

anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: July 11, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-051]

#### **Certain Hardwood Plywood Products From the People's Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** On June 23, 2017 the Department of Commerce (Department) published the *Preliminary Determination* of sales at less than fair value (LTFV) in the antidumping duty investigation of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (PRC). We are amending our *Preliminary Determination* to correct ministerial errors with respect to the identification of companies receiving a separate rate.

**DATES:** Applicable June 23, 2017.

**FOR FURTHER INFORMATION CONTACT:** Amanda Brings or Ryan Mullen, 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) 482-3927 or (202) 482-5260, respectively.

**SUPPLEMENTARY INFORMATION:** As noted above, on June 23, 2017, the Department published in the **Federal Register** the *Preliminary Determination*<sup>1</sup> that hardwood plywood from the PRC is being, or is likely to be, sold in the

United States at LTFV, as provided in section 733 of the Tariff Act of 1930, as amended (Act).<sup>2</sup> On June 20, 2017, Suqian Yaorun Trade Co., Ltd. (Suqian Yaorun), Shandong Anxin Timber Co., Ltd. (Shandong Anxin), Pizhou Jin Sheng Yuan International Trade Co., Ltd. (Pizhou Jin Sheng), Xuzhou Shuiwangxing Trading Co. (Shuiwangxing), and Cosco Star International Co., Ltd. (Cosco) (collectively, certain separate rate respondents) timely filed ministerial error allegations.<sup>3</sup>

#### **Period of Investigation**

The period of investigation (POI) is April 1, 2016, through September 30, 2016.

#### **Scope of Investigation**

The product covered by this investigation is hardwood plywood from the PRC. A complete description of the scope of this investigation is included in the *Preliminary Determination*.<sup>4</sup>

#### **Significant Ministerial Error**

Pursuant to 19 CFR 351.224(e) and (g)(1), the Department is amending the *Preliminary Determination* to reflect the correction of significant ministerial errors it made in the margin assigned to certain separate rate respondents. A ministerial error is defined as errors in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.<sup>5</sup> A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa.<sup>6</sup> As a result of this amended preliminary determination, we have added certain separate rate respondents to the list of exporters that received a separate rate or

corrected typographical errors, as appropriate.<sup>7</sup>

#### **Ministerial Error Allegations**

On June 20, 2017, certain separate rate respondents submitted ministerial error allegations claiming that the Department should have included exporters Suqian Yaorun and Shandong Anxin as separate rate recipients and that typographical errors were made to the spelling of the names of exporters Pizhou Jin Sheng and Shuiwangxing, and to the spelling of the name of one of exporter Cosco's producers, Pingyi Jinniu Wood Co., Ltd.<sup>8</sup> The Department reviewed the record and agrees that we made certain typographical errors and omissions on the producer/exporter list for separate rate recipients constituting significant ministerial errors pursuant to 19 CFR 351.224(e) and (f). In their SRA, certain separate rate respondents submitted information supporting a preliminary finding of an absence of *de jure* and *de facto* government control.<sup>9</sup> Accordingly, we preliminarily determine that certain separate rate respondents are eligible for a separate rate. Further, these errors are significant because the rate applicable to the certain separate rate respondents is improperly at the PRC-Wide rate of 114.72 percent, rather than at the correct separate rate of 57.36 percent, thus exceeding the significant error threshold because correction of these errors results in a change of at least five absolute percentage points.

The collection of cash deposits and suspension of liquidation will be revised accordingly in accordance with section 733(d) and (f) of the Act and 19 CFR 351.224. Because the amended rates for certain separate rate respondents results in reduced cash deposit rates, the corrected rates for certain separate rate respondents will be effective retroactively to June 23, 2017, the date of publication of the *Preliminary Determination*.

#### **Amended Preliminary Determination**

As a result of this amended preliminary determination, we have revised the preliminary estimated weighted-average dumping margins as follows:

<sup>1</sup> See *Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part*, 82 FR 28629 (June 23, 2017) (*Preliminary Determination*).

<sup>2</sup> See *Preliminary Determination*.

<sup>3</sup> See Letter to the Department re: Hardwood Plywood Products from the People's Republic of China: Ministerial-Error Comments on Separate Rate Applications, dated June 20, 2017 (Ministerial Error Comments).

<sup>4</sup> See *Preliminary Determination* at Appendix I.

<sup>5</sup> See section 735(e) of the Act.

<sup>6</sup> See 19 CFR 351.224(g).

<sup>7</sup> See the "Amended Preliminary Determination" section below.

<sup>8</sup> See Ministerial Comments.

<sup>9</sup>

Exporter	Producer	Estimated weighted-average dumping margins (percent)	Cash deposit rate (percent)
Suqian Yaorun Trade Co., Ltd .....	Pizhou Jiangshan Wood Co., Ltd .....	57.36	57.07
Suqian Yaorun Trade Co., Ltd .....	Suqian Bairun Wood Co., Ltd .....	57.36	57.07
Shandong Anxin Timber Co., Ltd .....	Shandong Anxin Timber Co., Ltd .....	57.36	57.07
Pizhou Jin Sheng Yuan International Trade Co., Ltd ..	Xuzhou Chengxin Wood Co., Ltd .....	57.36	57.07
Pizhou Jin Sheng Yuan International Trade Co., Ltd ..	Xuzhou Golden River Wood Co., Ltd .....	57.36	57.07
Xuzhou Shuiwangxing Trading Co., Ltd .....	Fengxian Jihe Wood Industry Co. Ltd .....	57.36	57.07
Cosco Star International Co., Ltd .....	Pingyi Jinniu Wood Co., Ltd .....	57.36	57.07

**International Trade Commission Notification**

In accordance with section 733(f) of the Act, we notified the International Trade Commission of our amended preliminary determination.

This amended preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: July 11, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XF513**

**Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries**

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

**ACTION:** Notice of receipt of an application for an exempted fishing permit; request for comments.

**SUMMARY:** NMFS has made a preliminary determination that an application for an exempted fishing permit (EFP) warrants further consideration and an opportunity for public comment. The application was submitted by the Cape Cod Commercial Fishermen’s Alliance (CCCFA), requesting an exemption from the regulation that prohibits having unauthorized gear on board while fishing for, retaining, or possessing a bluefin tuna. The applicants suggest that with the use of electronic monitoring (EM) and through issuance of an EFP,

there would be sufficient at-sea monitoring to verify the catch of bluefin tuna occurred with authorized gear (e.g., rod and reel and harpoon gear). NMFS requests public comment on the information provided in this notice and the application submitted.

**DATES:** Comments must be received by August 1, 2017.

**ADDRESSES:** You may submit comments on this notice, identified by 0648-XF513, by either of the following methods:

- *Email:* NMFS.EMEFP.2017@noaa.gov.
- *Mail:* Craig Cockrell, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope “Comments on 2017 CCCFA EM EFP application.”

**FOR FURTHER INFORMATION CONTACT:** A copy of the application can viewed at the following Web site: <http://www.nmfs.noaa.gov/sfa/hms/compliance/efp/index.html>; or by contacting Craig Cockrell, Highly Migratory Species Management Division, NMFS, (301) 427-8503.

**SUPPLEMENTARY INFORMATION:** NMFS published a notice of intent to issue EFPs, Scientific Research Permits, Letters of Acknowledgement, and Chartering Permits for Atlantic highly migratory species (HMS) in 2017 (81 FR 80646, November 16, 2016). Although that notice anticipated a variety of applications, it stated that occasionally NMFS receives applications for activities that were not anticipated at the time of the general notice and that NMFS would provide additional opportunity for public comment if that were to occur.

As discussed in the November 2016 notice of intent to issue EFPs and other permits, issuance of EFPs and related permits are necessary for the collection of HMS for public display and scientific research to exempt them from specified regulations (e.g., fishing seasons, prohibited species, authorized gear,

closed areas, and minimum sizes) that may otherwise prohibit such collection. Specifically, NMFS may authorize activities otherwise prohibited by the regulations at 50 CFR part 635 for the conduct of scientific research; the acquisition of information and data; the enhancement of safety at sea; the purpose of collecting animals for public education or display; the investigation of bycatch, economic or regulatory discard; or for chartering arrangements. See 50 CFR 635.32(a)(1). The terms and conditions of individual permits are unique; however, most permits include reporting requirements, limit the number and species of HMS to be collected, and only authorize collection in Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. EFPs and related permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 635.32 govern exempted fishing permits, as well as scientific research activity, chartering arrangements, and exempted public display and educational activities.

Current Atlantic HMS regulations specify that a person that fishes for, retains, or possesses an Atlantic bluefin tuna may not have on board a vessel or use on board a vessel any primary gear other than those authorized for the category for which the Atlantic tunas or HMS permit has been issued for such vessel. See 50 CFR 635.19(b). As a result, vessels that are permitted in other fisheries that use gears that are not authorized for Atlantic tunas must remove these gears before fishing for, retaining, or possessing a bluefin tuna. This regulation allows enforcement agents to readily verify that only the authorized gear type was used to catch the bluefin tuna (rod and reel or harpoon). This regulation also serves as an effort control for bluefin tuna as it limits the number of vessels that can