclusion

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648–XQ001**

**Taking and Importing of Marine Mammals**

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

**ACTION:** Notice; affirmative finding annual renewals for Ecuador, El Salvador, Guatemala, Mexico, Peru, and Spain.

**SUMMARY:** The NMFS Assistant Administrator (Assistant Administrator) has renewed affirmative findings for the Governments of Ecuador, El Salvador, Guatemala, Mexico, Peru, and Spain (referred to hereafter as “the Nations”) under the Marine Mammal Protection Act (MMPA). These affirmative findings will continue to allow the importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) for 1 year in compliance with the Agreement on the International Dolphin Conservation Program (AIDCP) by purse seine vessels operating under the Nations’ jurisdiction or exported from the Nations. NMFS bases the affirmative finding annual renewals on reviews of documentary evidence submitted by the Governments of the Nations and of information obtained from the secretariat of the Inter-American Tropical Tuna Commission (IATTC).

**DATES:** These affirmative finding annual renewals are effective for the one-year period of April 1, 2019, through March 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Justin Greenman, West Coast Region, National Marine Fisheries Service, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802. Phone: 562–980–3264. Email: [justin.greenman@noaa.gov](mailto:justin.greenman@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, allows for importation into the United States of yellowfin tuna harvested by purse seine vessels in the ETP from a nation with jurisdiction over purse seine vessels with carrying capacity greater than 400 short tons that harvest tuna in the ETP only if the nation has an “affirmative finding” issued by the NMFS Assistant Administrator. See Section 101(a)(2)(B) of the MMPA, 16 U.S.C. 1371(a)(2)(B). If requested the government of such a nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government, the IATTC secretariat, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the AIDCP and its obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request a new affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS reviews the affirmative finding and determines whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with AIDCP and IATTC

measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the AIDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f)(8), the Assistant Administrator considered documentary evidence submitted by the Governments of The Nations and obtained from the IATTC secretariat and has determined that The Nations have met the MMPA's requirements to receive affirmative finding annual renewals.

After consultation with the Department of State, the Assistant Administrator issued affirmative finding annual renewals to the Nations, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by purse seine vessels operating under the Nations' jurisdiction or exported from the Nations. Issuance of affirmative finding annual renewals for the Nations does not affect implementation of an intermediary nation embargo under 50 CFR 216.24(f)(9), which apply to exports from a nation that exports to the United States yellowfin tuna or yellowfin tuna products that was subject to a ban on importation into the United States under section 101(a)(2)(B) of the MMPA, 16 U.S.C. 1371(a)(2)(B). These affirmative finding renewals are for the 1-year period of April 1, 2019, through March 31, 2020.

El Salvador's 5-year affirmative finding will remain valid through March 31, 2023, Peru's 5-year affirmative finding will remain valid through March 31, 2022, and Ecuador, Guatemala, Mexico, and Spain's 5-year affirmative findings will remain valid through March 31, 2020, subject to subsequent annual reviews by NMFS.

Dated: July 24, 2019.

**Paul N. Doremus,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XQ002

#### Taking and Importing of Marine Mammals

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

**ACTION:** Notice; 5-year affirmative finding for Colombia.

**SUMMARY:** The NMFS Assistant Administrator (Assistant Administrator) has issued a 5-year affirmative finding for the Government of Colombia under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the Agreement on the International Dolphin Conservation Program (AIDCP) by purse seine vessels operating under Colombian jurisdiction or exported from Colombia. NMFS bases the affirmative finding determination on reviews of documentary evidence submitted by the Government of Colombia and of information obtained from the secretariat of the Inter-American Tropical Tuna Commission (IATTC).

**DATES:** This affirmative finding is effective for the 5-year period of April 1, 2019, through March 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Justin Greenman, West Coast Region, National Marine Fisheries Service, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802. Phone: 562-980-3264. Email: [justin.greenman@noaa.gov](mailto:justin.greenman@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, allows for importation into the United States of yellowfin tuna harvested by purse seine vessels in the ETP from a nation with jurisdiction over purse seine vessels with carrying capacity greater than 400 short tons that harvest tuna in the ETP only if the nation has an "affirmative finding" issued by the NMFS Assistant Administrator. See Section 101(a)(2)(B) of the MMPA, 16 U.S.C. 1371(a)(2)(B). If requested by the government of such a nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government, the IATTC secretariat, or the Department of State.

The affirmative finding process requires that the harvesting nation is

meeting its obligations under the AIDCP and its obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request a new affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS reviews the affirmative finding and determines whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with AIDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the AIDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f)(8), the Assistant Administrator considered documentary evidence submitted by the Government of Colombia and obtained from the IATTC secretariat and has determined that Colombia has met the MMPA's requirements to receive an affirmative finding.

After consultation with the Department of State, the Assistant Administrator issued a 5-year affirmative finding to Colombia, allowing the importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by purse seine vessels operating under Colombian jurisdiction or exported from Colombia. Issuance of an affirmative finding for Colombia does not affect implementation of an intermediary nation embargo under 50 CFR 216.24(f)(9), which apply to exports from a nation that exports to the United States yellowfin tuna or yellowfin tuna products that was subject to a ban on importation into the United States under section 101(a)(2)(B) of the MMPA, 16 U.S.C. 1371(a)(2)(B). Colombia's affirmative finding is effective for the 5-year period of April 1, 2019, through March 31, 2024, subject to subsequent annual reviews by NMFS.