

these final results is *de minimis*, no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

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 the return or 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

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(5).

Dated: July 6, 2020.

Jeffrey I. Kessler,

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
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- V. Non-Selected Rate
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 - Comment 1: Provision of Natural Gas for Less than Adequate Remuneration (LTAR)—Non-Government Suppliers
 - Comment 2: New Subsidy Allegation—Super Incentive Scheme
 - Comment 3: Renewable Energy Sources Support Mechanism (YEKDEM) Program Calculation
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 - Comment 5: Non-Selected Company Rate for Colakoglu Dis Ticaret A.S. and Colakoglu Metalurji A.S. (collectively, Colakoglu)
- IX. Recommendation

[FR Doc. 2020–15062 Filed 7–13–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–832]

Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Notice of Court Decision Not in Harmony With Final Countervailing Duty Determination, and Notice of Amended Final Countervailing Duty Determination

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

SUMMARY: On June 25, 2020, the United States Court of International Trade (CIT) sustained the final results of redetermination pertaining to the countervailing duty (CVD) investigation of carbon and alloy steel wire rod (wire rod) from the Republic of Turkey (Turkey) for the period of investigation (POI), January 1, 2016 through December 31, 2016. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with the final determination in the CVD investigation, and that Commerce is amending the final determination and resulting CVD order with respect to the subsidy rates assigned to Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas) and all other producers/exporters not individually investigated.

DATES: Applicable July 5, 2020.

FOR FURTHER INFORMATION CONTACT: Justin Neuman, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0486.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 2018, Commerce published its *Final Determination* in the CVD investigation of wire rod from Turkey for the POI of January 1, 2016 through December 31, 2016.¹ In the *Final Determination*, Commerce applied a rate based on adverse facts available to one program used by the respondents after discovering unreported information related to the Government of Turkey's (GOT's) "Assistance to Offset Costs Related to AD/CVD Investigations" program, which confers

¹ See *Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part*, 83 FR 13239 (March 28, 2018) (*Final Determination*) accompanying Issues and Decision Memorandum (IDM).

a countervailable subsidy.² In the *Final Determination*, Commerce also evaluated whether the GOT sold natural gas to Turkish wire rod producers for less-than-adequate remuneration (LTAR), and relied on Russian Eurostat (Eurostat) data for the tier two benchmark in the LTAR analysis. On May 21, 2018, Commerce published the *Amended Final Determination and Order*.³

On December 3, 2018, Habas, Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas), and the Nucor Corporation (Nucor) challenged various aspects of Commerce's *Final Determination*. Habas and Icdas contested Commerce's application of adverse facts available as unsupported by evidence and contrary to law. Nucor separately argued that Commerce's selection of Eurostat data as a tier two benchmark to calculate benefits from the provision of natural gas at LTAR was inadequately explained, the data did not represent the best available information, and the decision was unsupported by evidence and contrary to law. On November 19, 2019, the CIT sustained Commerce's application of adverse facts available against Habas and Icdas. However, the CIT remanded the *Final Determination* to Commerce with instructions for Commerce to reconsider benchmark data relating to the natural gas for LTAR program.⁴

On February 11, 2020, Commerce issued its Final Results of Redetermination in accordance with the CIT's order.⁵ As part of its analysis, Commerce placed new factual information on the record relating to natural gas prices. Commerce then reconsidered its reliance on Russian Eurostat data as a tier two benchmark, and instead relied on data from an International Energy Administration (IEA) report, as adjusted by Commerce, to construct a tier three benchmark.⁶ On June 25, 2020, the CIT sustained

² See IDM at section VII; see also Memorandum, "Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Calculations for the Final Countervailing Duty Determination," dated March 19, 2018.

³ See *Carbon and Alloy Steel Wire Rod from Italy and the Republic of Turkey: Amended Final Affirmative Countervailing Duty Determination for the Republic of Turkey and Countervailing Duty Orders for Italy and the Republic of Turkey*, 83 FR 23420 (May 21, 2018) (*Amended Final Determination and Order*).

⁴ See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi AS et al. v. United States*, Court No. 18–00144, Slip Op. 19–144 (CIT November 19, 2019).

⁵ See *Final Results of Redetermination Pursuant to Remand Order, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi AS et al. v. United States*, Court No. 18–00144, Slip Op. 19–144 (CIT November 19, 2019), dated February 11, 2020 (Final Results of Redetermination).

⁶ *Id.*

Commerce's Final Results of Redetermination.⁷

Timken Notice

In its decision in *Timken*,⁸ as clarified by *Diamond Sawblades*,⁹ the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a 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 June 25, 2020, judgment sustaining the Final Results of Redetermination constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Determination*, as modified by the *Amended Final Determination and Order*. This notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Determination

Because there is now a final court decision, Commerce is amending its *Final Determination* with respect to the countervailing duty rate calculated for Habas and the companies covered by the all-others rate. The revised rates are as follows:

Exporter or producer	Subsidy rate
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. ¹⁰	6.09
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. ¹¹	3.81
All Others	4.95

Cash Deposit Requirements

Because Habas does not have a superseding cash deposit rate, *i.e.*, there have been no final results published in a subsequent administrative review for the Habas, Commerce will issue revised cash deposit instructions to CBP. Commerce will instruct CBP to collect a cash deposit for estimated countervailing duties at *ad valorem* rates equal to the estimated weighted-average subsidy rates listed above for

⁷ See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi AS, et al. v. United States*, Court No. 18-00144, Slip Op. 20-87 (CIT June 25, 2020).

⁸ See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

⁹ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹⁰ See *Final Results of Redetermination*.

¹¹ The rate for Icdas did not change as a result of litigation. See *Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part*, 83 FR 13239 (March 28, 2018); see also *Order*, 83 FR at 23421.

Habas and all other producers and exporters of the subject merchandise, effective July 5, 2020.

Notification to Interested Parties

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

Dated: July 7, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA238]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Offshore of Massachusetts, Rhode Island, Connecticut, and New York

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: NMFS has received a request from Vineyard Wind, LLC (Vineyard Wind) for the re-issuance of a previously issued incidental harassment authorization (IHA) with the only change being effective dates. The initial IHA authorized take of 14 species of marine mammals, by Level B harassment, incidental to incidental to marine site characterization survey activities off the coast of Massachusetts in the areas of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS-A 0501 and OCS-A 0522) and along potential submarine cable routes to a landfall location in Massachusetts, Rhode Island, Connecticut, and New York. The project has been delayed and none of the work covered in the initial IHA has been conducted. The initial IHA was effective from June 1, 2020 through May 31, 2021. Due to delays, Vineyard Wind has requested re-issuance with new effective dates of June 21, 2020 through June 20, 2021. The scope of the activities and anticipated effects remain the same, authorized take numbers are not changed, and the required mitigation, monitoring, and reporting remains the same as included in the initial IHA. NMFS is, therefore, issuing a second

identical IHA to cover the incidental take analyzed and authorized in the initial IHA.

DATES: This authorization is effective from June 21, 2020, through June 20, 2021.

ADDRESSES: An electronic copy of the final 2020 IHA previously issued to Vineyard Wind, Vineyard Wind's application, and the **Federal Register** notices proposing and issuing the initial IHA may be obtained by visiting <https://www.fisheries.noaa.gov/action/incidental-take-authorization-vineyard-wind-llc-marine-site-characterization-surveys>. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Rob Pauline, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the Marine Mammal Protection Act (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 authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term "take" means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine