

**FOR FURTHER INFORMATION CONTACT:**

Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave. SW., STOP 1522, Room 5818, South Building, Washington, DC 20250-1522. Telephone: (202) 690-4492. Fax: (202) 720-8435. Email: [Thomas.Dickson@wdc.usda.gov](mailto:Thomas.Dickson@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies information collections that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Comments may be sent to Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave. SW., Washington, DC 20250-1522. Fax: (202) 690-4492.

*Title:* Use of Consultants Funded by Borrowers, 7 CFR part 1789.

*OMB Control Number:* 0572-0115.

*Type of Request:* Extension of a currently approved collection.

*Abstract:* Section 18(c) of the Rural Electrification Act of 1936 (RE Act), as amended (7 U.S.C. 901 *et seq.*) authorizes RUS to use consultants voluntarily funded by borrowers for financial, legal, engineering and other technical services. Consultants may be used to facilitate timely action on loan applications by borrowers for financial assistance and for approvals required by RUS, pursuant to the terms of outstanding loans, or other wise. RUS may not require borrowers to fund consultants. The provision of section

18(c) may be utilized only at the borrower's request. This collection of information implements RUS policies and procedures for use of consultants funded by RUS Borrowers to facilitate timely action on a borrower's loan application for financial assistance and for RUS approvals.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 2 hours per response.

*Respondents:* Not for profit institutions; business or other for-profit entities.

Estimated Number of Respondents: 1.  
*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 2 hours.

Dated: July 16, 2015.

**Brandon McBride,**

*Administrator, Rural Utilities Service.*

[FR Doc. 2015-18060 Filed 7-22-15; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

[C-489-502]

**Circular Welded Carbon Steel Pipes and Tubes From Turkey: Notice of Court Decision Not in Harmony With Final Results of Countervailing Duty Administrative Review and Notice of Amended Final Results of Countervailing Duty Administrative Review; 2011**

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

**SUMMARY:** On April 1, 2015, the United States Court of International Trade (the Court) issued *Toscelik II*,<sup>1</sup> which sustained the Final Remand Results<sup>2</sup> that the Department of Commerce (the Department) issued in connection with *Toscelik I*, concerning the Department's final results of administrative review of the countervailing duty order on circular welded carbon steel pipes and tubes from Turkey covering the period of review January 1, 2011, through December 31, 2011 (POR).<sup>3</sup> At issue

<sup>1</sup> See *Toscelik Profil Ve SAC Endustrisi A.S. v. United States*, Court No. 13-00371, Slip. Op. 15-28 (CIT April 1, 2015) (*Toscelik II*).

<sup>2</sup> See Final Results Of Redetermination Pursuant To Court Remand, Court No. 13-00371, Slip Op. 15-28 (February 13, 2015) (Final Remand Results), which is available at <http://enforcement.trade.gov/remands/index.html>.

<sup>3</sup> See *Toscelik Profit ve Sac Endustrisi AS v. United States* Court No. 13-00371; Slip Op. 14-126 (CIT October 29, 2014) (*Toscelik I*); *Circular Welded Carbon Steel Pipes and Tubes from Turkey: Final*

were benefits that *Toscelik Profil ve Sac Endustrisi AS (Toscelik)* received in connection with land that *Toscelik* acquired from the Government of Turkey in 2008 and 2010. In the Final Remand Results, the Department restored the benchmark originally calculated for the 2008 land subsidy in the *2010 CVD Review*<sup>4</sup> and further explained aspects of the benchmark used to value the 2010 land subsidy. In addition, pursuant to a voluntary remand request, the Department examined and corrected, as necessary, duplication errors in the dataset used to calculate the land benchmark.<sup>5</sup>

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*,<sup>6</sup> as clarified by *Diamond Sawblades*,<sup>7</sup> the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Results*. The Department is also amending the *Final Results* with respect to *Toscelik*.

**DATES:** Effective date: April 11, 2015

**FOR FURTHER INFORMATION CONTACT:** John Conniff, AD/CVD Operations Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1009.

**SUPPLEMENTARY INFORMATION:****Background**

On October 30, 2013, the Department issued the *Final Results*.<sup>8</sup> *Toscelik* challenged certain aspects of the *Final Results* at the Court. In *Toscelik I*, the Court held that the Department may not alter the nonrecurring benefit stream for the 2008 land parcel in a subsequent review—as the Department did in the *Final Results* when it changed the 2008 land subsidy benchmark—absent a demonstration that the original

*Results of Countervailing Duty Administrative Review; Calendar Year 2011*, 78 FR 64916 (October 30, 2013) (*Final Results*) and accompanying Issues and Decision Memorandum (Final IDM).

<sup>4</sup> See *Circular Welded Carbon Steel Pipes and Tubes From Turkey: Final Results of Countervailing Duty Administrative Review*, 77 FR 46713 (August 6, 2012) (*2010 CVD Review*) and accompanying Issues and Decision Memorandum (2010 CVD Review IDM).

<sup>5</sup> See Final Remand Results at 5-12.

<sup>6</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>7</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>8</sup> See *Circular Welded Carbon Steel Pipes and Tubes from Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2011*, 78 FR 64916 (October 30, 2013) (*Final Results*) and accompanying Issues and Decision Memorandum (Final IDM).

determination “is clearly erroneous and would work a manifest injustice.”<sup>9</sup> The Court also granted the Department’s voluntary remand request to examine possible double-counting errors in the land benchmark dataset, and instructed the Department to supply additional explanation regarding the use of simple averaging, the expansion of the dataset with additional prices, and the use of different benchmark prices for the 2008 and 2010 parcels.<sup>10</sup>

On February 13, 2015, the Department filed the Final Remand Results with the Court, in which it restored the benchmark originally calculated for the 2008 land subsidy in the 2010 CVD Review and further explained aspects of the benchmark used to value the 2010 land subsidy. In addition, the Department examined and corrected as necessary duplication errors in the dataset used to calculate the benchmark for the 2010 land subsidy.<sup>11</sup> On April 1, 2015, the Court entered judgment sustaining the Final Remand Results.<sup>12</sup>

**Timken Notice**

In *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, 626 F.3d at 1381, 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 Court’s judgment in *Toscelik II* sustaining the Final Remand Results constitutes a final decision of the Court that is not in harmony with the Department’s *Final Results*. This notice is published in fulfillment of the publication requirement of *Timken*.

**Amended Final Results**

Because there is now a final court decision, the Department is amending the *Final Results* with respect to Toscelik. The revised net subsidy rate for Toscelik during the period January 1, 2011, through December 31, 2011, is as follows:

Producer/exporter	Total net subsidy rate
Toscelik Profil ve Sac Endustrisi A.S.	<i>de minimis</i> .

Since the Court’s ruling is final and no party has appealed, the Department will instruct U.S. Customs and Border Protection to assess without regard to

countervailing duties unliquidated entries of subject merchandise for the producer/exporter listed above during the POR.

**Cash Deposit Requirements**

Since the *Final Results*, the Department has established a new cash deposit rate for Toscelik.<sup>13</sup> Therefore, the cash deposit rate for Toscelik does not need to be updated as a result of these amended final results.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: July 16, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648–XD829**

**Taking of Marine Mammals Incidental to Specified Activities; Construction of the East Span of the San Francisco-Oakland Bay Bridge**

**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 we have issued an incidental harassment authorization (IHA) to California Department of Transportation (CALTRANS) to incidentally harass, by Level B harassment only, four species of marine mammals during activities related to the construction of Pier 3 of the East Span of the San Francisco-Oakland Bay Bridge (SF–OBB) in California

**DATES:** This authorization is effective from July 15, 2015 through July 14, 2016.

<sup>13</sup> See *Circular Welded Carbon Steel Pipes and Tubes From Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2012 and Rescission of Countervailing Duty Administrative Review*, in Part, 79 FR 51140 (August 27, 2014).

**FOR FURTHER INFORMATION CONTACT:** Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:**

**Availability**

An electronic copy of CALTRANS’ application and supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the Internet at: [www.nmfs.noaa.gov/pr/permits/incidental/construction.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm). In case of problems accessing these documents, please call the contact listed above (see **FOR FURTHER INFORMATION CONTACT**).

**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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.

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.”

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS’ review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization. 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

<sup>9</sup> See *Toscelik I* at 10.

<sup>10</sup> *Id.* at 14–16.

<sup>11</sup> See Final Remand Results at 5–12.

<sup>12</sup> See *Toscelik II* at 6.