

it finds compelling reasons to deny the request.

On November 19, 2019, the petitioner submitted a timely request that Commerce postpone the preliminary CVD determination.<sup>3</sup> The petitioner stated that it requests postponement because without the postponement Commerce will have insufficient time to select mandatory respondents, and Commerce, the petitioner, and interested parties will have insufficient time to analyze questionnaire responses.<sup>4</sup>

In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and Commerce finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.*, February 24, 2020.<sup>5</sup> Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: November 27, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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<sup>3</sup> See Petitioner's Letter, "Certain Glass Containers from the People's Republic of China: Request to Postpone Preliminary Determination," dated November 19, 2019.

<sup>4</sup> *Id.*

<sup>5</sup> Postponing the preliminary determination to 130 days after initiation would place the deadline on Saturday, February 22, 2020. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-932]

#### Certain Steel Threaded Rod From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On November 20, 2019, the United States Court of International Trade (the Court) sustained the final results of redetermination pertaining to the antidumping duty (AD) administrative review of certain steel threaded rod (STR) from the People's Republic of China (China) covering the period April 1, 2013 through March 31, 2014. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the final results of the administrative review and that Commerce is amending the final results with respect to the separate rate status assigned to Gem-Year Industrial Co., Ltd. (Gem-Year).

**DATES:** Applicable November 30, 2019.

**FOR FURTHER INFORMATION CONTACT:** Jerry Huang, 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) 482-4047.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 12, 2015, Commerce published its *Final Results* of the 2013-2014 AD administrative review of STR from China.<sup>1</sup> On February 27, 2019, the Court remanded the *Final Results* to Commerce to reconsider its decision to reject Gem-Year's application for separate rate status and resulting treatment of Gem-Year as part of the China-wide entity.<sup>2</sup> On remand, Commerce issued its final results of redetermination in accordance with the Court's order, determining that Gem-Year had established its eligibility for a separate rate, and that the use of adverse

<sup>1</sup> See *Certain Steel Threaded Rod from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 69938 (November 12, 2015) (*Final Results*) and accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See *Hubbell Power Systems, Inc. v. United States*, Court No. 15-00312, Slip Op. 19-25 (CIT February 27, 2019) (*Remand Order*).

facts available was warranted in determining Gem-Year's weighted-average dumping margin.<sup>3</sup> On November 20, 2019, the Court sustained Commerce's Final Remand Redetermination.<sup>4</sup>

#### Timken Notice

In its decision in *Timken*,<sup>5</sup> as clarified by *Diamond Sawblades*,<sup>6</sup> the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The Court's November 20, 2019 judgment sustaining the Final Remand Redetermination constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Results

Because there is now a final court decision, Commerce is amending its *Final Results* with respect to Gem-Year. Commerce finds that for the period April 1, 2013 through March 31, 2014 Gem-Year has demonstrated its eligibility for a separate rate as follows:

Producer/exporter	Weighted-average dumping margin
Gem-Year Industrial Co., Ltd .....	206.00

Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court's ruling is not appealed or, if appealed, upheld by the CAFC, Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise exported by Gem-Year using the assessment rate assigned by Commerce, as listed above.

<sup>3</sup> See *Final Results of Redetermination Pursuant to Court Remand Hubbell Power Systems, Inc. v. United States*, Court No. 15-00312, Slip Op. 19-25 (CIT February 27, 2019), dated May 20, 2019 (Final Remand Redetermination).

<sup>4</sup> See *Hubbell Power Systems, Inc. v. United States*, Court No. 15-00312, Slip Op. 19-145 (CIT November 20, 2019).

<sup>5</sup> See *Timken Co., v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>6</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

### Cash Deposit Requirements

Because Gem-Year does not have a superseding cash deposit rate, *i.e.*, there have been no final results published in a subsequent administrative review for Gem-Year. Commerce will issue revised cash deposit instructions to CBP. Effective November 30, 2019, the cash deposit rate applicable to entries of subject merchandise exported by Gem-Year is 206.00 percent.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: November 27, 2019

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XR068]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Seabird Research Activities in Central California

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

**ACTION:** Notice; receipt of application for Letter of Authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from Point Blue Conservation Science (Point Blue) for authorization to take small numbers of marine mammals incidental to seabird research activities in central California over the course of five years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of Point Blue's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on Point Blue's application and request. **DATES:** Comments and information must be received no later than January 3, 2020.

**ADDRESSES:** Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine

Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Fowler@noaa.gov](mailto:ITP.Fowler@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities> without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

#### FOR FURTHER INFORMATION CONTACT:

Amy Fowler, Office of Protected Resources, NMFS, (301) 427-8401. An electronic copy of Point Blue's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed above.

#### 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 (as delegated to NMFS) to allow, upon 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 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.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined *negligible impact* in 50 CFR 216.103 as an impact

resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term *take* means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines *harassment* as: Any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

#### Summary of Request

On September 17, 2019, NMFS received an application from Point Blue requesting authorization for take of marine mammals incidental to seabird research activities at three research sites in central California. We determined the application was adequate and complete on November 26, 2019. The requested regulations would be valid for five years, from July 7, 2020 through July 6, 2025. Point Blue plans to monitor and census seabird populations, observe seabird nesting habitat, restore nesting burrows, and resupply a field station. The proposed action may incidentally expose marine mammals occurring in the vicinity to human presence at pinniped haulouts, thereby resulting in incidental take, by Level B harassment only. Therefore, Point Blue requests authorization to incidentally take marine mammals.

NMFS has previously issued nine Incidental Harassment Authorizations (IHAs) to Point Blue for similar work from 2006 through 2018 (72 FR 71121, December 14, 2007; 73 FR 77011, December 18, 2008; 75 FR 8677, February 19, 2010; 77 FR 73989, December 7, 2012; 78 FR 66686, November 6, 2013; 80 FR 80321, December 24, 2015; 81 FR 34978, June 1, 2016; 82 FR 31759, July 7, 2017; 83 FR 31372, July 5, 2018). Point Blue complied with all the requirements (*e.g.*, mitigation, monitoring, and reporting) of the previous IHAs and their monitoring reports are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>.