

from Mexico.<sup>8</sup> Specifically, Commerce determined that Deacero's shipments to the United States of such wire rod constitute merchandise altered in form or appearance in such minor respects that it should be included within the scope of the AD order on wire rod from Mexico, effective as of December 20, 2011.<sup>9</sup> Commerce's affirmative finding in the *Final Circumvention Determination I* applied solely to Deacero. The U.S. Court of Appeals for the Federal Circuit (Federal Circuit) upheld Commerce's finding in the *Final Circumvention Determination I* that wire rod with an actual diameter of 4.75 mm to 5.00 mm produced in Mexico and exported to the United States by Deacero was circumventing the AD order on wire rod from Mexico.<sup>10</sup>

On March 13, 2019, Commerce determined that wire rod with an actual diameter less than 4.75 mm produced in Mexico and exported to the United States by Deacero was circumventing the AD order on wire rod from Mexico.<sup>11</sup> Specifically, Commerce determined that Deacero's shipments to the United States of such wire rod constitute merchandise altered in form or appearance in such minor respects that it should be included within the scope of the AD order on wire rod from Mexico, effective as of February 7, 2018.<sup>12</sup> Commerce's affirmative finding in the *Final Circumvention Determination II* applied solely to Deacero.

#### *Continuation of the Orders*

As a result of the determinations by Commerce and the ITC that revocation of the AD and CVD orders would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD orders on wire rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago and the CVD order on wire rod from Brazil.

U.S. Customs and Border Protection will continue to collect AD and CVD

cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year reviews of the orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

#### *Notification to Interested Parties*

These five-year sunset reviews and this notice are in accordance with section 751(c) and (d)(2) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: August 21, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Availability of a Record of Decision

**AGENCY:** Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Notice of availability of a record of decision.

**SUMMARY:** The National Oceanic and Atmospheric Administration's (NOAA's) National Ocean Service (NOS) announces the availability of the Record of Decision (ROD) for the Coral Reef Conservation Program's (CRCP's) final Programmatic Environmental Impact Statement (PEIS). On August 20, 2020, the NOS Acting Assistant Administrator signed the ROD, which constitutes the agency's final decision.

**FOR FURTHER INFORMATION CONTACT:** Liz Fairey, NMFS Office of Habitat Conservation, NOAA Coral Reef Conservation Program, 1315 East-West Highway, Silver Spring, MD 20910, [liz.fairey@noaa.gov](mailto:liz.fairey@noaa.gov).

**SUPPLEMENTARY INFORMATION:** On July 11, 2018, NOAA published the Notice of Intent to prepare a PEIS for continued operation of NOAA's CRCP. The public comment period for scoping ended on August 15, 2018. Three individuals/organizations submitted comments during the 35-day scoping period, and

CRCP considered these comments in the drafting of the PEIS.

On December 13, 2019, NOAA published a draft PEIS for coral reef conservation and restoration activities conducted by CRCP throughout parts of the United States, including the South Atlantic Ocean, Gulf of Mexico, and Remote Pacific Islands, and priority international areas (*i.e.*, wider Caribbean, Coral Triangle, South Pacific, and Micronesia). The public comment period for the draft PEIS ended on January 27, 2020. Thirteen individuals/organizations submitted comments during the 45-day comment period. Appendix I of the final PEIS outlines how the final PEIS responds to the comments.

On July 17, 2020, the Environmental Protection Agency (EPA) published a notice of availability of the final PEIS in the **Federal Register** (85 FR 43580). NOAA did as well (85 FR 43544). The waiting period for the final PEIS ended on August 17, 2020. The NEPA implementing regulations at 40 CFR 1506.10 require a minimum 30-day waiting period between the time the EPA publishes its **Federal Register** notice and the time an agency makes a decision on the proposed action covered by the EIS. Except for a supportive letter from EPA, CRCP did not receive any comments during the 30-day waiting period. CRCP has reviewed the final PEIS and concluded that it fully analyzes the issues covered by the draft PEIS and addresses the comments and suggestions submitted by commenters. This notice advises the public that the 30-day waiting period has elapsed and that the ROD is available, documenting CRCP's decision to select and implement the No Action Alternative.

Electronic copies of the PEIS and the ROD are available at <https://coralreef.noaa.gov/about/enviro-compliance.html> and <https://coast.noaa.gov/czm/compliance/>. The preparation of the ROD was conducted in accordance with the requirements of NEPA, the Council on Environmental Quality's Regulations (40 CFR parts 1500-1508), and NOAA's NEPA-implementing policies and procedures.

Dated: August 21, 2020.

**Keelin Kuipers,**

*Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

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<sup>8</sup> See *Carbon and Certain Alloy Steel Wire Rod from Mexico: Affirmative Final Determination of Circumvention of the Antidumping Order*, 77 FR 59892 (October 1, 2012) (*Final Circumvention Determination I*), and accompanying Issues and Decision Memorandum (IDM).

<sup>9</sup> *Id.*, 77 FR at 59893.

<sup>10</sup> See *Deacero S.A. de C.V. v. United States*, 817 F.3d 1332, 1339 (Fed. Cir. 2016).

<sup>11</sup> See *Carbon and Certain Alloy Steel Wire Rod from Mexico: Final Affirmative Determination of Circumvention of the Antidumping Duty Order*, 84 FR 9089 (March 13, 2019) (*Final Circumvention Determination II*), and accompanying IDM.

<sup>12</sup> *Id.*, 84 FR at 9090.