

rebuttal briefs should be filed electronically using ACCESS.<sup>6</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically-filed request must be received successfully, and in its entirety, by ACCESS by 5:00 p.m. Eastern Time, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number; the number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a date, time, and specific location to be determined. Parties will be notified of the date, time, and location of any hearing. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

#### Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Interested Parties

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: August 3, 2016.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

#### Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Subsidy Valuation Information
- V. Analysis of Programs
- VI. Recommendation

[FR Doc. 2016–19017 Filed 8–9–16; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–428–840]

#### Lightweight Thermal Paper From Germany: Notice of Court Decision Not in Harmony With Amended Final Results and Notice of Second Amended Final Results of Antidumping Duty Administrative Review; 2009–2010

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

**SUMMARY:** The Department of Commerce (the Department) is notifying the public that the Court of International Trade's (CIT or Court) final judgment in this case is not in harmony with the Department's amended final results and is therefore amending for a second time the final results of the second administrative review of the antidumping duty order on lightweight thermal paper from Germany with respect to the rate assigned to Papierfabrik August Koehler AG (Koehler).

**DATES:** *Effective:* July 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** James Terpstra, 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) 482–3965.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 9, 2012, the Department published the final results of the second administrative review of the antidumping duty order on lightweight thermal paper from Germany, covering the period November 1, 2009, through October 31, 2010.<sup>1</sup> On May 16, 2012, the

Department amended the *AR2 Final Results* to correct a ministerial error.<sup>2</sup> As a result, the Department assigned Koehler a weighted-average dumping margin of 4.33 percent.<sup>3</sup> Subsequently, Koehler and Appvion, Inc.<sup>4</sup> challenged the *AR2 Amended Final Results* in the CIT.<sup>5</sup> While that litigation was pending, the Department published the final results of the third review of the *Order* in which it found that Koehler had engaged in a transshipment scheme, which began in the prior, second review period, and withheld requested information.<sup>6</sup> As a result, in the *AR3 Final Results* the Department found that Koehler had failed to cooperate to the best of its ability in complying with the Department's requests for information and assigned Koehler a total adverse facts available (AFA) rate of 75.36 percent.<sup>7</sup> In light of the *AR3 Final Results*, in the litigation concerning the *AR2 Amended Final Results*, the Department sought a voluntary remand to reconsider the *AR2 Amended Final Results*, which the Court granted.

On June 16, 2014, the Department issued its final results of redetermination pursuant to remand.<sup>8</sup> The Department determined that, based on the transshipment scheme which began in the second review period and had been uncovered in the third review, Koehler had failed to cooperate to the best of its ability in complying with the Department's requests for information in the second review.<sup>9</sup> As a result, the Department assigned Koehler an AFA rate of 75.36 percent, and corroborated the rate using Koehler's transaction-specific margins from the second review.<sup>10</sup>

*Antidumping Duty Administrative Review*, 77 FR 21082 (April 9, 2012) (*AR2 Final Results*); see also *Antidumping Duty Orders: Lightweight Thermal Paper from Germany and the People's Republic of China*, 73 FR 70959 (November 24, 2008) (*Order*).

<sup>2</sup> See *Lightweight Thermal Paper From Germany: Notice of Amended Final Results of the 2009–2010 Antidumping Duty Administrative Review*, 77 FR 28851 (May 16, 2012) (*AR2 Amended Final Results*).

<sup>3</sup> See *id.*, 77 FR at 28851.

<sup>4</sup> Formerly known as Appleton Papers Inc.

<sup>5</sup> See Consol. Court No. 12–00091.

<sup>6</sup> See *Lightweight Thermal Paper from Germany: Final Results of Antidumping Duty Administrative Review; 2010–2011*, 78 FR 23220 (April 18, 2013) (*AR3 Final Results*). The CIT affirmed the *AR3 Final Results* in their entirety. See *Papierfabrik August Koehler SE v. United States*, 7 F. Supp. 3d 1304 (Ct. Int'l Trade 2014). Koehler's appeal of that decision before the Court of Appeals for the Federal Circuit (Federal Circuit) is pending. See Court No. 15–1489.

<sup>7</sup> See *AR3 Final Results*, 78 FR at 23221.

<sup>8</sup> See *Final Remand Redetermination Pursuant to Court Remand, Lightweight Thermal Paper from Germany, Papierfabrik August Koehler AG v. United States*, Consol. Court No. 12–00091 (June 16, 2014) (*AR2 Final Remand*).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>1</sup> See *Lightweight Thermal Paper From Germany: Notice of Final Results of the 2009–2010*

<sup>6</sup> See 19 CFR 351.303.

On July 6, 2016, the Court affirmed the AR2 Final Remand, finding that the Department had properly reconsidered the *AR2 Amended Final Results* and applied total AFA in light of the nature of Koehler's conduct.<sup>11</sup> In addition, although the Court found that the rate of 75.36 percent was not properly corroborated by the highest transaction-specific margin on the record of the second review, it found that, under the circumstances, the Department was within its discretion in relying on the 75.36 percent rate, the highest rate in any previous segment of the proceeding.<sup>12</sup> Thus, the Court affirmed the AFA rate of 75.36 percent as applied to Koehler.<sup>13</sup>

**Timken Notice**

Consistent with its decision in *Timken*,<sup>14</sup> as clarified by *Diamond Sawblades*<sup>15</sup> the Federal Circuit 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. On July 6, 2016, the CIT sustained the Department's final results of redetermination pursuant to remand in *Koehler*.<sup>16</sup> The CIT's judgment in *Koehler* sustaining the AR2 Final

Remand constitutes a final decision of that court that is not in harmony with the *AR2 Amended Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. 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.

**Second Amended Final Results**

Because there is now a final court decision, we are amending the *AR2 Amended Final Results* with respect to the rate assigned to Koehler as follows:

Company	AR2 amended final results dumping margin	Second amended final results dumping margin
Papierfabrik August Koehler AG .....	4.33 percent ...	75.36

In the event the CIT's July 6, 2016, decision in *Koehler* is not appealed, or is upheld by a final and conclusive court decision, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise based on the revised rate listed above.

**Cash Deposit Requirements**

As a result of the determination by the International Trade Commission that revocation of the *Order* would not be likely to lead to continuation or recurrence of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department revoked the *Order*, effective November 24, 2013, and stopped collecting cash deposits under the *Order*.<sup>17</sup> Therefore, the cash deposit requirement for Koehler will not be changed as a result of these amended final results.

**Notification to Interested Parties**

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

Dated: August 3, 2016.

**Ronald K. Lorentzen,**  
*Acting Assistant Secretary for Enforcement and Compliance.*  
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**DEPARTMENT OF COMMERCE**

**National Institute of Standards and Technology**

[Docket Number: 160725650-6650-01]

**Information on Current and Future States of Cybersecurity in the Digital Economy**

**AGENCY:** National Institute of Standards and Technology, U.S. Department of Commerce.

**ACTION:** Notice; Request for Information (RFI).

**SUMMARY:** The Commission on Enhancing National Cybersecurity requests information about current and future states of cybersecurity in the digital economy. As directed by Executive Order 13718, "Commission on Enhancing National Cybersecurity" (the "Executive Order"), the Commission will make detailed

Commerce from fulfilling its statutory responsibility.").

<sup>13</sup> *Id.*, at 34.

<sup>14</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>15</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

recommendations to strengthen cybersecurity in both the public and private sectors while protecting privacy, ensuring public safety and economic and national security, fostering discovery and development of new technical solutions, and bolstering partnerships between Federal, State and local government and the private sector in the development, promotion, and use of cybersecurity technologies, policies, and best practices. The Secretary of Commerce was tasked by the Executive Order to direct the Director of the National Institute of Standards and Technology (NIST) to provide the Commission with such expertise, services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission.

Responses to this RFI—which will be posted at <http://www.nist.gov/cybercommission>—will inform the Commission as it develops its detailed recommendations.

**DATES:** Comments must be received by 5:00 p.m. Eastern time on September 9, 2016.

**ADDRESSES:** Written comments may be submitted by mail to Nakia Grayson, National Institute of Standards and

<sup>16</sup> See *Koehler* at 13-24, and 34.

<sup>17</sup> See *Lightweight Thermal Paper From the People's Republic of China and Germany: Continuation of the Antidumping and Countervailing Duty Orders on the People's Republic of China, Revocation of the Antidumping Duty Order on Germany*, 80 FR 5083, 5084 (January 30, 2015).

<sup>11</sup> See *Papierfabrik August Koehler AG v. United States*, Consol. Court No. 12-00091, Slip Op. 16-67 (July 6, 2016) (*Koehler*) at 13-24.

<sup>12</sup> *Id.*, at 33 ("The court declines to construe the corroboration requirement so as to eliminate the discretion Commerce must possess to confront the serious misconduct it encountered in this case, in which Koehler undermined the integrity of the proceeding Commerce conducted and prevented