

an adjustment, and found no basis for making such an adjustment to the companion AD rates under section 777(A)(f)(1)(b) of the Act.<sup>10</sup>

On May 7, 2015, the CIT sustained the Department's Remand Redetermination.<sup>11</sup>

#### Statutory Notice

The CIT's May 7, 2015, judgment affirming the Remand Redetermination constitutes a final court decision that is not in harmony with the section 129 Final Determination. This notice is published in fulfillment of the statutory publication requirements.

#### Notification to Interested Parties

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

Dated: May 20, 2015.

**Ronald K. Lorentzen,**  
Acting Assistant Secretary for Enforcement  
and Compliance.

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BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-814]

#### Utility Scale Wind Towers From the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With the Final Determination of Less Than Fair Value Investigation and Notice of Amended Final Determination of Investigation

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

**SUMMARY:** On May 11, 2015, the United States Court of International Trade (CIT or Court) issued final judgment in *CS Wind Vietnam Co., Ltd. and CS Wind Corporation v. United States*, Consol. Court No. 13-00102, affirming the Department of Commerce's (the Department) final results of redetermination pursuant to remand.

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department

is notifying the public that the final judgment in this case is not in harmony with the Department's final determination in the less than fair value investigation on utility scale wind towers from the Socialist Republic of Vietnam, and is amending the final determination with respect to the CS Wind Group.<sup>1</sup>

**DATES:** *Effective Date:* May 21, 2015.

**FOR FURTHER INFORMATION CONTACT:** Erin Kearney, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0167.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 15, 2013, the Department published its amended final determination and antidumping duty order in this proceeding.<sup>2</sup> The CS Wind Group appealed the *Wind Towers Final Determination* to the CIT, and on March 27, 2014, the CIT remanded the *Wind Towers Final Determination* to the Department to require the Department to: (1) Reconsider its valuation of steel plate, (2) reconsider its valuation of carbon dioxide, (3) reconsider the calculation of overhead expenses for surrogate financial ratios, specifically the treatment of jobwork charges and income line items, (4) re-determine the appropriate adjustment to the CS Wind Group's U.S. sales prices to account for a discrepancy in the reported weights of wind towers, and 5) reconsider its calculation of brokerage and handling expenses.<sup>3</sup> On July 29, 2014, the Department filed its results of redetermination pursuant to remand in accordance with the CIT's order.<sup>4</sup>

On November 3, 2014, the CIT affirmed, in part, the Department's *Final First Redetermination*, which resulted in a weighted-average dumping margin of 17.02 percent for the CS Wind

Group.<sup>5</sup> The Court remanded the *Final First Redetermination* to require the Department to reconsider its treatment of jobwork charges and income line items in calculating overhead expenses for surrogate financial ratios.<sup>6</sup> In the *Final Second Redetermination*, the Department revised its calculation of certain surrogate financial ratios.<sup>7</sup> The Court affirmed the Department's second remand in its entirety on May 11, 2015, and entered judgment.<sup>8</sup>

#### Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's May 11, 2015, judgment affirming the *Final Second Remand* constitutes a final decision of that court that is not in harmony with the *Wind Towers Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Results

Because there is now a final court decision with respect to this litigation, the Department is amending the *Wind Towers Final Determination* with respect to the CS Wind Group's dumping margin and cash deposit rate. The revised dumping margin and cash deposit rate for the CS Wind Group is 17.02 percent.<sup>9</sup>

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

#### Cash Deposit Requirements

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection to collect a cash deposit of 17.02 percent for entries of subject merchandise produced and exported by

<sup>10</sup> See "Redetermination Pursuant to Court Remand, *Wheatland Tube Company v. United States*, Consol. Court No. 12-00298, Slip Op. 14-137," (April 27, 2015) (Remand Redetermination).

<sup>11</sup> See *Wheatland Tube Company v. United States*, Slip Op. 15-44, Consol. Court No. 12-00298 (CIT May 7, 2015).

<sup>1</sup> The CS Wind Group consists of CS Wind Vietnam Co., Ltd. and CS Wind Corporation.

<sup>2</sup> See *Utility Scale Wind Towers From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value*, 77 FR 75984 (December 26, 2012), as amended by *Utility Scale Wind Towers From the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 11150 (February 15, 2013) (*Wind Towers Final Determination*).

<sup>3</sup> See *CS Wind Vietnam Co., Ltd. and CS Wind Corporation v. United States*, 971 F. Supp. 2d 1271 (CIT 2014).

<sup>4</sup> See Final Results of Redetermination Pursuant to Court Order, *CS Wind Vietnam Co., Ltd. and CS Wind Corporation v. United States*, Consol. Court No. 13-00102, Slip Op. 14-33, dated July 29, 2014 (*Final First Redetermination*).

<sup>5</sup> See *CS Wind Vietnam Co., Ltd. and CS Wind Corporation v. United States*, Consol. Court No. 13-00102, Slip Op. 14-128 (CIT November 3, 2014).

<sup>6</sup> *Id.*

<sup>7</sup> See Final Redetermination Pursuant to Court Order, *CS Wind Vietnam Co., Ltd. and CS Wind Corporation v. United States*, Consol. Court No. 13-00102, Slip Op. 14-128, dated January 21, 2015 (*Final Second Redetermination*).

<sup>8</sup> See *CS Wind Vietnam Co., Ltd. and CS Wind Corporation v. United States*, Consol. Court No. 13-00102, Slip Op. 15-45 (CIT May 11, 2015).

<sup>9</sup> See *Final Second Redetermination*.

the CS Wind Group, effective May 21, 2015.

#### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1), 735(d), 736(a) and 777(i)(1) of the Act.

Dated: May 18, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648-XD953**

##### Marine Mammals; File No. 19108

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Daniel P. Costa, Ph.D., University of California at Santa Cruz, Long Marine Laboratory, 100 Shaffer Road, Santa Cruz, CA 95064, has applied in due form for a permit to conduct research on northern elephant seals (*Mirounga angustirostris*) throughout their range.

**DATES:** Written, telefaxed, or email comments must be received on or before June 26, 2015.

**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. 19108 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](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 19108 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:

Amy Sloan or Brendan Hurley, (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 requests authorization to continue a long-term research program started in 1968 to study northern elephant seal population growth and status, reproductive strategies, behavioral and physiological adaptations for diving and fasting, general physiology and metabolism, and sensory physiology. Research methods include behavioral observations, marking, flipper tagging, capture and sampling, attachment of instrumentation for tracking, translocation studies, short-term captive holding for laboratory studies, use of hormone challenges and standard clinical tracer techniques for physiology studies, and acoustic studies. Research would include all age and sex classes of northern elephant seals over the entire calendar year. Proposed research locations include haul-out sites from California to Washington, but primarily Año Nuevo. Incidental harassment and mortalities of northern elephant seals, and incidental harassment of California sea lions (*Zalophus californianus*), northern fur seals (*Callorhinus ursinus*), and Steller sea lions (*Eumetopias jubatus*) of the Eastern Distinct Population Segment is requested. The duration of the requested permit is five 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.

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: May 19, 2015.

**Julia 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

##### Western Pacific Fishery Management Council; Public Meetings; Addendum

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

**ACTION:** Notice of public meetings and hearings.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold meetings of its 119th Scientific and Statistical Committee (SSC) and its 163rd Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also convene meetings of the Pelagic and International Standing Committee, Fishery Data Collection and Research Committee (FDCRC), Hawaii Standing Committee, and Executive and Budget Standing Committee. The omnibus amendment to establish the Pacific Islands annual catch limit specification process (action item) has been added to the 163rd meeting under 6.C.3.

**DATES:** The SSC meeting will be held between 8:30 a.m. and 5 p.m. on June 9-11, 2015. The Council's Pelagic and International Standing Committee and the FDCRC meetings will be held between 10 a.m. and noon on June 15, 2015; Hawaii Standing Committee meeting will be held between 1 p.m. and 3 p.m. on June 15, 2015; Executive and Budget Standing Committee meeting will be held between 3 p.m. and 5 p.m. on June 15, 2015; and the 163rd Council meeting will be held between 8:30 a.m. and 5 p.m. on June 16-18, 2015. In addition, the Council will host a Fishers Forum on June 17, 2015, between 6 p.m. and 9 p.m.

**Location:** The 119th SSC on June 9-11, 2015, and the Pelagic and International Standing Committee, FDCRC, Hawaii Standing Committee, and Executive and Budget Standing Committee on June 15, 2015, will be held at the Council office in Honolulu, Hawaii. The Council Meeting on June 16-18, 2015, and the Fishers Forum on