

selling price” recorded Dillinger’s books and records as the cost of production for non-prime plate and the application of partial AFA to Salzgitter.⁸ However, the CIT remanded Commerce’s model-match methodology, related specifically to Commerce’s rejection of Dillinger’s proposed quality code for sour service petroleum transport plate, for further explanation or, if appropriate, reconsideration in light of Commerce’s approach in *Bohler*.⁹

In its final results of redetermination, issued on September 6, 2023, Commerce reconsidered its rejection of Dillinger’s proposed quality code for sour service petroleum transport plate and included this quality code in the control numbers used in Dillinger’s margin calculations.¹⁰ As a result of this change, Dillinger’s final estimated weighted-average dumping margin became 4.99 percent. The CIT sustained Commerce’s final results of redetermination.¹¹ While this revision to Dillinger’s margin did not affect the calculation of the all-others rate, Commerce revised the all-others rate to be 20.99 percent in the *Second Remand Redetermination*.¹² The CIT sustained this aspect of Commerce’s redetermination.¹³

Timken Notice

In its decision in *Timken*,¹⁴ as clarified by *Diamond Sawblades*,¹⁵ the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that

is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s December 21, 2023, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Amended Final Determination*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Amended Final Determination* with respect to Dillinger and all other producers and/or exporters as follows:

| Producer/exporter | Weighted-average dumping margin (percent) |
|-----------------------------------|---|
| AG Der Dillinger Hüttenwerke | 4.99 |
| All Others | 20.99 |

Cash Deposit Requirements

Because Dillinger has a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate. For all other producers and exporters, Commerce will issue revised cash deposit instructions to CBP.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: January 5, 2024.

Abdelali Elouaradia,
Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–00398 Filed 1–10–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802, A–533–840, A–570–893, A–549–822]

Certain Frozen Warmwater Shrimp From the People’s Republic of China, India, Thailand, and the Socialist Republic of Vietnam: Continuation of Antidumping Duty Orders; Correction

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

ACTION: Notice; correction.

SUMMARY: In the *Federal Register* of July 5, 2023, the U.S. Department of Commerce (Commerce) published a notice of continuation of the antidumping duty (AD) orders on certain frozen warmwater shrimp from the People’s Republic of China (China), India, Thailand, and the Socialist Republic of Vietnam (Vietnam). This notice contained an incorrect scope of the orders.

FOR FURTHER INFORMATION CONTACT:

Andrew Hart, 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) 482–1058.

SUPPLEMENTARY INFORMATION:

Correction

In the *Federal Register* of July 5, 2023, in FR Doc 2023–14181, on page 42915 in the first and second columns, correct the scope of the orders to state:

“The scope of the orders includes certain frozen warmwater shrimp and prawns, whether wild caught (ocean harvested) or farm raised (produced by aquaculture), head on or head off, shell on or peeled, tail on or tail off,¹ deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of the orders, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *Penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, white-leg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

¹ “Tails” in this context means the tail fan, which includes the telson and the uropods.

⁸ See *AG der Dillinger Hüttenwerke v. United States*, Court No. 17–00158, Slip Op. 23–94 (CIT 2023) (*Dillinger Germany IV*).

⁹ See *Dillinger Germany IV*, Court No. 17–00158, Slip Op. 23–94 at 4 and 25; see also *Bohler Bleche GMBH & Co. KG v. United States*, 324 F. Supp. 3d 1344 (CIT 2018) (*Bohler*).

¹⁰ See *Final Results of Redetermination Pursuant to Court Remand; Certain Carbon and Alloy Steel Cut-to-Length Plate from Germany*, Court No. 17–00158, Slip Op. 23–94 (CIT June 23, 2023), dated September 6, 2023, available at <https://access.trade.gov/resources/remands/index.html>.

¹¹ See *AG Der Dillinger Hüttenwerke, v. United States*, Court No. 17–00158, Slip Op. 23–187 (CIT 2023).

¹² See *Final Results of Redetermination Pursuant to Court Remand; Certain Carbon and Alloy Steel Cut-to-Length Plate from Germany*, Court No. 17–00158, Slip. Op. 21–101 (CIT August 18, 2021), dated January 19, 2022 (*Second Remand Redetermination*), available at <https://access.trade.gov/resources/remands/index.html>. As a result of this redetermination, Commerce reinstated the dumping margin for Salzgitter of 22.90 percent calculated in the *Amended Final Determination*.

¹³ See *Dillinger Germany III*.

¹⁴ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹⁵ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of the orders. In addition, food preparations, which are not “prepared meals,” that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of the orders.

Excluded from the scope are: (1) breaded shrimp and prawns (HTSUS subheading 1605.20.1020); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell on or peeled (HTSUS subheadings 0306.23.0020 and 0306.23.0040); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.0510); (5) dried shrimp and prawns; (6) Lee Kum Kee’s shrimp sauce;² (7) canned warmwater shrimp and prawns (HTSUS subheading 1605.20.1040); and (8) certain battered shrimp. Battered shrimp is a shrimp-based product: (1) that is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a “dusting” layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and 10 percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick frozen (“IQF”) freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and par-fried.

The products covered by the orders are currently classified under the following HTSUS subheadings: 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, 1605.29.10.10, 0306.17.0004, 0306.17.0005, 0306.17.0007, 0306.17.0008, 0306.17.0010, 0306.17.0011, 0306.17.0013, 0306.17.0014, 0306.17.0016, 0306.17.0017, 0306.17.0019, 0306.17.0020, 0306.17.0022, 0306.17.0023, 0306.17.0025, 0306.17.0026, 0306.17.0028, 0306.17.0029, 0306.17.0041, 0306.17.0042. These

HTSUS subheadings are provided for convenience and for customs purposes only; the written description of the scope of the orders are dispositive.³”

Background

On July 5, 2023, Commerce published in the **Federal Register** the continuation of the orders for certain frozen warmwater shrimp from China, India, Thailand, and Vietnam.⁴ We inadvertently included the wrong scope of the orders.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(c), 751(d)(2), and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(f)(4).

Dated: January 5, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–00396 Filed 1–10–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD574]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Sitka Seaplane Base Construction

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

ACTION: Notice; proposed incidental harassment authorizations; request for comments on proposed authorizations and possible renewals.

SUMMARY: NMFS has received a request from the City and Borough of Sitka (CBS) for authorization to take marine

³ On April 26, 2011, Commerce amended the orders to include dusted shrimp, pursuant to the Court decision in *Ad Hoc Shrimp Trade Action Committee v. United States*, 703 F. Supp. 2d 1330 (CIT 2010) and the U.S. International Trade Commission determination, which found the domestic like product to include dusted shrimp. See *Certain Frozen Warmwater Shrimp from Brazil, India, the People’s Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision*, 76 FR 23277 (April 26, 2011); see also *Frozen Warmwater Shrimp from Brazil, China, India, Thailand, and Vietnam*, Inv. Nos. 731–TA1063, 1064, 1066–1068 (Review), USITC Pub. 4221 (March 2011).

⁴ See *Certain Frozen Warmwater Shrimp from the People’s Republic of China, India, Thailand, and the Socialist Republic of Vietnam: Continuation of Antidumping Duty Orders*, 88 FR 42914 (July 5, 2023).

mammals incidental to Sitka seaplane base construction activities over two years in Sitka, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue two incidental harassment authorizations (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on possible one-time, 1-year renewals for each IHA that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than February 12, 2024.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be submitted via email to ITP.harlacher@noaa.gov. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed above.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

² The specific exclusion for Lee Kum Kee’s shrimp sauce applies only to the scope of the AD order on certain frozen warmwater shrimp from China.