

Issues and Decision Memorandum. A list of the issues which parties raised, and to which we respond in the Issues and Decision Memorandum, is attached at the appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

### Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain changes to the weighted-average dumping margin for AKP. For detailed information, see the Issues and Decision Memorandum.

### Final Results of the Administrative Review

We determine that the following weighted-average dumping margins exist for the respondents for the period February 3, 2017 through July 31, 2018:

Exporter or producer	Weighted-average dumping margin (percent)
Aekyung Petrochemical Co., Ltd .....	0.82
Hanwha Chemical Corporation .....	22.97
LG Chem Ltd .....	0.00

### Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (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 dumping calculated for each importer's examined sales and the total entered value of the importer's sales in accordance with 19 CFR 351.212(b)(1).

Where the respondent's weighted-average dumping margin is either zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the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 companies listed above will be equal to each company's weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a producer or exporter not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer has been covered in a prior complete segment of this proceeding, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 3.69 percent,<sup>6</sup> the all-others rate established in the less-than-fair-value investigation. 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)(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 double antidumping duties.

### Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to 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). Timely

written notification of return/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.

### Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: April 15, 2020.

**Christian B. Marsh,**

*Deputy 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 of Review
- V. Discussion of the Issues
  - Comment 1: AKP's Differential Pricing Analysis
  - Comment 2: Errors in AKP's Preliminary Margin Calculations
  - Comment 3: Constructed Export Price Offset for Hanwha Chemical
- VI. Recommendation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XS031]

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment 53 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

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

**ACTION:** Notice of intent (NOI) to prepare a draft environmental impact statement (DEIS); request for comments.

**SUMMARY:** NMFS, Southeast Region, in collaboration with the Gulf of Mexico Fishery Management Council (Council) intends to prepare a DEIS to describe and analyze management alternatives to be included in Amendment 53 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Amendment 53). Amendment 53 will address the conservation and management of Gulf of Mexico red grouper and will consider alternatives to

<sup>6</sup> See *Diethyl Terephthalate from the Republic of Korea: Antidumping Duty Order*, 82 FR 39410 (August 18, 2017).

revise the commercial and recreational sector allocation, the overfishing limit (OFL), acceptable biological catch (ABC), annual catch limits (ACLs), and annual catch targets (ACTs). The purpose of this NOI is to solicit public comments on the scope of issues to be addressed in the DEIS.

**DATES:** Written comments on the scope of issues to be addressed in the DEIS must be received by NMFS by May 21, 2020.

**ADDRESSES:** You may submit comments on Amendment 53 identified by “NOAA–NMFS–2020–0062” by any of the following methods:

- **Electronic Submissions:** Submit electronic comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0062](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0062), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Peter Hood, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**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](http://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:**

Peter Hood, Southeast Regional Office, telephone: 727–824–5305; or email: [Peter.hood@noaa.gov](mailto:Peter.hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The status of the Gulf red grouper stock was evaluated in the Southeast Data, Assessment, and Review (SEDAR) 61 stock assessment that was completed in 2019. The results of SEDAR 61 indicated that the Gulf red grouper stock is not considered overfished or undergoing overfishing. However, fishermen and the Council have expressed concern about the health of the stock because of a decrease in landings, fewer legal sized fish, and a recent red tide event off the west coast of Florida. All weights described in this notice are in gutted weight.

In 2018, the Council noted that the combined commercial and recreational

Gulf red grouper landings have trended downwards from over 7.26 million lb (3.29 million kg) in 2014 to approximately 4.16 million lb (1.89 million kg) in 2017. The Council also heard public testimony, primarily from commercial fishermen, who noted that Gulf red grouper are harder to catch and that there appears to be less legal-size and larger fish throughout the species’ range on the west Florida shelf. In addition, the Council’s Scientific and Statistical Committee (SSC) reviewed an interim stock analysis conducted by the NMFS Southeast Fisheries Science Center (SEFSC) and concluded that the stock may be declining. Therefore, the SSC recommended that the Council reduce the 2019 Gulf red grouper total ACL from 10.70 million lb (4.85 million kg) to 4.60 million lb (2.09 million kg). The Council decided on a more precautionary approach and reduced the 2019 ACL to 4.16 million lb (1.89 million kg), which was the equal to the 2017 harvest (84 FR 52036; October 1, 2019).

The SSC reviewed the SEDAR 61 stock assessment in September 2019. To predict recreational fishing effort and landings, the assessment used the historical time series of recreational landings that has been fully-calibrated to the new Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES). This survey provides a better estimate of recreational effort and landings than the previous MRIP survey, and indicates that landing estimates for many species, including Gulf red grouper, are greater than previously thought. As a result, the calibrated historical recreational landings, when compared to commercial landings, are greater than the current allocation of 24 percent recreational and 76 percent commercial, which was established in 2009 based on the average landings from 1986 through 2005.

The Council’s SSC agreed with the determination in SEDAR 61 that the Gulf red grouper stock was not overfished or experiencing overfishing, but recognized the stock may have been adversely affected by the 2018 red tide event. Therefore, the SSC recommended that the catch level projections produced by the assessment assume that the impact from the 2018 red tide is approximately the same as the impact of a red tide event that occurred in 2005. In January 2020, the SSC received additional information about how different sector allocations impact the OFL and ABC projections produced by the assessment. The SEFSC explained that if the commercial and recreational allocation is changed to better reflect

historical recreational harvest based on the FES-adjusted MRIP landing estimates, the projected OFL and ABC are less than if the allocation remains the same. This reduction is caused by changes in the estimated size distribution of harvested fish and greater estimates of discarded fish by the recreational sector.

The Council and NMFS are currently considering two actions in Amendment 53. The first action would revise the Gulf red grouper allocation between the commercial and recreational sectors. The Council is currently considering historical landings as a basis to revise the allocation. For the second action, the Council is considering revising the sector ACLs and ACTs based on the allocation selected in the first action of Amendment 53 and the results of SEDAR 61. The Council and NMFS may add actions to Amendment 53 in the future, such as recreational bag limits, minimum size limits, and seasonal closures, after the scoping process or based on future discussions of this amendment.

NMFS, in collaboration with the Council, will develop a DEIS to describe and analyze alternatives to address the management needs described above including the “no action” alternatives. In accordance with the Companion Manual to NOAA Administrative Order 216–6A, Section 8(B), Scoping Requirements for an EIS, NMFS, in collaboration with the Council, has identified preliminary environmental issues as a means to initiate discussion for scoping purposes only. The public is invited to provide written comments on the preliminary issues, which are identified as actions in the Amendment 53 draft options paper. These preliminary issues may not represent the full range of issues that eventually will be evaluated in the DEIS. A copy of the Amendment 53 draft options paper is available at <https://www.fisheries.noaa.gov/action/amendment-53-red-grouper-allocations-and-catch-levels>.

After the DEIS associated with Amendment 53 is completed, it will be filed with the Environmental Protection Agency (EPA). After filing, the EPA will publish a notice of availability (NOA) of the DEIS for public comment in the **Federal Register**. The DEIS will have a 45-day comment period. This procedure is pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and the Companion Manual to NOAA Administrative Order 216–6A.

The Council and NMFS will consider public comments received on the DEIS in developing the final environmental impact statement (FEIS), and before the Council votes to submit the final amendment to NMFS for Secretarial review, approval, and implementation. NMFS will announce in the **Federal Register** the availability of the final amendment and FEIS for public review during the Secretarial review period, and will consider all public comments prior to final agency action to approve, disapprove, or partially approve the final amendment. During Secretarial review, NMFS will also file the FEIS with the EPA and the EPA will publish an NOA for the FEIS in the **Federal Register**.

NMFS will announce, through a document published in the **Federal Register**, all public comment periods on the final amendment, its proposed implementing regulations, and the availability of its associated FEIS. NMFS will consider all public comments received during the Secretarial review period, whether they are on the final amendment, the proposed regulations, or the FEIS, prior to final agency action.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 15, 2020.

**Hélène M.N. Scalliet**,  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XA134]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Alaska Marine Lines Lutak Dock Project, Haines, Alaska

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

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Alaska Marine Lines, Inc. (AML) to incidentally harass, by Level A and Level B harassment, marine mammals during pile driving activities associated

with the Lutak Dock Project in Haines, Alaska.

**DATES:** This authorization is effective from June 15, 2020 through June 14, 2021.

**FOR FURTHER INFORMATION CONTACT:** Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427-8401. 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/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed above.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) 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 incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

##### Summary of Request

On 9 July 2019, NMFS received a request from AML for an IHA to take marine mammals incidental to Lutak Dock project in Haines, Alaska. The

application was deemed adequate and complete on October 23, 2019. AML’s request is for take of seven species of marine mammals by Level B harassment and/or Level A harassment. Neither AML nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

##### Description of Specified Activity

The project consists of the demolition, re-construction, and improvement of a commercial barge cargo dock in Lutak Inlet near Haines, Alaska adjacent to the Haines Ferry Terminal. The project includes the following in-water components: Removal (by pulling or cutting off at the mudline or using a vibratory hammer as a last resort) of 12 steel pipe piles (16 inch diameter) of two berthing dolphins associated with the existing steel cargo bridge; fill 4,000 yards (3058 cubic meters) of gravel and 1,000 yards (765 cubic meters) of riprap to construct a causeway below the new dock; installing below mean high water (MHW) a 46-foot (14 m) long by 15-foot (4.6 m) wide steel float; installing below MHW (using vibratory or impact pile driving or down-the-hole (DTH) drilling) four 24-inch diameter steel pipe piles to construct two float strut dolphins, six 36-inch diameter steel pipe piles to construct two breasting dolphins; and construction of a 40-foot (12 m) wide by 40-foot (12 m) long, pile supported (three 30-inch diameter steel pipe piles), concrete abutment within the causeway to support a 120-foot long (36.6 m) by 24-foot (7.3 m) wide steel bridge over navigable waters.

The pile driving/removal or DTH drilling can result in take of marine mammals from sound in the water which results in behavioral harassment or auditory injury. The footprint of the project is approximately one square mile (2.6 square km) around the project site. The project will take no more than 8 days of pile-driving/removal or DTH drilling.

A detailed description of the planned project is provided in the **Federal Register** notice for the proposed IHA (84 FR 65117; November 26, 2019). Since that time, no changes have been made to the planned pile driving activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

##### Comments and Responses

A notice of NMFS’s proposal to issue an IHA to AML was published in the **Federal Register** on November 26, 2019 (84 FR 65117). That notice described, in detail, AML’s activity, the marine mammal species that may be affected by