

A-570-890: Wooden Bedroom Furniture From China

*Requestor:* Homewerks Worldwide, LLC; certain medicine cabinets; linen towers; space savers; and hampers are not covered by the AD order on wooden bedroom furniture from China because they are not bedroom furniture; December 19, 2018.

*Anti-Circumvention Determinations Made October 1, 2018 Through December 31, 2018: China*

A-570-928: Uncovered Innersprings From China

Innersprings exported from Macau to the United States, which were assembled or completed in Macau by Macao Commercial and Industrial Spring Mattress Manufacturer (Macao Commercial) and the other companies that are part of the Macao Commercial Group, used materials and/or components from China and are circumventing the AD order; December 21, 2018.

#### Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries and anti-circumvention determinations made during the period October 1, 2018 through December 31, 2018. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, 1401 Constitution Avenue NW, APO/Dockets Unit, Room 18022, Washington, DC 20230.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: September 19, 2019.

#### Scot T. Fullerton,

*Director, Office VI for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-010]

#### Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty 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 July 25, 2019, the United States Court of International Trade (the Court) issued its final judgement sustaining the remand redetermination pertaining to the antidumping duty (AD) administrative review of certain crystalline silicon photovoltaic products (solar products), from the People's Republic of China (China) covering the period July 31, 2014 through January 31, 2016. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with Commerce's final results in the 2014-2016 AD administrative review of solar products from China and that Commerce is amending the final results with respect to AD margins assigned, as detailed below.

**DATES:** Applicable August 4, 2019.

**FOR FURTHER INFORMATION CONTACT:** Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC, 20230; telephone: (202) 482-2769.

#### SUPPLEMENTARY INFORMATION:

#### Background

On July 12, 2017, Commerce published the final results of the 2014-2016 AD administrative review of solar products from China.<sup>1</sup> In the *Final Results*, Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yangcheng Trina Solar Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd.

(collectively, Trina) was not granted an export subsidy offset because Commerce did not make a determination in the countervailing duty (CVD) investigation of certain solar products from China that the Export Buyer's Credits Program was an export subsidy.<sup>2</sup> However, the Court concluded that Commerce "necessarily found" that the Export Buyer's Credit Program was an export subsidy, and that such a finding is "reasonably discernible" from Commerce's description of the program.<sup>3</sup> On January 25, 2019, the Court remanded the *Final Results* to Commerce directing Commerce to increase Trina's U.S. selling prices by the amount countervailed to offset a particular subsidy.<sup>4</sup> In accordance with the Court's *Remand Order*, under respectful protest, Commerce increased Trina's U.S. selling prices by the amount countervailed to offset a subsidy that Trina received in the most recently completed segment of the corresponding CVD proceeding.<sup>5</sup> On July 25, 2019, the Court sustained Commerce's Remand Redetermination.<sup>6</sup>

#### Timken Notice

In its decision in *Timken*,<sup>7</sup> as clarified by *Diamond Sawblades*,<sup>8</sup> the United States Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A(c) and (e) 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 July 25, 2019, final judgment sustaining Commerce's 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*. 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.

#### Amended Final Results

Because there is now a final Court decision, Commerce is amending the *Final Results*. The revised AD dumping

<sup>1</sup> See *Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014-2016*, 82 FR 32170 (July 12, 2017) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM) at Comment 2.

<sup>2</sup> See *Countervailing Duty Investigation of Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 79 FR 76962 (December 23, 2014), and accompanying IDM at

Comment 16, unchanged in *Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty and Determination and Countervailing Duty Order*, 80 FR 8592 (February 18, 2015).

<sup>3</sup> See *Changzhou Trina Solar Energy Co., Ltd. Et Al v. United States*, 359 F. Supp. 3d 1329, 1339 (CIT 2019) (*Remand Order*).

<sup>4</sup> *Id.* at 1342.

<sup>5</sup> See *Final Results of Remand Redetermination, Changzhou Trina Solar Energy Co., Ltd. Et Al v.*

*United States*, Court No. 17-00199, Slip. Op. 19-12 (Court of International Trade January 25, 2019) (*Remand Redetermination*).

<sup>6</sup> See *Changzhou Trina Solar Energy Co., Ltd. Et Al v. United States*, Court No. 17-00199, Slip. Op. 19-92, (Court of International Trade July 25, 2019).

<sup>7</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>8</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F. 3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

margin for the respondents during the period July 31, 2014 through January 31, 2016 is in the table below:

Exporter	Weighted-average dumping margin
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yangcheng Trina Solar Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd	3.42
BYD (Shangluo) Industrial Co., Ltd	3.42
Chint Solar (Zhejiang) Co., Ltd	3.42
Hefei JA Solar Technology Co., Ltd	3.42
Perlight Solar Co., Ltd	3.42
Shenzhen Sungold Solar Co., Ltd	3.42
Sunny Apex Development Ltd	3.42
Wuxi Suntech Power Co., Ltd	3.42

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 to assess antidumping duties on unliquidated entries of subject merchandise exported by the respondents listed above based on the assessment rates calculated by Commerce in these amended final results of review.

#### Cash Deposit Requirements

Aside from Shenzhen Sungold Solar Co., Ltd., none of the cash deposit rates of the respondents listed above have been superseded by cash deposit rates calculated in intervening administrative reviews of the AD order on solar products from China. Thus, effective August 4, 2019, the cash deposit rate applicable to entries of subject merchandise exported by all companies listed above, aside from Shenzhen Sungold Solar Co., Ltd., is 3.42 percent. Because Shenzhen Sungold Solar Co., Ltd. lost its separate rate in the most recently completed review of this order,<sup>9</sup> we have not revised its cash deposit rate.

#### 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: September 18, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

RIN 0648-XR029

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Erickson Residence Marine Access Project in Juneau, Alaska

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

**SUMMARY:** NMFS has received a request from Jim Erickson for authorization to take marine mammals incidental to the Erickson Residence Marine Access Project in Juneau, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

**DATES:** Comments and information must be received no later than October 25, 2019.

**ADDRESSES:** Comments 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/permit/incidental-take-authorizations-under-marine-mammal-protection-act> 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. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed above.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA prohibits the "take" of marine mammals, with certain exceptions. 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

<sup>9</sup> See *Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2017-2018*, 84 FR 27764 (June 14, 2019).