

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-570-055]

Carton-Closing Staples From China: Final Results of Sunset Review and Revocation of Order

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

SUMMARY: On April 10, 2023, the U.S. Department of Commerce (Commerce) initiated the first sunset review of the antidumping duty (AD) order on carton-closing staples from China. Because no domestic interested party filed a timely notice of intent to participate in this sunset review, consistent with section 751(c)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce is revoking the AD order on carton-closing staples from China.

DATES: Applicable May 8, 2023.

FOR FURTHER INFORMATION CONTACT: Henry Wolfe, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5848

SUPPLEMENTARY INFORMATION:**Background**

On May 8, 2018, Commerce issued an AD order on carton-closing staples from China.¹ On April 3, 2023, Commerce published notice of the initiation of the first sunset review of the *Order* pursuant to section 751(c) of the Act and 19 CFR 351.218(c).²

We did not receive a timely notice of intent to participate in this sunset review from any domestic interested party within fifteen days of the publication of the *Initiation Notice* in the **Federal Register**, in accordance with 19 CFR 351.218(d)(1)(i). Pursuant to 19 CFR 351.218(d)(1)(iii)(A), a domestic interested party that does not file a notice of intent to participate in the sunset review will be considered not willing to participate in the review. As a result, pursuant 19 CFR 351.218(d)(1)(iii)(B)(1), Commerce concludes that no domestic interested party responded to the *Initiation Notice* under section 751(c)(3)(A) of the Act. On April 24, 2023, Commerce notified the U.S. International Trade Commission (ITC) in writing that we

intended to revoke the *Order*, consistent with 19 CFR 351.218(d)(1)(iii)(B)(2).³

Scope of the Order

The scope of the *Order* is carton-closing staples. Carton-closing staples may be manufactured from carbon, alloy, or stainless steel wire, and are included in the scope of the investigation regardless of whether they are uncoated or coated, regardless of the type of coating.

Carton-closing staples are generally made to American Society for Testing and Materials (ASTM) specification ASTM D1974/D1974M-16, but can also be made to other specifications. Regardless of specification, however, all carton-closing staples meeting the scope description are included in the scope. Carton-closing staples include stick staple products, often referred to as staple strips, and roll staple products, often referred to as coils. Stick staples are lightly cemented or lacquered together to facilitate handling and loading into stapling machines. Roll staples are taped together along their crowns. Carton-closing staples are covered regardless of whether they are imported in stick form or roll form.

Carton-closing staples vary by the size of the wire, the width of the crown, and the length of the leg. The nominal leg length ranges from 0.4095 inch to 1.375 inches and the nominal crown width ranges from 1.125 inches to 1.375 inches. The size of the wire used in the production of carton-closing staples varies from 0.029 to 0.064 inch (nominal thickness) by 0.064 to 0.100 inch (nominal width).

Carton-closing staples subject to this *Order* are currently classifiable under subheadings 8305.20.00.00 and 7317.00.65.60 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings and ASTM specification are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested party responds to a notice of initiation, Commerce shall, within 90 days after the initiation of review, revoke the order. Because no domestic interested party timely filed a notice of intent to participate in this sunset review, we determine that no domestic interested party is participating in this sunset review. Therefore, consistent with section

751(c)(3)(A) of the Act, 19 CFR 351.218(d)(1)(iii)(B)(3), and 19 CFR 351.222(i)(1)(i), we are revoking the *Order*.

Effective Date of Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(2)(i), Commerce intends to instruct U.S. Customs and Border Protection (CBP) to terminate the suspension of liquidation of the merchandise subject to the *Order* entered, or withdrawn from the warehouse, on or after May 8, 2023, the fifth anniversary of the date of the publication of the *Order*.⁴ Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD deposit requirements. Commerce may conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for reviews.

Notification to Interested Parties

We are issuing and publishing these final results of sunset review and revocation of the *Order* in accordance with sections 751(c) and 777(i)(1) of the Act, and 19 CFR 351.218(d)(1)(iii)(B)(3) and 19 CFR 351.222(i)(1)(i).

Dated: June 15, 2023.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648-XD096]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Ecosystem and Ocean Planning (EOP) Committee and Advisory Panel (AP) will hold a joint meeting. See **SUPPLEMENTARY INFORMATION** for agenda details.

DATES: The meeting will be held on Friday, July 7, 2023, from 10 a.m. through 3:30 p.m.

⁴ See *Order*.

¹ See *Carton-Closing Staples from the People's Republic of China: Antidumping Duty Order*, 83 FR 20792 (May 8, 2018) (*Order*).

² See *Initiation of Five-year (Sunset) Reviews*, 88 FR 19616 (April 3, 2023) (*Initiation Notice*).

³ See Commerce's Letter, "Sunset Reviews Initiated on April 3, 2023," dated April 24, 2023.

ADDRESSES: The meeting will take place over webinar with a telephone-only connection option. Details on how to connect to the meeting will be available at: www.mafmc.org.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; website: www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

SUPPLEMENTARY INFORMATION: During this meeting the EOP Committee and AP will continue the comprehensive review of the Council's Ecosystem Approach to the Fisheries Management (EAFM) risk assessment. The group will review previous Committee and AP feedback on existing and potentially new risk elements and their definitions in order to refine the list of risk elements for possible inclusion in an updated risk assessment. The Committee and AP will then provide input on the indicators and risk ranking criteria that will be used to measure and evaluate each risk element. The EOP Committee and AP will continue their review throughout the summer with an updated risk assessment for Council review and consideration in the fall of 2023. A detailed agenda and background documents will be made available on the Council's website (www.mafmc.org) prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526-5251, at least 5 days prior to the meeting date.

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

Dated: June 16, 2023.

Diane M. DeJames-Daly,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 230613-0148; RTID 0648-XR128]

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Bull Kelp as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Notice; 90-day petition finding.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to list the bull kelp (*Nereocystis luetkeana*) as threatened or endangered under the Endangered Species Act (ESA) and to designate critical habitat concurrent with the listing. We have reviewed the information presented in the petition as well as information readily available in our files and find that the petition does not present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, we are denying this petition.

ADDRESSES: Interested persons may obtain a copy of the petition online at the NMFS website: <https://www.fisheries.noaa.gov/national/endangered-species-conservation/negative-90-day-findings>.

FOR FURTHER INFORMATION CONTACT: Melissa Neuman, NMFS West Coast Region, Protected Resources Division, (562) 481-4594, Melissa.Neuman@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2022, we received a petition from the Center for Biological Diversity to list the bull kelp (*Nereocystis luetkeana*) as a threatened or endangered species under the ESA and to designate critical habitat concurrent with the listing. The petition asserts that the bull kelp is threatened by all of the ESA section 4(a)(1) factors: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; and (5) other natural or manmade factors affecting its continued existence. The petition is available online (see **ADDRESSES**).

ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce shall make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). If NMFS finds that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a "positive 90-day finding"), we are required to promptly commence a review of the status of the species concerned, during which we will conduct a comprehensive review of the best available scientific and commercial data. We conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the best available information, as compared to the narrow scope of review at the 90-day stage, a "positive 90-day" finding does not prejudice the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). A species, subspecies, or DPS is "endangered" if it is in danger of extinction throughout all or a significant portion of its range, and "threatened" if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following five ESA section 4(a)(1) factors: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; and (5) other natural or manmade factors affecting its continued existence (16 U.S.C. 1533(a)(1); 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and the U.S. Fish and