

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: September 20, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers dried tart cherries, which may also be referred to as, *e.g.*, dried sour cherries or dried red tart cherries. Dried tart cherries may be processed from any variety of tart cherries. Tart cherries are generally classified as *Prunus cerasus*. Types of tart cherries include, but are not limited to, Amarelle, Kutahya, Lutowka, Montmorency, Morello, and Oblacinska. Dried tart cherries are covered by the scope of this investigation regardless of the horticulture method through which the cherries were produced (*e.g.*, organic or not), whether or not they contain any added sugar or other sweetening matter, whether or not they are coated in oil or rice flour, whether infused or not infused, and regardless of the infusion ingredients, including sugar, sucrose, fruit juice, and any other infusion ingredients. The scope includes partially rehydrated dried tart cherries that retain the character of dried fruit. The subject merchandise covers all shapes, sizes, and colors of dried tart cherries, whether pitted or unpitted, and whether whole, chopped, minced, crumbled, broken, or otherwise reduced in size. The scope covers dried tart cherries in all types of packaging, regardless of the size or packaging material.

Included in the scope of this investigation are dried tart cherries that otherwise meet the definition above that are packaged with non-subject products, including, but not limited to, mixtures of dried fruits and mixtures of dried fruits and nuts, where the smallest individual packaging unit of any such product contains a majority (*i.e.*, 50 percent or more) of dried tart cherries by dry net weight. Only the dried tart cherry components of such products are covered by this investigation; the scope does not include the non-subject components of such products.

Included in the scope of this investigation are dried tart cherries that have been further

processed in a third country, including but not limited to processing by stabilizing, preserving, sweetening, adding oil or syrup, coating, chopping, mincing, crumbling, packaging with non-subject products, or other packaging, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the dried tart cherries.

Excluded from the scope of this investigation are dried tart cherries that have been incorporated as an ingredient in finished bakery and confectionary items (cakes, cookies, candy, granola bars, *etc.*).

The subject merchandise is currently classifiable under 0813.40.3000 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also enter under subheadings 0813.40.9000, 0813.50.0020, 0813.50.0060, 2006.00.2000, 2006.00.5000, and 2008.60.0060. The HTSUS subheadings set forth above are provided for convenience and U.S. customs purposes only. The written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Scope of the Investigation
- V. Scope Comments
- VI. Product Characteristics
- VII. Application of Facts Available and Use of Adverse Inference
- VIII. All Others Rate
- IX. Verification
- X. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–840]

Certain Frozen Warmwater Shrimp From India: Notice of Final Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: On August 12, 2019, the Department of Commerce (Commerce) published the preliminary results of the changed circumstances review of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from India. For these final results, Commerce continues to find that Sunrise Seafoods India Private Limited (SSIPL) is the successor-in-interest to Sunrise Aqua Food Exports (SAFE).

DATES: Applicable September 27, 2019.
FOR FURTHER INFORMATION CONTACT: Brittany Bauer, AD/CVD Operations,

Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3860.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2018, SSIPL requested that Commerce conduct an expedited changed circumstances review, pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216(b), and 19 CFR 351.221(c)(3), to confirm that SSIPL is the successor-in-interest to SAFE for purposes of determining antidumping duty cash deposits and liabilities. In its submission, SSIPL explained that SAFE undertook a business reorganization and transferred its shrimp business to SSIPL.¹

On December 26, 2018, Commerce initiated this changed circumstances review, and on August 12, 2019, Commerce published the notice of preliminary results, determining that SSIPL is the successor-in-interest to SAFE.² In the *Preliminary Results*, we provided all interested parties with an opportunity to comment and request a public hearing regarding our preliminary finding that SSIPL is the successor-in-interest to SAFE.³ We received no comments or requests for a public hearing from interested parties within the time period set forth in the *Preliminary Results*.⁴

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp.⁵ The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and

¹ See SSIPL's Letter, "Frozen Warmwater Shrimp from India: Request to Initiate a Successor-in-Interest Changed Circumstances Review," dated October 31, 2019.

² See *Certain Frozen Warmwater Shrimp from India: Initiation of Antidumping Duty Changed Circumstances Review*, 83 FR 66244 (December 26, 2018); see also *Certain Frozen Warmwater Shrimp from India: Preliminary Results of Antidumping Duty Changed Circumstances Review*, 84 FR 39809 (August 12, 2019) (*Preliminary Results*).

³ See *Preliminary Results*, 84 FR at 39810.

⁴ *Id.*

⁵ For a complete description of the Scope of the Order, see *Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review; 2016–2017*, 83 FR 32835 (July 16, 2018) (*12th AR of Shrimp from India*), and accompanying Issues and Decision Memorandum at "Scope of the Order" section.

1605.29.10.10. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

Final Results of Changed Circumstances Review

For the reasons stated in the *Preliminary Results*, and because we received no comments from interested parties to the contrary, Commerce continues to find that SSIPL is the successor-in-interest to SAFE. As a result of this determination and consistent with established practice, we find that SSIPL should receive the cash deposit rate previously assigned to SAFE. Consequently, Commerce will instruct U.S. Customs and Border Protection to suspend liquidation of all shipments of subject merchandise produced or exported by SSIPL and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at 1.35 percent, which is the current antidumping duty cash-deposit rate for SAFE.⁶ This cash deposit requirement shall remain in effect until further notice.

Notification to Interested Parties

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216(e), 351.221(b), and 351.221(c)(3).

Dated: September 23, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XW009

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries,

West Coast Region, NMFS, has made a preliminary determination that an exempted fishing permit application titled, “Annual Vessel Limit Pooling for Groundfish IFQ Vessels Operating Under a Collective Enforcement Agreement in 2019–2020,” contains all of the required information and warrants further consideration. The application, submitted by the Fort Bragg Association and the Half Moon Bay Groundfish Marketing Association, requests approval to test the use of a voluntary collective agreement to manage a pool of annual vessel limits of cowcod quota pounds using a risk pooling model. This exempted fishing permit project would allow individual vessels participating in the California Groundfish Collective to exceed their annual vessel limit for cowcod, however the collective pooled annual vessel limit would not be exceeded. The primary goal of this exempted fishing permit project is to reduce the operational risk of catching cowcod for participating vessels, while allowing participating vessels to increase landings of more abundant groundfish stocks. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed exempted fishing permit projects.

DATES: Comments must be received no later than 5 p.m., local time on October 15, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2019–0101, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0101, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments. The EFP application will be available under “Supporting Documents” through the same link.

- *Mail:* Submit written comments to Lynn Massey, West Coast Region, NMFS, 501 W Ocean Blvd., Ste. 4200, Long Beach, CA 90802–4250.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and would generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.),

confidential business information, or otherwise sensitive information submitted voluntarily by the sender would be publicly accessible. NMFS would accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments would be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Lynn Massey, West Coast Region, NMFS, at (562) 436–2462, lynn.massey@noaa.gov.

SUPPLEMENTARY INFORMATION: This action is authorized under Magnuson-Stevens Conservation and Management (Magnuson-Stevens Act) regulations at 50 CFR 600.745, which allow NMFS Regional Administrators to issue exempted fishing permits (EFP) to test fishing activities that would otherwise be prohibited.

The California Groundfish Collective (CGC) is comprised of fishing associations from Fort Bragg and Half Moon Bay, and includes fishermen from three ports along the California Coast. CGC fishermen collect and share information about where, when, and what type of fish they catch, and use this information to adaptively manage fishing strategies to reduce bycatch of overfished groundfish stocks (i.e., yelloweye rockfish and cowcod) and increase catch of healthy target groundfish stocks (e.g., chilipepper rockfish, bocaccio, and petrale sole).

CGC vessels participate in the Trawl Rationalization Program’s Shorebased Individual Fishing Quota (IFQ) Program. Annual vessel limits are used in the Shorebased IFQ Program to restrict the consolidation of quota pounds among vessels in the fishery, particularly for constraining stocks and stock complexes (e.g., overfished stocks). Vessels may not purchase or fish quota pounds in excess of the annual vessel limit. For example, if a vessel owns 100 quota pounds of a stock, and the annual vessel limit is 500 quota pounds, the vessel can only purchase 400 additional quota pounds, and fish up to a total of 500 quota pounds. The annual vessel limit for stocks or stock complexes is calculated as a fixed percentage of the Shorebased IFQ allocation.

The region where the CGC operates off the coast of California (south of the 40°10’ North latitude (N lat.) management line) is the only area where cowcod are encountered and managed as an individual IFQ species, and few trawl vessels operate in the area. The annual catch limit for cowcod is small due to its overfished stock status. Vessels have historically caught cowcod

⁶ See 12th AR of Shrimp from India, 83 FR at 32836.