

at LTFV. Because the final determination in this investigation is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of fresh tomatoes from Mexico no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the 2019 Agreement will have no force or effect, and the investigation will be terminated.¹⁷ If the ITC determines that material injury or threat of material injury does exist, the 2019 Agreement shall remain in force. Commerce will not issue an antidumping duty order so long as: (1) The 2019 Agreement remains in force; (2) the 2019 Agreement continues to meet the requirements of sections 734(c) and (d) of the Act; and (3) the parties to the 2019 Agreement carry out their obligations under the 2019 Agreement in accordance with its terms.¹⁸

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to an Administrative Protective Order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3).¹⁹ Timely 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 violation subject to sanction.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: October 21, 2019.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise subject to the investigation is all fresh or chilled tomatoes (fresh tomatoes) which have Mexico as their origin, except for those tomatoes which are for processing. For purposes of this suspended investigation, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying, or the addition of chemical substances, or converting the

tomato product into juices, sauces, or purees. Fresh tomatoes that are imported for cutting up, not further processing (e.g., tomatoes used in the preparation of fresh salsa or salad bars), are covered by the investigation.

Commercially grown tomatoes, both for the fresh market and for processing, are classified as *Lycopersicon esculentum*. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by this investigation.

Tomatoes imported from Mexico covered by this investigation are classified under the following subheading of the Harmonized Tariff Schedule of the United States (HTSUS), according to the season of importation: 0702. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this investigation is disposition.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Scope Comments
- V. Affiliation and Collapsing
- VI. Changes Since the Post-Preliminary Decision
- VII. Discussion of the Issues
 - A. Procedural Issues
 - Comment 1: Basis for the Continued Investigation*
 - Comment 2: Respondent Selection*
 - Comment 3: Due Process*
 - B. General Calculation Issues
 - Comment 4: Time Period in the Differential Pricing Analysis*
 - Comment 5: Comparison of U.S. Prices to Normal Values on a Monthly Basis*
 - Comment 6: Product Matching by Tomato Type*
 - C. Bioparques
 - Comment 7: Bioparques' High-Priced Home Market Sales*
 - Comment 8: Offsets to La Primavera's General and Administrative Expenses*
 - Comment 9: Packing Labor and Overhead Costs*
 - Comment 10: Interest Income Offsets*
 - Comment 11: Adjustment to Roma Production Quantities*
 - D. Ceuta
 - Comment 12: Ceuta's Home Market and U.S. Sales Prices*
 - Comment 13: Ceuta's Packing Cost Methodology*
 - Comment 14: Ceuta's Missing U.S. Packing Costs*
 - Comment 15: Ceuta's Home Market Discounts*
 - E. San Enrique
 - Comment 16: San Enrique's Affiliation*
 - Comment 17: San Enrique's U.S. Commission*
 - Comment 18: San Enrique's Packing Costs*
 - F. All-Others Rate and Cash Deposit Rate
 - Comment 19: All-Others Rate*
 - Comment 20: Red Sun Farms' Cash Deposit Rate*
- VIII. Recommendation

[FR Doc. 2019-23341 Filed 10-24-19; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XR047

Marine Mammals; File No. 23169

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Red Rock Films, 625 Sligo Avenue, Silver Spring, MD 20910 (Responsible Party: Brian Armstrong), has applied in due form for a permit to conduct commercial or educational photography on marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before November 25, 2019.

ADDRESSES: These documents are available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan or Amy Hapeman, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film marine mammals in Antarctica to obtain footage for a National Geographic wildlife documentary focusing on social bonds and the complex communications that exist among cetaceans. Up to 150 humpback whales (*Megaptera novaeangliae*) and 100 killer whales (*Orcinus orca*) will be targeted over life

¹⁷ See section 734(f)(3)(A) of the Act.

¹⁸ See section 734(f)(3)(B) of the Act.

¹⁹ See *Continuation Notice*, 84 FR at 20861 (stating that the procedures in 19 CFR 351.305 apply to this continued investigation).

of permit for filming using vessels, underwater divers, or unmanned aircraft systems. Additional non-target marine mammals may be harassed and filmed if they are prey of killer whales or if opportunistically encountered. These non-target species include up to 10 minke whales (*Balaenoptera bonaerensis*) and 50 each of Antarctic fur seals (*Arctocephalus gazella*); crabeater seals (*Lobodon carcinophagus*), leopard seals (*Hydrurga leptonyx*), Ross seals (*Ommatophoca rossii*), southern elephant seals (*Mirounga leonina*), or Weddell seals (*Leptonychotes weddellii*) over the life of the permit. The permit would expire on February 28, 2021.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 22, 2019.

Julia Marie Harrison,
Chief, Permits and Conservation Division,
Office of Protected Resources, National
Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XR063

Marine Mammals; File No. 22678

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NMFS' Marine Mammal Laboratory, Seattle Washington (Responsible Party: John Bengtson), has applied in due form for a permit to conduct research on pinnipeds.

DATES: Written, telefaxed, or email comments must be received on or before November 25, 2019.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on

the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 22678 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Sara Young or Shasta McClenahan, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant proposes to conduct research on pinnipeds to meet the mandates of the MMPA and ESA by improving our understanding of west coast pinniped species through monitoring population abundance and trends, health, and behavior as mandated under the laws. The applicant requests the following: (1) Directed and incidental takes of the U.S. stock of California sea lions (*Zalophus californianus*); California, Oregon, Washington coast and Inland Washington stocks of Pacific harbor seals (*Phoca vitulina*); the California breeding stock of northern elephant seals (*Mirounga angustirostris*), and Mexico stock of Guadalupe fur seals (*Arctocephalus townsendi*) and (2) incidental takes of the California stock of northern fur seals (*Callorhinus ursinus*) and eastern Pacific stock of

Steller sea lions (*Eumetopias jubatus*). Up to 271,215 live California sea lions may be taken annually including 2,435 by capture for sampling, 80 by intentional mortality for humane purposes, and 268,700 by incidental disturbance. Research activities include: Aerial, vessel, ground, and observation surveys; capture for sampling of tissues, marking, and instrumentation; remote immobilization, biopsy and marking. Samples may be exported to domestic or foreign collaborators for analysis or archived. Up to 69,805 live Pacific harbor seals may be taken annually including 1,405 by capture for sampling and 68,400 by incidental disturbance. Up to 186,720 live northern elephant seals may be taken annually including 120 by capture for sampling and 186,600 by incidental disturbance. Up to 295 live Guadalupe fur seals may be taken annually including 130 by capture for sampling and 165 by incidental disturbance. Up to 20 live hybrid pinnipeds may be taken annually by capture for sampling. Up to 12 California sea lions, 6 harbor seals, 4 elephant seals, 3 Guadalupe fur seals, or 3 pinniped hybrids may be taken annually by unintentional mortality, with a maximum of 28 for all species over the duration of the permit. Up to 500 dead California sea lions, harbor seals, and elephant seals and 5 Guadalupe fur seals may be salvaged annually. The requested duration of the permit is 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Julia Marie Harrison,
Chief, Permits and Conservation Division,
Office of Protected Resources, National
Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XR062

Endangered and Threatened Species; Take of Anadromous Fish

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