

report annually to the Department of Commerce (Commerce) information on contracts for the sale of defense articles or defense services to foreign countries or foreign firms that are subject to offsets agreements exceeding \$5,000,000 in value. U.S. firms are also required to report annually to Commerce information on offsets transactions completed in performance of existing offsets commitments for which offsets credit of \$250,000 or more has been claimed from the foreign representative. This year, such reports must include relevant information from calendar year 2014 and must be submitted to Commerce no later than June 15, 2015.

**ADDRESSES:** Reports should be addressed to "Offsets Program Manager, U.S. Department of Commerce, Office of Strategic Industries and Economic Security, Bureau of Industry and Security (BIS), Room 3878, Washington, DC 20230."

**FOR FURTHER INFORMATION CONTACT:** Ronald DeMarines, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, telephone: 202-482-3755; fax: 202-482-5650; email: [ronald.demarines@bis.doc.gov](mailto:ronald.demarines@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 723(a)(1) of the Defense Production Act of 1950, as amended (DPA) (50 U.S.C. app. 2172 (2009)), requires the President to submit an annual report to Congress on the impact of offsets on the U.S. defense industrial base. Section 723(a)(2) directs the Secretary of Commerce (Secretary) to prepare the President's report and to develop and administer the regulations necessary to collect offsets data from U.S. defense exporters.

The authorities of the Secretary regarding offsets have been delegated to the Under Secretary of Commerce for Industry and Security. The regulations associated with offsets reporting are set forth in part 701 of title 15 of the Code of Federal Regulations. Offsets are compensation practices required as a condition of purchase in either government-to-government or commercial sales of defense articles and/or defense services, as defined by the Arms Export Control Act and the International Traffic in Arms Regulations. For example, a company that is selling a fleet of military aircraft to a foreign government may agree to offset the cost of the aircraft by providing training assistance to plant managers in the purchasing country. Although this distorts the true price of the aircraft, the foreign government may

require this sort of extra compensation as a condition of awarding the contract to purchase the aircraft. As described in the regulations, U.S. firms are required to report information on contracts for the sale of defense articles or defense services to foreign countries or foreign firms that are subject to offsets agreements exceeding \$5,000,000 in value. U.S. firms are also required to report annually information on offsets transactions completed in performance of existing offsets commitments for which offsets credit of \$250,000 or more has been claimed from the foreign representative.

Commerce's annual report to Congress includes an aggregated summary of the data reported by industry in accordance with the offsets regulations and the DPA (50 U.S.C. app. 2172 (2009)). As provided by section 723(c) of the DPA, BIS will not publicly disclose individual firm information it receives through offsets reporting unless the firm furnishing the information specifically authorizes public disclosure. The information collected is sorted and organized into an aggregate report of national offsets data, and therefore does not identify company-specific information.

In order to enable BIS to prepare the next annual offset report reflecting calendar year 2014 data, U.S. firms must submit required information on offsets agreements and offsets transactions from calendar year 2014 to BIS no later than June 15, 2015.

Dated: May 18, 2015.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A-533-843]**

**Certain Lined Paper Products From India: Notice of Court Decision Not in Harmony With Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review; 2010-2011**

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

**SUMMARY:** On May 4, 2015, the United States Court of International Trade (the

Court) issued *Navneet II*, sustained the Final Remand Results<sup>2</sup> that the Department of Commerce (the Department) issued in connection with *Navneet I*.

The Department recalculated the weighted-average dumping margin that was established for 51 companies that neither failed to cooperate with the agency nor were selected for individual investigation (hereinafter referred to as the non-selected respondents).<sup>4</sup>

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*, clarified by *Diamond Sawblades*, Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on certain lined paper products from India covering the period of review September 1, 2010, through August 31, 2011 (POR).

**DATES:** *Effective Date:* May 14, 2015.

**FOR FURTHER INFORMATION CONTACT:** Cindy Robinson, 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) 482-3797.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 15, 2013, the Department issued the *Final Results*. Education Ltd. (*Navneet*)<sup>8</sup> and eight other companies<sup>9</sup> timely filed

<sup>1</sup> See *Navneet Publications (India) Ltd. et al. v. United States*, Court No. 13-00204, Slip. Op. 15-41 (CIT May 4, 2015) (*Navneet II*).

<sup>2</sup> See *Final Results Of Redetermination Pursuant To Court Remand*, Court No. 13-00204, Slip Op. 14-87 (December 4, 2014) (*Final Remand Results*), which is available at <http://enforcement.trade.gov/remands/14-87.pdf>.

<sup>3</sup> See *Navneet Publications (India) Ltd. v. United States*, Court No. 13-00204, Slip Op. 14-87 (CIT July 22, 2014) (*Navneet I*).

<sup>4</sup> See *Final Remand Results* at 12-17.

<sup>5</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>6</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>7</sup> See *Certain Lined Paper Products from India: Final Results of Antidumping Duty Administrative Review; 2010-2011*, 78 FR 22232 (April 15, 2013) (*Final Results*) and accompanying Issues and Decision Memorandum (Final Decision Memorandum).

<sup>8</sup> *Navneet Education Ltd. (Navneet)* was formally known as *Navneet Publications (India) Ltd.* See *Certain Lined Paper Products From India: Final Results of Changed Circumstances Review*, 79 FR 35727 (June 24, 2014) (*Navneet CCR Final Results*).

<sup>9</sup> The other eight companies are: Marisa International; Riddhi Enterprises, Ltd.; Super Impex; Pioneer Stationary Pvt. Ltd.; SGM Paper Products; SAB International; Lodha Offset Limited; and Magic International Pvt. Ltd. By Court Order on

complaints with the Court and challenged certain aspects of the *Final Results*. In *Navneet I*, the Court remanded the Department's *Final Results* with respect to the Department's calculation of the 11.01 percent non-selected rate assigned to 51 non-selected respondents. The Department based the non-selected rate on the simple average of the two mandatory respondents' zero rates and two (out of four) of the 22.02 percent adverse facts available (AFA) rates assigned to the uncooperative respondents, which failed to respond to the Department's quantity and value questionnaire.<sup>10</sup>

On July 22, 2014, the Court remanded the Department's *Final Results* and instructed the Department to reconsider the following two issues: (1) That the rate assigned to the non-selected companies should be supported by "substantial evidence," and (2) that the rate reflects the "economic reality" and "pricing behavior" of the non-selected respondents.<sup>11</sup>

On December 4, 2014, the Department filed the Final Remand Results with the Court, in which it continued to find evidence of dumping during the POR, drew an inference that the behavior of uncooperative respondents reflects rational choice, and, thus, found it reasonable to assign an above *de minimis* margin to the non-selected respondents.<sup>12</sup> In the Final Remand Results, the Department explained that this approach complied with the Court's holding in *Navneet I* that the non-selected margin be tied to the relevant factual circumstances of the administrative review and the economic reality of the non-selected respondents.<sup>13</sup> On May 4, 2015, the Court entered judgment sustaining the Final Remand Results.<sup>14</sup>

#### Timken Notice

In *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, 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 *Navneet 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 Navneet and the other non-selected, cooperative exporters that are plaintiffs in this case. The revised weighted-average dumping margins for these exporters during the period September 1, 2010, through August 31, 2011, are as follows:

#### WEIGHTED-AVERAGE DUMPING MARGIN FOR PLAINTIFF EXPORTERS

Producer/exporter	Weighted-average dumping margin (percent)
Lodha Offset Limited .....	0.50
Magic International Pvt Ltd .....	0.50
Marisa International .....	0.50
Navneet Education Ltd <sup>15</sup> .....	0.50
Pioneer Stationery Pvt. Ltd .....	0.50
SGM Paper Products .....	0.50
Super Impex .....	0.50

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by the above listed exporters at the rate listed above.

#### Cash Deposit Requirements

Since the *Final Results*, the Department has established a new cash deposit rate for Navneet Education Ltd. and Super Impex.<sup>16</sup> Therefore, the cash deposit rate for these two companies does not need to be updated as a result of these amended final results. The cash deposit rate will be the rate listed above for the remaining five companies listed above and subject to this remand.

<sup>15</sup> Navneet Education Ltd. is a successor in interest to Navneet Publications (India) Ltd. See *Navneet CCR Final Results*.

<sup>16</sup> See *Certain Lined Paper Products From India: Final Results of Antidumping Duty Administrative Review; 2011–2012*, 79 FR 26205 (May 7, 2014); see also *Certain Lined Paper Products From India: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 80 FR 19278 (April 10, 2015).

#### 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: May 14, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

RIN 0648–XD935

#### Mid-Atlantic Fishery Management Council (MAFMC); Fisheries of the Northeastern United States; Scoping Process

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

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS); notice of initiation of scoping process; notice of public scoping meetings; request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council announces its intent to prepare, in cooperation with NMFS, either an amendment to the fishery management plan for golden tilefish or a new fishery management plan. In either case, the reason for action is to develop conservation and management measures for bluefin tilefish off the Mid-Atlantic. To support this effort, the Council may prepare an environmental impact statement in accordance with the National Environmental Policy Act to analyze the impacts of any proposed management measures. This notice announces a public process for determining the scope of issues to be addressed, for identifying concerns and potential alternatives related to management of bluefin tilefish off the Mid-Atlantic, and for determining the appropriate level of environmental analysis. This notice alerts the interested public of the scoping process, the potential development of an environmental impact statement or environmental assessment as appropriate, and provides for public participation in that process. Five scoping hearings will be held in June 2015 for this action.

**DATES:** The meetings will be held between June 1, 2015, and June 18, 2015, as described below. Written

June 20, 2013, Riddhi Enterprises, Ltd. and SAB International were dismissed from the litigation.

<sup>10</sup> See *Navneet I* at 19, referencing the Final Decision Memorandum at Comment 5.

<sup>11</sup> See *Navneet I* at 15.

<sup>12</sup> See Final Remand Results 14–15.

<sup>13</sup> *Id.*

<sup>14</sup> See *Navneet II* at 11.