

vehicles which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in Table PCT-1R ("T" Type Spare Tires for Temporary Use on Passenger Vehicles) or PCT-1B ("T" Type Diagonal (Bias) Spare Tires for Temporary Use on Passenger Vehicles) of the Tire and Rim Association Year Book,

(b) the designation "T" is molded into the tire's sidewall as part of the size designation, and,

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed is 81 MPH or a "M" rating;

(5) tires designed and marketed exclusively as temporary use spare tires for light trucks which, in addition, exhibit each of the following physical characteristics:

(a) The tires have a 265/70R17, 255/80R17, 265/70R16, 245/70R17, 245/75R17, 245/70R18, or 265/70R18 size designation;

(b) "Temporary Use Only" or "Spare" is molded into the tire's sidewall;

(c) the tread depth of the tire is no greater than 6.2 mm; and

(d) Uniform Tire Quality Grade Standards ("UTQG") ratings are not molded into the tire's sidewall with the exception of 265/70R17 and 255/80R17 which may have UTQG molded on the tire sidewall;

(6) tires designed and marketed exclusively for specialty tire (ST) use which, in addition, exhibit each of the following conditions:

(a) The size designation molded on the tire's sidewall is listed in the ST sections of the Tire and Rim Association Year Book,

(b) the designation "ST" is molded into the tire's sidewall as part of the size designation,

(c) the tire incorporates a warning, prominently molded on the sidewall, that the tire is "For Trailer Service Only" or "For Trailer Use Only",

(d) the load index molded on the tire's sidewall meets or exceeds those load indexes listed in the Tire and Rim Association Year Book for the relevant ST tire size, and

(e) either

(i) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed does not exceed 81 MPH or an "M" rating; or

(ii) the tire's speed rating molded on the sidewall is 87 MPH or an "N" rating, and in either case the tire's maximum pressure and maximum load limit are molded on the sidewall and either

(1) both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book; or

(2) if the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in

either the passenger car or light truck section of the Tire and Rim Association Year Book;

(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in the off-the-road, agricultural, industrial or ATV section of the Tire and Rim Association Year Book,

(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is "Not For Highway Service" or "Not for Highway Use",

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 55 MPH or a "G" rating, and

(d) the tire features a recognizable off-road tread design;

(8) Tires designed and marketed for off-road use as all-terrain-vehicle (ATV) tires or utility-terrain-vehicle (UTV) tires, and which, in addition, exhibit each of the following characteristics:

(a) The tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 87 MPH or an "N" rating, and

(b) both of the following physical characteristics are satisfied:

(i) The size designation and load index combination molded on the tire's sidewall does not match any of those listed in the passenger car or light truck sections of the Tire and Rim Association Year Book, and

(ii) The size designation and load index combination molded on the tire's sidewall matches any of the following size designation (American standard or metric) and load index combinations:

American standard size	Metric size	Load index
26x10R12	254/70R/12	72
27x10R14	254/65R/14	73
28x10R14	254/70R/14	75
28x10R14	254/70R/14	86
30X10R14	254/80R/14	79
30x10R15	254/75R/15	78
30x10R14	254/80R/14	90
31x10R14	254/85R/14	81
32x10R14	254/90R/14	95
32x10R15	254/85R/15	83
32x10R15	254/85R/15	94
33x10R15	254/90R/15	86
33x10R15	254/90R/15	95
35x9.50R15	241/105R/15	82
35x10R15	254/100R/15	97

The products covered by this order are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings:

4011.90.10.10, 4011.90.10.50, 4011.90.20.10, 4011.90.20.50, 4011.90.80.10, 4011.90.80.50, 8708.70.45.30, 8708.70.45.46, 8708.70.45.48, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-874]

Certain Steel Nails From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2019-2020

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of certain steel nails (steel nails) from the Republic of Korea (Korea) have been made at less than normal value (NV) by Daejin Steel Company (Daejin) during the period of review (POR) July 1, 2019, through June 30, 2020. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 19, 2021.

FOR FURTHER INFORMATION CONTACT: Eva Kim, 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) 482-8283.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 2020, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the antidumping duty (AD) order on steel nails from Korea with respect to 93 companies.¹ On March 2, 2021, Commerce extended the due date for issuing the preliminary results of this review by 33 days, until May 5, 2021.²

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 54983 (September 3, 2020).

² See Memorandum, "Certain Steel Nails from the Republic of Korea: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated March 2, 2021.

On April 26, 2021, Commerce extended the due date for issuing the preliminary results of this review by an additional 30 days, until June 4, 2021.³ On May 26, 2021, Commerce extended the due date for issuing the preliminary results of this review by an additional 40 days, until July 14, 2021.⁴

Partial Rescission of Administrative Review

In response to Commerce's notice of opportunity to request an administrative review on certain steel nails from Korea,⁵ on July 27 and July 31, 2020, Je-il Wire Production Co., Ltd. (Je-il) and Korea Wire Co., Ltd. (Kowire) timely requested an administrative review of the *Order*⁶ with respect to their exports of subject merchandise to the United States during the POR, respectively.⁷ On July 31, 2020, Mid Continent Steel & Wire, Inc. (the petitioner) requested an administrative review of 93 producers and/or exporters, including Daejin, Je-il, Koram Inc. (Koram) and Kowire.⁸

On September 18, 2020, Je-il withdrew its review request.⁹ On September 21, 2020, the petitioner withdrew its request for 91 of the 93 companies (which included Je-il and Kowire), maintaining its review request for Daejin and Koram.¹⁰ On September 21, 2020, the petitioner submitted comments requesting Commerce use the U.S. Customs and Border Protection (CBP) data to select Daejin, Koram, and Kowire as mandatory respondents.¹¹ On October 30, 2020, based on CBP data,

we selected Daejin and Kowire as the mandatory respondents in this administrative review.¹² On November 4, 2020, Kowire withdrew its request of review of itself.¹³ Therefore, Commerce is rescinding this review, in part, with respect to 91 companies. For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.¹⁴

Scope of the Order¹⁵

The merchandise covered by this *Order* is steel nails having a nominal shaft length not exceeding 12 inches.¹⁶ 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 full description of the scope of the *Order*, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export price in accordance with section 772 of the Act. We calculated NV in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

¹² See Memorandum, "2019–2020 Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Republic of Korea: Respondent Selection," dated October 30, 2020.

¹³ See Kowire's Letter, "Steel Nails from the Republic of Korea—Withdrawal of Request for Administrative Review," dated November 4, 2020.

¹⁴ See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Steel Nails from the Republic of Korea; 2019–2020," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

¹⁵ See *Order*.

¹⁶ 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.

A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum 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 <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the POR:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Daejin Steel Company	3.22
Koram Inc	3.22

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If the weighted-average dumping margin for the company listed above is not zero or *de minimis* (i.e., less than 0.5 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).¹⁷ We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., 0.5 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of

¹⁷ In the preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

³ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated April 26, 2021.

⁴ See Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated May 26, 2021.

⁵ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review*, 85 FR 39531 (July 1, 2020).

⁶ See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (*Order*).

⁷ See Je-il's Letter, "Certain Steel Nails from the Republic of Korea: Request for Administrative Review for the Period July 1, 2019–June 30, 2020," dated July 27, 2020; see also Kowire's Letter, "Steel Nails from the Republic of Korea—Request for Administrative Review," dated July 31, 2020.

⁸ See Petitioners' Letter, "Certain Steel Nails from Republic of Korea—Request for Administrative Review," dated July 31, 2020.

⁹ See the Je-il's Letter, "Certain Steel Nails from the Republic of Korea: Withdrawal of Request for Administrative Review for the Period July 1, 2019–June 30, 2020," dated September 18, 2020.

¹⁰ See Petitioner's Letter, "Certain Steel Nails from the Republic of Korea—Withdrawal of Request for Administrative Review," dated September 21, 2020.

¹¹ See Petitioner's Letter, "Certain Steel Nails from Republic of Korea—Comments on Respondent Selection," dated September 21, 2020.

merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹⁸

For the company (*i.e.*, Koram) that was not selected for individual examination, we will instruct CBP to assess antidumping duties at an *ad valorem* rate equal to the company's weighted-average dumping margin determined in the final results of this review.

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by each respondent which did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate established in the original less-than-fair value (LTFV) investigation (*i.e.*, 11.80 percent) if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of steel nails from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the exporters listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding

for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.80 percent, the all-others rate established in the LTFV investigation.¹⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose to the parties to the proceeding the calculations performed in connection with these preliminary results to interested parties within five days of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs to Commerce in response to these preliminary results no later than 30 days after the publication of this notice.²⁰ Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.²¹ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.²² Case and rebuttal briefs should be filed using ACCESS and must be served on interested parties.²³ Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.²⁴

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.²⁵ Parties should confirm by telephone the date, time, and

location of the hearing two days before the scheduled date.

An electronically-filed request for a hearing must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.²⁶ Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, unless otherwise extended.²⁷

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. 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 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: July 12, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Rescission of Review, In Part
- V. Discussion of the Methodology
- VI. Recommendation

Appendix II

List of Companies for Which Commerce Is Rescinding This Review

Astrotech Steels Private Ltd.
Beijing Catic Industry Ltd.
Beijing Jinheung Co. Ltd. Inmax Industries Sdn. Bhd.
Bonuts Hardware Logistics
Bowon Fastener Co., Ltd.
Cheng Ch International Co., Ltd
China International Freight
China Staple Enterprise Co., Ltd
Crane Worldwide Logistics
De Well Group Korea Co., Ltd.
Dezhou Hualude Hardware Products Co., Ltd.

²⁶ See 19 CFR 351.310(c); *see also* 19 CFR 351.303(b)(1).

²⁷ See section 751(a)(3)(A) of the Act.

¹⁸ See section 751(a)(2)(C) of the Act.

¹⁹ See *Order*.

²⁰ See 19 CFR 351.309(c)(1)(ii).

²¹ See 19 CFR 351.309(d)(1) and (2); *see also* *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020); *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (collectively, *Temporary Rule*).

²² See 19 CFR 351.309(c)(2) and (d)(2) and 19 CFR 351.303 (for general filing requirements).

²³ See generally 19 CFR 351.303.

²⁴ See *Temporary Rule*.

²⁵ See 19 CFR 351.310(d).

Dongwon Industries Co., Ltd.
 Duo-Fast Co., Ltd.
 Duo-Fast Korea Co., Ltd.
 Euro Line Global Co. Ltd.
 Fastgrow International Co.
 Geekay Wires Limited
 Hanbit Logistics Co., Ltd.
 Hanmi Staple Co., Ltd.
 Hebei Cangzhou New Century Foreign Trade Co., Ltd.
 Hebei Jinsidun Trade Co. Ltd.
 Hebei Minghao Import Export Co Li
 Hebei Minmetals Co., Ltd.
 Hengtuo Metal Products Co Ltd
 Hongyi Hardware Products Co., Ltd.
 Inmax Sdn. Bhd.
 Jas Forwarding (Korea) Co. Ltd.
 JCD Group Co., Limited
 Jeil Tacker Co. Ltd.
 Je-il Wire Production Co., Ltd.
 Jinhai Hardware Co., Ltd.
 Jinheung Steel Corporation
 Jinsco International Corp.
 Joo Sung Sea & Air Co., Ltd
 Joosung B&P
 Jung Fastener
 Kabool Fasteners Co., Ltd.
 Kintetsu World Express (Korea) Inc.
 Korea Wire Co., Ltd.
 Kousa Int. Logistics Co. Ltd.
 KPF Co., Ltd.
 Kuehne + Nagel Ltd.
 Liang Chyuan Industrial Co., Ltd.
 Maxpeed International Transport
 Mingguang Ruifeng Hardware Products Co., Ltd.
 MPROVE Co., Limited
 Nailtech Co., Ltd.
 OEC Freight (Korea) Co., Ltd.
 OEC Worldwide Korea Co., Ltd.
 Orient Express Container Co., Ltd
 Paslode Fasteners (Shanghai) Co., Ltd.
 Peace Industries, Ltd.
 Promising Way (HongKong) Limited
 Pro-Team Coil Nail Enterprise Inc.
 Qingdao Cheshire Trading Co. Ltd.
 Qingdao D&L Group Ltd.
 Qingdao Hongyuan Nail Industry Co. Ltd.
 Qingdao JCD Machinery Co., Ltd.
 Qingdao Jisco Co., Ltd.
 Qingdao Mst Industry and Commerce Co., Ltd.
 Ramses Logistics Co., Ltd.
 Schenker Korea Ltd.
 Sejung Shipping Co., Ltd.
 Shandong Oriental Cherry Hardware Group Co. Ltd.
 Shandong Oriental Cherry Hardware Import & Export Co., Ltd.
 Shandong Qingyun Hongyi Hardware Products Co., Ltd.
 Shanghai Zoonlion Industrial Co., Ltd.
 Shanxi Pioneer Hardware Industry Co., Ltd.
 Shanxi Tianli Industries Co., Ltd.
 Shipco Transport (Korea) Co., Ltd.
 ST Fasteners
 Suntec Industries Co., Ltd.
 The Inno Steel
 Tianjin Coways Metal Products Co.
 Tianjin Hongli Qiangsheng Imp. & Exp
 Tianjin Jinchi Metal Products Co., Ltd.
 Tianjin Jinghai County Hongli
 Tianjin Lituo Imp & Exp Co., Ltd
 Tianjin Liweitian Metal Technology
 Tianjin Xinhe International Trade Co. Ltd
 Tianjin Zhonglian Metals Ware Co. Ltd.

Tianjin Zhonglian Times Technology
 Unicorn (Tianjin) Fasteners Co., Ltd.
 Woosung Shipping Co. Ltd.
 Wulian Zhanpeng Metals Co., Ltd.
 Xi'an Metals and Minerals Imp. Exp. Co., Ltd.
 Xinjiayuan International Trade Co.
 Young-Ko Trans Co., Ltd.
 Youngwoo Fasteners Co., Ltd.
 Zhaoqing Harvest Nails Co., Ltd.
 Zon Mon Co Ltd.

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BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB248]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of Letters of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that two Letters of Authorization (LOA) have been issued to bp Exploration & Production Inc. (bp) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOAs are effective from July 13, 2021, through April 19, 2026.

ADDRESSES: The LOAs, LOA requests, and supporting documentation are available online at: www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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 geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively "industry operators"), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322; January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and