

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination of Investigation and Notice of Amended Final Determination of Investigation Pursuant to Court Decision

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

SUMMARY: On October 5, 2015, the United States Court of International Trade ("CIT") issued its final judgment in *Jiangsu Jiasheng Photovoltaic Technology Co., Ltd. v. United States* Consol. Court No. 13-00012¹ sustaining the Department of Commerce's ("the Department") final results of remand redetermination.² 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* and *Amended Final Determination* in the antidumping duty investigation of crystalline silicon photovoltaic cells, whether or not assembled into modules ("solar cells"), from the People's Republic of China ("PRC"),³ and is amending its determination with respect to granting separate rates to three specific respondents: Tianwei New Energy (Chengdu) PV Module Co., Ltd. ("Tianwei New Energy"), Dongfang

Electric (Yixing) MAGI Solar Power Technology Co., Ltd. ("Dongfang Electric"), and Sumec Hardware & Tools Co., Ltd. ("Sumec Hardware").

DATES: *Effective Date:* October 15, 2015.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance—International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone (202) 482-2769.

SUPPLEMENTARY INFORMATION:

Background

Subsequent to the publication of the *Amended Final Determination*, SolarWorld Americas, Inc. filed a complaint with the CIT challenging, in part, the Department's determination that certain separate-rate applicants were eligible for a separate rate.

On June 6, 2014, the United States requested a voluntary remand to reconsider and reevaluate its determination to grant a separate rate to four specific respondents: Tianwei New Energy, Dongfang Electric, Sumec Hardware, and Ningbo ETDZ Holdings Ltd. ("Ningbo ETDZ"). On November 20, 2014, the CIT granted the Department's request for a voluntary remand.

On April 20, 2015, the Department issued its *Remand Results*, in which the Department determined that Tianwei New Energy, Dongfang Electric, and Sumec Hardware did not meet the criteria for a separate rate, but that Ningbo ETDZ did meet the criteria for a separate rate.

On October 5, 2015, the Court issued its decision in *Jiangsu II* sustaining the Department's *Remand Results*.⁴

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 October 5, 2015, judgment sustaining the Department's *Remand Results* to not grant separate rates to Tianwei New Energy, Dongfang Electric, and Sumec Hardware, constitutes a final decision of that court that is not in harmony with the Department's *Investigation Final Determination*. This notice is published in fulfillment of the publication

requirements of *Timken*. 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.

Amended Final Determination

Because there is now a final court decision with respect to this case, the Department is amending its *Investigation Final Determination* with respect to granting separate rates to Tianwei New Energy, Dongfang Electric, and Sumec Hardware. We have found that Tianwei New Energy, Dongfang Electric, and Sumec Hardware do not meet the criteria for a separate rate. Accordingly, these companies are part of the PRC-wide entity. Additionally, the Department will instruct U.S. Customs and Border Protection to collect cash deposits from Tianwei New Energy, Dongfang Electric, and Sumec Hardware at the cash deposit rate applicable to the PRC-wide entity, effective October 15, 2015. The current cash deposit rate applicable to the PRC-wide entity is 238.95 percent.⁵

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

Dated: November 17, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE320

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee

⁵ Although the Department noted in the *Remand Results* that the cash deposit rate applicable to the PRC-wide entity is 249.96 percent, the current cash deposit rate, after adjusting for subsidies, is 238.95 percent. See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments, 2012-2013*, 80 FR 40998, 41002 n.50 (July 14, 2015).

¹ See *Jiangsu Jiasheng Photovoltaic Technology Co., Ltd. v. United States*, Consol. Court No. 13-00012, Slip Op. 15-113 (CIT October 5, 2015) ("*Jiangsu II*").

² See Final Results of Redetermination Pursuant to Court Order, *Jiangsu Jiasheng Photovoltaic Technology Co., Ltd. v. United States*, Consol. Court No. 13-00012 (April 20, 2015) ("*Remand Results*").

³ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, and Affirmative Final Determination of Critical Circumstances, in Part*, 77 FR 63791 (October 17, 2012) ("*Final Determination*"); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012) ("*Amended Final Determination*") (collectively, "*Investigation Final Determination*").

⁴ See *Jiangsu II*.

(SSC) will meet in San Juan, Puerto Rico.

DATES: The meetings will be held on December 8–10, 2015. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Caribbean Fishery Management Council Headquarters, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Caribbean Fishery Management Council's SSC will hold a three-day meeting to discuss the items contained in the following agenda:

December 8, 2015, 9 a.m.–5 p.m.

- Call to Order
- Island-Based Fishery Management: Choosing Species to be Included for Federal Management Within Each Island Group
- Review Draft List of Species Selected for Management—Review
 - Puerto Rico
 - St. Croix
 - St. Thomas/St. John
- Next Steps in Developing Island Based
 - Action 2—Species Complexes—SERO Update
- SEDAR 46 U. S. Caribbean Data-Limited Species Workshop Update
 - Data Review—SEFSC
 - Alternative Methods for Establishing Reference Points
 - Review Methods SEFSC

December 9, 2015, 9 a.m.–5 p.m.

- SEDAR 46 U. S. Caribbean Data-Limited Species Workshop Update (continued)
 - Data Review—SEFSC
 - Alternative Methods for Establishing Reference Points
 - Review Methods SEFSC
- Next Steps in Developing Island Based
 - Action 3—Reference Points
 - Other Needed Actions
 - 5 year CFMC Research Plan

December 10, 2015, 9 a.m.—12 p.m.

- Finalize 5 year CFMC Research Plan
- Review average landings relative to ACLs and proposed closures

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other

auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: November 18, 2015.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–29783 Filed 11–20–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE308

Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan; Notice of Intent To Prepare an Environmental Impact Statement; Scoping Process; Request for Comments

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

ACTION: Notice; intent to prepare an environmental impact statement and initiate scoping process; request for comments.

SUMMARY: The New England Fishery Management Council announces its intention to prepare, in cooperation with NMFS, an environmental impact statement in accordance with the National Environmental Policy Act. An environmental impact statement may be necessary to provide analytical support for Amendment 22 to the Northeast Multispecies Fishery Management Plan, which would set criteria for a limited entry program for the small-mesh multispecies (whiting) fishery. This notice is to alert the interested public of the scoping process and potential development of a draft environmental impact statement and to outline opportunity for public participation in that process.

DATES: Written and electronic scoping comments must be received on or before 5 p.m., local time, January 7, 2016.

ADDRESSES: Written scoping comments on Amendment 22 may be sent by any of the following methods:

- Email to the following address: comments@nefmc.org;
- Mail to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; or

- Fax to (978) 465–3116.

Requests for copies of the Amendment 22 scoping document and other information should be directed to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. The scoping document is accessible electronically via the Internet at <http://www.nefmc.org>.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council, (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council, working through its public participatory committee and meeting processes, anticipates the development of an amendment that may be analyzed through an environmental impact statement (EIS), dependent on addressing applicable criteria in the Council on Environmental Quality regulations and guidance for implementing the National Environmental Policy Act (NEPA). Amendment 22 to the Northeast Multispecies Fishery Management Plan (FMP) is anticipated to consider criteria that would restrict access to the directed whiting fishery based on past participation by vessels in the fishery and possibly other factors through the establishment of a limited entry program. Amendment 22 would also determine limits and fishery regulations that would apply to qualifying and non-qualifying vessels.

The small-mesh multispecies fishery is managed through a set of exemptions from the requirements of the “large-mesh” multispecies fishery. The current small-mesh exemptions under the FMP were first established in Amendment 5 in 1994. Amendment 5 prevented fishing with mesh smaller than the established minimum size in Gulf of Maine/Georges Bank Regulated Mesh Areas, unless exempted fisheries could be established that reduce the bycatch of regulated multispecies to less than 5 percent of the total weight of fish on board. Since that time, experimental and exempted fisheries for small-mesh multispecies in this area have evolved through cooperative experimentation, gear research, and gear technologies that significantly reduce bycatch of non-target species, especially regulated multispecies.

A number of amendments and framework adjustments revised management of the small-mesh fishery, including the relationships between