

- V. Rate for Non-Selected Companies Under Review
- VI. Use of Facts Available and Application of Adverse Inferences
- VII. Changes Since the *Preliminary Results*
- VIII. Subsidies Valuation
- IX. Analysis of Programs
- X. Discussion of Comments
- Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to the Export Buyer's Credit Program (EBCP)
- Comment 2: Whether Commerce Should Find That Input Producers of Solar Grade Polysilicon, Aluminum Extrusions, and Solar Glass Are Authorities
- Comment 3: Whether Commerce Should Find That the Provision of Electricity for Less Than Adequate Remuneration (LTAR) Program Is Countervailable
- Comment 4: Whether Commerce Should Revise Jinko's Denominator
- Comment 5: Whether Commerce Should Attribute Risen's Subsidies to Its Consolidated Sales
- Comment 6: Whether Commerce Should Change the Benchmark for the Provision of Polysilicon for LTAR
- Comment 7: Whether Commerce Should Change the Benchmark for the Provision of Solar Glass for LTAR
- Comment 8: Whether Commerce Should Change the Benchmark for the Provision of Aluminum Extrusions for LTAR
- Comment 9: Whether Commerce Should Change the Inland Freight Values Used for the Benefit Calculation of the Provision of Solar Glass, Aluminum Extrusions, and Solar Grade Polysilicon for LTAR Programs
- Comment 10: Whether Commerce Should Change the Ocean Freight Benchmark
- Comment 11: Whether Commerce Made Errors in Jinko's Preliminary Calculation
- Comment 12: Whether Commerce Made Errors in Risen's Preliminary Calculation
- XI. Recommendation

## Appendix II

### Non-Examined Companies Under Review

- Anji Dasol Solar Energy Science & Technology Co., Ltd.
- BYD (Shangluo) Industrial Co., Ltd.; Shanghai BYD Co., Ltd.
- Chint New Energy Technology (Haining) Co., Ltd.
- Chint Solar (Zhejiang) Co., Ltd.
- JA Solar (Xingtai) Co., Ltd.
- JA Solar Technology Yangzhou Co., Ltd.
- Jiangsu High Hope Int'l Group
- Jiangsu Huayou International Logistics
- LONGi Solar Technology Co., Ltd.
- Shanghai JA Solar Technology Co., Ltd.
- Shenzhen Sungold Solar Co., Ltd.
- Suntech Power Co., Ltd.
- Toenergy Technology Hangzhou Co., Ltd.
- Trina Solar (Changzhou) Science and Technology Co., Ltd.
- Trina Solar Co., Ltd.
- Wuxi Tianran Photovoltaic Co., Ltd.
- Yingli Energy (China) Co., Ltd.
- Changzhou Trina Solar Energy Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co.,

Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.; Changzhou Trina PV Ribbon Materials Co., Ltd.

## Appendix III

### List of Rescinded Companies

- Canadian Solar Inc.; Canadian Solar International Limited; Canadian Solar Manufacturing; Canadian Solar Manufacturing (Changshu) Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; CSI Cells Co., Ltd.; CSI Modules (Dafeng) Co., Ltd.; CSI Solar Power (China) Inc.; CSI-GCL Solar Manufacturing (Yancheng) Co., Ltd.
- Changzhou Trina Hezhong Photoelectric Co., Ltd.
- Trina (Hefei) Science and Technology Co., Ltd.
- Yancheng Trinasolar Guoneng Science
- Astronergy Co., Ltd.
- Astronergy Solar
- Baoding Jiasheng Photovoltaic Technology Co., Ltd.
- Baoding Tianwei Yingli New Energy Resources Co., Ltd.
- Beijing Tianneng Yingli New Energy Resources Co., Ltd.
- Boviet Solar Technology Co., Ltd.
- BYD (Shaoguan) Co., Ltd.
- Chint Solar (HongKong) Company Limited
- Chint Solar (Jiuquan) Co., Ltd.
- DelSolar (Wujiang) Ltd.
- DelSolar Co., Ltd.
- De-Tech Trading Limited HK
- Dongguan Sunworth Solar Energy Co., Ltd.
- Eopply New Energy Technology Co., Ltd.
- ERA Solar Co., Ltd.
- ET Solar Energy Limited
- Fuzhou Sunmodo New Energy Equipment Co., Ltd.
- GCL System Integration Technology Co., Ltd.
- Hainan Yingli New Energy Resources Co., Ltd.
- Hangzhou Sunny Energy Science and Technology Co., Ltd.
- Hefei JA Solar Technology Co., Ltd.
- Hengdian Group DMEGC Magnetics Co., Ltd.
- Hengshui Yingli New Energy Resources Co., Ltd.
- JA Solar Co., Ltd. (aka JingAo Solar Co., Ltd.)
- JA Solar International Limited
- Jiangsu Jinko Tiansheng Solar Co., Ltd.
- Jinko Solar International Limited
- Jiujiang Shengzhao Xinye Technology Co., Ltd.
- Light Way Green New Energy Co., Ltd.
- Lixian Yingli New Energy Resources Co., Ltd.
- Longi (HK) Trading Ltd.
- Luoyang Suntech Power Co., Ltd.
- Nice Sun PV Co., Ltd.
- Ningbo ETDZ Holdings Ltd.
- Penglai Jutal Offshore Engineering
- ReneSola Jiangsu Ltd.
- Renesola Zhejiang Ltd.
- Risen Energy (HongKong) Co., Ltd.
- Shenzhen Topray Solar Co., Ltd.
- Shenzhen Yingli New Energy Resources Co., Ltd.
- Solar Philippines Module

- Sumec Hardware and Tools Co., Ltd.
- Sunpreme Solar Technology (Jiaxing) Co., Ltd.
- Suntimes Technology Co., Limited
- Systemes Versilis, Inc.
- Taimax Technologies Inc.
- Taizhou BD Trade Co., Ltd.
- Talesun Energy
- Talesun Solar
- tenKsolar (Shanghai) Co., Ltd.
- Tianjin Yingli New Energy Resources Co., Ltd.
- Vina Solar Technology Co., Ltd.
- Wuxi Suntech Power Co., Ltd.
- Yingli Green Energy International Trading Company Limited
- Zhejiang ERA Solar Technology Co., Ltd.
- Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD140]

### 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 MAFMC will hold a public meeting (webinar) of its Mackerel, Squid, and Butterfish (MSB) Monitoring Committee. See **SUPPLEMENTARY INFORMATION** for agenda details.

**DATES:** The meeting will be held on Thursday, July 27, 2023, from 9 a.m. to 12 p.m.

**ADDRESSES:** Webinar connection information will be posted to the calendar prior to the meeting at [www.mafmc.org](http://www.mafmc.org).

*Council address:* Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331; [www.mafmc.org](http://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:** The main purpose of the meeting is for the Monitoring Committee to develop recommendations for future longfin squid and Atlantic mackerel specifications (including the river herring and shad cap for the Atlantic mackerel fishery). Recent evaluations of

scup Gear Restricted Areas (GRAs), which impact longfin squid fishing, may be discussed if related analyses have been completed. Public comments will also be taken.

#### 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: July 6, 2023.

**Rey Israel Marquez,**

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

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**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD135]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Navy Marine Structure Maintenance and Pile Replacement in Washington

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

**ACTION:** Notice of issuance of Letters of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that two Letters of Authorization (LOA) have been issued to the U.S. Navy (Navy) for the take of marine mammals incidental to maintenance construction activities at facilities in Washington.

**DATES:** The LOAs are effective from July 16, 2023, through January 15, 2024, and from July 16, 2023, through February 15, 2024.

**ADDRESSES:** The LOAs and supporting documentation are available online at: [www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-marine-structure-maintenance-and-pile-replacement-wa](http://www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-marine-structure-maintenance-and-pile-replacement-wa). In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

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

**SUPPLEMENTARY INFORMATION:**

#### 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.

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.

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 mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

#### Summary of Request

On April 17, 2019, we issued a final rule upon request from the Navy for authorization to take marine mammals incidental to maintenance construction activities at six facilities in Washington (84 FR 15963). The Navy plans to conduct construction necessary for maintenance of existing in-water structures at the following facilities: Naval Base Kitsap (NBK) Bangor, NBK Bremerton, NBK Keyport, NBK Manchester, Zelatched Point, and Naval Station Everett (NS Everett). These repairs include use of impact and vibratory pile driving, including installation and removal of steel, concrete, plastic, and timber piles. The use of both vibratory and impact pile driving is expected to produce

underwater sound at levels that have the potential to result in harassment of marine mammals.

For the 2023–2024 in-water work season, the Navy requested issuance of LOAs for work planned at NBK Bremerton and NBK Bangor. The Navy submitted site-specific monitoring plans. Following NMFS review and approval of the required plans, we have issued the requested LOAs. The approved plans are available online at: [www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-marine-structure-maintenance-and-pile-replacement-wa](http://www.fisheries.noaa.gov/action/incidental-take-authorization-us-navy-marine-structure-maintenance-and-pile-replacement-wa).

#### Authorization

We have issued two LOAs to the Navy authorizing the take of marine mammals incidental to maintenance construction activities, as described above. Take of marine mammals will be minimized through the implementation of the following planned mitigation measures: (1) required monitoring of the construction areas to detect the presence of marine mammals before beginning construction activities; (2) shutdown of construction activities under certain circumstances to avoid injury of marine mammals; and (3) soft start for impact pile driving to allow marine mammals the opportunity to leave the area prior to beginning impact pile driving at full power. Additionally, the rule includes an adaptive management component that allows for timely modification of mitigation or monitoring measures based on new information, when appropriate. The Navy will submit reports as required.

Based on these findings and the information discussed in the preamble to the final rule, the activities described under these LOAs will have a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses.

Dated: July 5, 2023.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

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