

is finished in third countries is covered under the scope of the *Orders* based on an analysis of the factors under 19 CFR 351.225(k)(1).² Bell Supply Company, LLC (Bell Supply) challenged the Department's final ruling before the CIT. On July 9, 2015, the Court issued its opinion on the *Bell Supply Scope Ruling* remanding Commerce's determination back to the agency for further analysis.³ Commerce issued a redetermination on remand, under protest, which continued to find that the merchandise in question was within the scope of the *Orders*.⁴ On April 27, 2016, the CIT issued its opinion on the *First Remand Results*, again remanding Commerce's determination for further analysis.⁵ On August 11, 2016, Commerce issued the *Second Remand Results*, determining that green tubes manufactured in China, and subsequently finished in a third country, are not covered by the scope of the *Orders*.⁶ In *Bell Supply III*, the CIT sustained Commerce's *Second Remand Results*.⁷ On January 19, 2017, Commerce published a notice of a court decision that is not "in harmony" with a Commerce determination,⁸ in fulfillment of the publication requirements of *Timken*,⁹ as clarified by *Diamond Sawblades*.¹⁰ Commerce's *Timken Notice and Amended Final Scope Ruling* also amended the *Bell Supply Scope Ruling* to find that the

scope of the *Orders* does not cover the products addressed in the *Bell Supply Scope Ruling*.¹¹

Domestic interested parties appealed the CIT's affirmation of the *Second Remand Results* to the U.S. Court of Appeals for the Federal Circuit (CAFC). On April 25, 2018, the CAFC vacated the CIT's decision sustaining the *Second Remand Results*, and remanded the case to the CIT to determine whether Commerce properly applied its substantial transformation analysis in the *Bell Supply Scope Ruling*.¹² On October 18, 2018, the CIT remanded Commerce's *Bell Supply Scope Ruling*, finding that certain factors considered in Commerce's substantial transformation analysis were not supported by substantial evidence.¹³ Commerce issued the *Third Remand Results* on March 28, 2019, in which Commerce reconsidered the aspects of its substantial transformation analysis remanded by the Court and continued to find that green tubes are not substantially transformed by the finishing process in third countries, and therefore are covered by the scope of the *Orders*.¹⁴ On July 22, 2019, the CIT sustained Commerce's *Third Remand Results*.¹⁵

Amended Final Scope Ruling

There is now a final court decision with respect to the *Bell Supply Scope Ruling*. Previously, the *Timken Notice and Amended Final Scope Ruling* amended the *Bell Supply Scope Ruling* to find that the scope did not cover the merchandise at issue. Therefore, Commerce is amending its scope ruling and finds that the scope of the *Orders* covers the products addressed in the *Bell Supply Scope Ruling*. The period to appeal the CIT's ruling expired on September 22, 2019. Because no parties appealed the CIT's ruling, Commerce will instruct U.S. Customs and Border Protection to continue to suspend liquidation and to require a cash deposit of estimated duties on the merchandise subject to the scope ruling entered, or withdrawn from warehouse, for consumption on or after June 20, 2012,

the date of initiation of the scope inquiry.

Dated: October 15, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-874]

Certain Steel Nails From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2017-2018

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

SUMMARY: The Department of Commerce (Commerce) determines that Daejin Steel Company (Daejin), Je-il Wire Production Co., Ltd. (Je-il), Koram Inc. (Koram), and Korea Wire Co. Ltd. (Kowire) made sales of certain steel nails (steel nails) from the Republic of Korea (Korea) at less than normal value during the period of review (POR), July 1, 2017 through June 30, 2018.

DATES: Applicable October 22, 2019.

FOR FURTHER INFORMATION CONTACT:

Ariela Garvett (Daejin), Lilit Astvatsatryan (Je-il and Koram), or Maliha Khan (Kowire), 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) 482-3609, (202) 482-6412, or (202) 482-0895, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2019, Commerce published the *Preliminary Results* of the 2017-2018 antidumping duty administrative review of steel nails from Korea.¹ On July 18, 2019, Daejin and Mid Continent Steel & Wire, Inc. (the petitioner) submitted case briefs.² On

² See *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 75 FR 3203 (January 20, 2010); see also *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 75 FR 28551 (May 21, 2010) (collectively, *Orders*).

³ See *Bell Supply Co. v. United States*, Court No. 14-00066, Slip Op. 15-73 (CIT July 9, 2015) (*Bell Supply I*).

⁴ See Final Results of Redetermination Pursuant to Remand, *Bell Supply Co. v. United States*, Court No. 14-00066, dated November 9, 2015 (*First Remand Results*).

⁵ See *Bell Supply Co. v. United States*, Court No. 14-00066, Slip Op. 16-41 (CIT April 27, 2016) (*Bell Supply II*).

⁶ See Final Results of Second Redetermination Pursuant to Remand, *Bell Supply Co. v. United States*, Court No. 14-00066, dated August 11, 2016 (*Second Remand Results*) at 14-19.

⁷ See *Bell Supply Co. v. United States*, Court No. 14-00066, Slip Op. 16-109 (CIT Nov. 23, 2016) (*Bell Supply III*) at 16.

⁸ See *Certain Oil Country Tubular Goods From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision*, 82 FR 6490 (January 19, 2017) (*Timken Notice and Amended Final Scope Ruling*).

⁹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁰ *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹¹ See *Timken Notice and Amended Final Scope Ruling*.

¹² See *Bell Supply Co. v. United States*, 888 F.3d 1222, 1231 (Fed. Cir. 2018).

¹³ See *Bell Supply Co. v. United States*, Court No. 14-00066, Slip Op. 18-141 (CIT Oct. 18, 2018) (*Bell Supply IV*).

¹⁴ See Final Results of Redetermination Pursuant to Remand, *Bell Supply Co. v. United States*, Court No. 14-00066, dated March 28, 2019 (*Third Remand Results*).

¹⁵ See *Bell Supply Co. v. United States*, Court No. 14-00066, Slip Op. 19-89 (CIT July 22, 2019) (*Bell Supply V*).

¹ See *Certain Steel Nails from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2017-2018*, 84 FR 28278 (June 18, 2019) and accompanying Preliminary Decision Memorandum (*Preliminary Results*).

² See Daejin's Letter, "Administrative Review of the Antidumping Order on Certain Steels Nails from Korea—Redacted Case Brief," dated September 24, 2019; see also Petitioner's Letter, "Certain Steel Nails from Korea: Case Brief on Daejin Steel Company and Koram Inc.," dated July 18, 2019.

July 26, 2019, Daejin, Koram, and the petitioner submitted rebuttal briefs.³

Scope of the Order

The products covered by this order are nails having a nominal shaft length not exceeding 12 inches.⁴ Merchandise covered by the order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Nails subject to this order also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive. For a complete description of the scope of the order, see the Issues and Decision Memorandum.⁵

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the IDM, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as an Appendix. The IDM is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Central Records Unit (CRU), Room B8024 of the main Commerce building. In addition, a complete version of the IDM can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic

³ See Daejin's Letter, "Administrative Review on of the Antidumping Order on Certain Steel Nails from Korea—Rebuttal Brief of Daejin Steel Company," dated July 26, 2019; see also Koram's Letter, "Certain Steel Nails from the Republic of Korea: Rebuttal Brief," dated July 26, 2019; and Petitioner's Letter, "Certain Steel Nails from Korea: Rebuttal Brief on Daejin Steel Company," dated July 26, 2019.

⁴ The shaft length of certain steel nails with flat heads or parallel shoulders under the head shall be measured from under the head or shoulder to the tip of the point. The shaft length of all other certain steel nails shall be measured overall.

⁵ See Memorandum, "Issues and Decision Memorandum for Final Results of the 2017–2018 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Republic of Korea," dated concurrently with this notice.

version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made no revisions to the preliminary margin calculations for the mandatory respondents.⁶

Final Results of the Administrative Review

We have determined the following weighted-average dumping margins to the firms listed below for the period July 1, 2017 through June 30, 2018:

Exporter-producer	Weighted-average dumping margin (percent)
Daejin Steel Company	5.43
Je-il Wire Production Co., Ltd	6.06
Koram Inc	7.34
Korea Wire Co., Ltd	5.47

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protections (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).

For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue liquidation instructions to CBP 15 days after publication of this notice.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon

⁶ See Memorandum, "Certain Steel Nails from the Republic of Korea: Final Results Analysis Memorandum for Daejin Steel Company," dated October 16, 2019; see also Memoranda, "Certain Steel Nails from the Republic of Korea: Final Results Analysis Memorandum for Je-il Wire Production Co., Ltd.," dated October 16, 2019; "Certain Steel Nails from the Republic of Korea: Final Results Analysis Memorandum for Koram Inc.," dated October 16, 2019; and "Certain Steel Nails from the Republic of Korea: Final Results Analysis Memorandum for Korea Wire Co., Ltd.," dated October 16, 2019.

publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for the respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 11.80 percent, the all-others rate established in the investigation.⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

⁷ See *Certain Steel Nails from the Republic of Korea: Final Determination of Sales at Less Than Fair Value*, 80 FR 28955 (May 20, 2015).

Dated: October 16, 2019.

Jeffrey I. Kessler,

Assistant Secretary For Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the Preliminary Results
- V. Discussion of the Issues
- VI. Recommendation

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XW011

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: NMFS announces the request for renewal of a 2019 exempted fishing permit application titled, “*Year-round Coastwide Midwater Rockfish EFP: Monitoring and Minimizing Salmon Bycatch When Targeting Rockfish in the Shorebased IFQ Fishery*” for the 2020 fishing year (herein referred to as the “Trawl Gear EFP”). The application, submitted by the West Coast Seafood Processors Association, Environmental Defense Fund, Oregon Trawl Commission, and Midwater Trawlers Cooperative, requests a permit to test whether removing certain gear, time, and area restrictions for vessels fishing under the Trawl Rationalization Program’s Shorebased Individual Fishing Quota Program may impact the nature and extent of bycatch of prohibited species (e.g., Chinook salmon). This exempted fishing permit would allow participating groundfish bottom and midwater trawl vessels more flexibility than allowed in current regulations to target pelagic rockfish species, such as widow, chilipepper, and yellowtail rockfish. 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 permits.

DATES: Comments must be received no later than 5 p.m., local time on November 6, 2019.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2019-0119, 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-2019-0119, 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 by the Pacific Coast Groundfish Fishery Management Plan (FMP) and implementing regulations at 50 CFR 600.745, which allow NMFS Regional Administrators to authorize exempted fishing permits (EFPs) to test fishing activities that would otherwise be prohibited.

At the September 2018 Pacific Fishery Management Council (Council) meeting, the Council voted to recommend the 2019 Trawl Gear EFP project to NMFS, and made the preliminary decision to

recommend continuing the EFP project in 2020. NMFS published a description of the 2019 Trawl Gear EFP in the **Federal Register** on November 30, 2018 (83 FR 61603), and solicited public comments through December 17, 2018. NMFS issued a total of 46 EFPs to eligible vessels for the 2019 fishing year. As of September 30, 2019, 15 vessels have participated in the Trawl Gear EFP during the 2019 fishing year (7 vessels fished midwater only, 2 fished bottom trawl only, and 6 fished using both gear types). These vessels have caught 46 Chinook salmon, no eulachon, sturgeon, or Coho salmon, and approximately 13.7 million pounds of groundfish, totaling approximately \$4.8 million in revenue.

At the September 2019 Council meeting, the EFP applicants requested renewal of the 2019 Trawl Gear EFP (described in additional detail at 83 FR 61603, November 30, 2019) with no changes for the 2020 fishing year. The same bycatch limits for Chinook salmon recommended by the Council in 2019 would be maintained during the 2020 fishing year (i.e., 1,000 fish for Chinook salmon taken north of 42 degrees North latitude (N. lat.) and 100 fish for Chinook salmon taken south of 42 degrees N. lat.).

The EFP applicants have not proposed a specific list of participating vessels, but rather are proposing that NMFS publish a public notice to gauge interest from limited entry groundfish midwater and bottom trawl vessels. Depending on the amount of interest and where vessels indicate interest in fishing, NMFS may need to limit participation by time and area to mitigate potential impacts.

After publication of this document in the **Federal Register**, NMFS may approve and issue the EFP after the close of the public comment period. NMFS will consider comments submitted, as well as the Council’s discussion at their September 2019 meeting, in deciding whether to approve the application as requested. NMFS may approve the application in its entirety or may make any alterations needed to achieve the goals of the EFP.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

Dated: October 17, 2019.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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