

predecessors.²⁸ Accordingly, we preliminarily determine that Sailun Group, Sailun Dongying, and Sailun HK are the successors-in-interest to Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK, respectively, and, as such, that it they are entitled to Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK's CVD cash deposit rate with respect to entries of subject merchandise.

Should our final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by Sailun Group, Sailun Dongying, and Sailun HK the AD and CVD cash deposit rates applicable to Sailun Jinyu, Shandong Jinyu, and Sailun Jinyu HK, effective the date of publication of the final results.

Public Comment

Any interested party may request a hearing within 14 days of publication of this notice, in accordance with 19 CFR 351.310(c). Interested parties may submit case briefs and/or written comments no later than 14 days after the date of publication of this notice.²⁹ Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 7 days after the case briefs.³⁰ Any hearing, if requested, will normally be held two days after rebuttal briefs/comments are due, in accordance with 19 CFR 351.310(d)(1). Parties who submit case briefs or rebuttal briefs in these CCRs are requested to submit with each argument (1) a statement of the issue, and (2) a brief summary of the argument with an electronic version included. Consistent with 19 CFR 351.216(e), we will issue the final results of these CCRs no later than 270 days after the date on which these reviews were initiated or within 45 days of publication of these preliminary results if all parties agree to our preliminary findings.

Notification to Interested Parties

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

Dated: January 22, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 181019964-9283-01]

RIN 0648-XG584

Request for Public Comment Regarding Proposed Waiver and Regulations Governing the Taking of Marine Mammals

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

ACTION: Notice; request for comments.

SUMMARY: NMFS has proposed to grant a waiver of the Marine Mammal Protection Act's moratorium on the take of marine mammals to allow the Makah Indian Tribe to take a limited number of Eastern North Pacific gray whales. A formal hearing took place on November 14-21, 2019 before Administrative Law Judge George J. Jordan in the Henry M. Jackson Federal Building, 915 Second Avenue, Seattle, WA 98174. NMFS now requests public comment on the proposed waiver and proposed regulations.

DATES: Comments must be submitted in writing by March 16, 2020.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2019-0037, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0037, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- **Mail:** Attn: Steve Stone, NMFS West Coast Region, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274. Include the identifier "NOAA-NMFS-2019-0037" in the comments.

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 will 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 will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Michael Milstein, NMFS West Coast Region, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274; 503-231-6268.

SUPPLEMENTARY INFORMATION:

On February 14, 2005, NMFS received a request from the Makah Indian Tribe for a waiver of the MMPA moratorium on the take of marine mammals to allow for take of ENP gray whales (*Eschrichtius robustus*). The Tribe requested that NMFS authorize a tribal hunt for ENP gray whales in the coastal portion of the Tribe's usual and accustomed fishing area for ceremonial and subsistence purposes and the making and sale of handicrafts. The MMPA imposes a general moratorium on the taking of marine mammals but authorizes the Secretary of Commerce to waive the moratorium and issue regulations governing the take if certain statutory criteria are met.

On April 5, 2019, NMFS published a Notice of Hearing and the associated proposed regulations in the **Federal Register** (84 FR 13639 and 84 FR 13604). Pursuant to an interagency agreement, a Coast Guard Administrative Law Judge was assigned to conduct the formal hearing and issue a recommended decision in this matter under the procedures set forth at 50 CFR part 228.

On November 14, 2019, Judge George J. Jordan commenced the hearing in this matter, which took place over six days. The hearing was publicly conducted and reported verbatim by an official reporter. All filings associated with the hearing, including a full transcript of the hearing, are available for public viewing and inspection at <https://www.uscg.mil/Resources/Administrative-Law-Judges/Decisions/ALJ-Decisions-2016/NOAA-Formal-Rulemaking-Makah-Tribe/>. Information pertaining to this hearing is also available at the NMFS West Coast Region website: <https://www.fisheries.noaa.gov/action/formal-rulemaking-proposed-mmpa-waiver-and-hunt-regulations-governing-gray-whale-hunts-makah>.

The regulations governing this proceeding permit any interested person to file written comments on the proposed regulations and waiver, including proposed findings and

²⁸ See CVD CCR Request at Exhibit 1.

²⁹ Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

³⁰ Commerce is exercising its discretion under 19 CFR 351.309(d)(1) to alter the time limit for the filing of rebuttal briefs.

conclusions and written arguments of briefs. These filings must be based upon the record and cite where practicable the relevant page or pages of the transcript. 50 CFR 228.19(b).

After the expiration of the comment period, the presiding officer will make a written decision based on the record and transmit it to the Assistant Administrator. There will then be another opportunity for public comment before the Assistant Administrator issues a final decision on the proposed waiver and regulations. 50 CFR 228.20.

(Authority: 16 U.S.C. 1371 *et seq.*)

Dated: January 24, 2020.

Barry A. Thom,

*Regional Administrator, West Coast Region,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 200123-0028]

RTID 0648-XR079

Endangered and Threatened Species; Determination on the Designation of Critical Habitat for Chambered Nautilus

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

ACTION: Notice.

SUMMARY: We, NMFS, have determined that a designation of critical habitat for the chambered nautilus (*Nautilus pompilius*) is not prudent at this time. Based on a comprehensive review of the best scientific data available, we find that there are no areas that meet the definition of critical habitat for the species; the species primarily occurs outside the jurisdiction of the United States, and areas within the jurisdiction of the United States provide no more than negligible conservation value, if any. Given the above circumstances, we have determined that a designation of critical habitat for this species is not prudent.

DATES: This finding is made on January 29, 2020.

ADDRESSES: Electronic copies of the determination and the list of references are available from the NMFS Office of Protected Resources website at <https://www.fisheries.noaa.gov/species/chambered-nautilus>.

FOR FURTHER INFORMATION CONTACT: Maggie Miller, NMFS, Office of Protected Resources, (301) 427-8403.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2018, we published a final rule to list the chambered nautilus (*Nautilus pompilius*) as a threatened species under the Endangered Species Act (ESA) (83 FR 48976). Section 4(b)(6)(C) of the ESA requires the Secretary of Commerce (Secretary) to designate critical habitat concurrently with making a determination to list a species as threatened or endangered unless it is not determinable at that time, in which case the Secretary may extend the deadline for this designation by 1 year. At the time of listing, we concluded that critical habitat was not determinable because sufficient information was not available to: (1) Identify the physical and biological features essential to conservation of the species, particularly given the uncertainty regarding habitat features necessary to support important life history needs and the irregularity and unpredictability of chambered nautilus within areas they are known to occur; (2) determine the specific geographical areas that contain the physical and biological features essential to conservation of the species; and (3) assess the impacts of the designation. In our final rule to list the chambered nautilus as threatened, we requested relevant information from the public on features and areas under U.S. jurisdiction that may meet the definition of critical habitat for the chambered nautilus but did not receive any responses to that solicitation. Subsequently, we continued to research, review, and compile the best available scientific data for use in the identification of critical habitat for the chambered nautilus. However, as discussed below, based on these data we find that: (1) There are no identifiable physical or biological features that are essential to the conservation of the chambered nautilus within areas under U.S. jurisdiction and that may require special management measures or protections, or unoccupied areas under U.S. jurisdiction that are essential to the conservation of the species; and (2) the areas where the species occurs within the jurisdiction of the United States provide no more than negligible, if any, conservation value.

This finding describes the biology, distribution, and habitat use of the chambered nautilus and information and analyses to support the above determinations.

Chambered Nautilus Biology and Status

The following discussion of the life history and status of the chambered nautilus is based on the best scientific data available, including the *Endangered Species Act Status Review Report: Chambered Nautilus (Nautilus pompilius)* (Miller 2018).

The chambered nautilus (*Nautilus pompilius*) is an externally-shelled cephalopod with a distinctive coiled calcium-carbonate shell that is divided into chambers. The shell can range in color from white to orange, and even purple, with unique color patterns (Barord 2015). Its distinctive coiled shell is what makes the chambered nautilus a highly sought after commodity in international trade (Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 2016). The body of the chambered nautilus is housed in the largest chamber within the shell, and when the animal is attacked, it can seal itself into this chamber, closing the opening with a large, fleshy hood (Jereb 2005). The chambered nautilus also has up to 90 tentacles, without suckers, which they use to dig in substrate, scavenge for food (Barord 2015), and to grab on to reef surfaces for rest (CITES 2016).

The chambered nautilus is found in tropical, coastal reef, deep-water habitats of the Indo-Pacific. It is generally found in association with steep-sloped forereefs with sandy, silty, or muddy-bottomed substrates. Physiologically, the chambered nautilus cannot tolerate temperatures above approximately 25° C or depths exceeding around 750–800 meters (m) (Ward *et al.* 1980; Carlson 2010) and is, therefore, found in depths ranging from around 100 m to 500 m (CITES 2016). They can travel distances of up to 6 kilometers (km) in a day facilitated by currents (Dunstan *et al.* 2011c). However, at the depths where these animals are generally active (>200 m), currents are weak and movements are primarily accomplished through self-propulsion, with observed *N. pompilius* distances of up to 3.2 km per day and maximum speeds of up to 1.18 km/hour for short periods of time (less than 6 hours) (Dunstan *et al.* 2011a). Given their slow speeds, and reliance on passive transport (like ocean currents) for any chance of a successful long-distance migration, nautilus are rarely found in the open ocean or even mid-water due to risk of predation (Bonacum *et al.* 2011).

Chambered nautilus are described as deep-sea scavenging generalists and opportunistic predators, using their