industrial grade amorphous silica fabric, which contains a minimum of 90 percent silica ($SiO_2$) by nominal weight, and a nominal width in excess of 8 inches. The investigation covers industrial grade amorphous silica fabric regardless of other materials contained in the fabric, regardless of whether in roll form or cut-to-length, regardless of weight, width (except as noted above), or length. The investigation covers industrial grade amorphous silica fabric regardless of whether the product is approved by a standards testing body (such as being Factory Mutual (FM) Approved), or regardless of whether it meets any governmental specification.

Industrial grade amorphous silica fabric may be produced in various colors. The investigation covers industrial grade amorphous silica fabric regardless of whether the fabric is colored. Industrial grade amorphous silica fabric may be coated or treated with materials that include, but are not limited to, oils, vermiculite, acrylic latex compound, silicone, aluminized polyester (Mylar®) film, pressure-sensitive adhesive, or other coatings and treatments. The investigation covers industrial grade amorphous silica fabric regardless of whether the fabric is coated or treated, and regardless of coating or treatment weight as a percentage of total product weight. Industrial grade amorphous silica fabric may be heat-cleaned. The investigation covers industrial grade amorphous silica fabric regardless of whether the fabric is heat-cleaned.

Industrial grade amorphous silica fabric may be imported in rolls or may be cut-to-length and then further fabricated to make welding curtains, welding blankets, welding pads, fire blankets, fire pads, or fire screens. Regardless of the name, all industrial grade amorphous silica fabric that has been further cut-to-length or cut-to-width or further finished by finishing the edges and/or adding grommets, is included within the scope of this investigation.

Subject merchandise also includes (1) any industrial grade amorphous silica fabric that has been converted into industrial grade amorphous silica fabric in China from fiberglass cloth produced in a third country; and (2) any industrial grade amorphous silica fabric that has been further processed in a third country prior to export to the United States, including but not limited to treating, coating, slitting, cutting to length, cutting to width, finishing the edges, adding grommets, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope industrial grade amorphous silica fabric.

Excluded from the scope of the investigation is amorphous silica fabric that is subjected to controlled shrinkage, which is also called ''pre-shrunk'' or ''aerospace grade'' amorphous silica fabric. In order to be excluded as a pre-shrunk or aerospace grade amorphous silica fabric, the amorphous silica fabric must meet the following exclusion criteria: (l) The amorphous silica fabric must contain a minimum of 98 percent silica ($SiO_2$) by nominal weight; (2) the amorphous silica fabric must have an areal shrinkage of 4 percent or less; (3) the amorphous silica fabric must contain no coatings or treatments; and (4) the amorphous silica fabric must be white in color. For purposes of this scope, ''areal shrinkage'' refers to the extent to which a specimen of amorphous silica fabric shrinks while subjected to heating at 1800 degrees F for 30 minutes.

Areal shrinkage is expressed as the following percentage:

$$\frac{\text{Fired Area, cm}^2 - \text{Initial Area, cm}^2}{\text{Initial Area, cm}^2} \times 100 = \text{Areal Shrinkage, \%}$$

Also excluded from the scope are amorphous silica fabric rope and tubing (or sleeving). Amorphous silica fabric rope is a knitted or braided product made from amorphous silica yarns. Silica tubing (or sleeving) is braided into a hollow sleeve from amorphous silica yarns.

The subject imports are normally classified in subheadings 7019.59.4021, 7019.59.4096, 7019.59.9021, and 7019.59.9096 of the Harmonized Tariff Schedule of the United States (HTSUS), but may also enter under HTSUS subheadings 7019.40.4030, 7019.40.4060, 7019.40.9030, 7019.40.9060, 7019.51.9010, 7019.51.9090, 7019.52.9010, 7019.52.9021, 7019.52.9096 and 7019.90.1000. HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

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**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–475–819]**

### Certain Pasta From Italy: Final Results, and Rescission, in Part, of Countervailing Duty Administrative Review; 2013

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

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce (Department) has conducted an administrative review of the countervailing duty (CVD) order on certain pasta from Italy. On August 10, 2015, we published the *Preliminary Results* for this administrative review.[1] The period of review (POR) is January 1, 2013, through December 31, 2013. We find that DeMatteis Agroalimentare S.p.A. (also known as, De Matteis Agroalimentare SpA) (DeMatteis) received countervailable subsidies and La Molisana S.p.A. (La Molisana) received *de minimis* countervailable subsidies during the POR. These rates are shown below in the final results of review section. As discussed below, we are rescinding the review with respect to La Molisana Industrie Alimentari S.p.A. (LMIA).

**DATES:** *Effective Date:* February 23, 2016.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Meek or Joseph Shuler, AD/CVD Operations, Office I, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2778 or (202) 482–1293, respectively.

**SUPPLEMENTARY INFORMATION:**

## Background

In the *Preliminary Results,* we indicated that we would seek clarification regarding La Molisana's use of Article 14 of Law 46/1982 and additional historical sales data from La Molisana and its parent company. We invited interested parties to file case briefs and rebuttal briefs following the release of the *Preliminary Results*. La Molisana filed a case brief. No other parties commented on the *Preliminary Results*. We also invited interested parties to comment on the additional information we solicited from La Molisana following the *Preliminary Results;* no additional comments were provided.

## Scope of the Order

The scope of the *Order* consists of certain pasta from Italy.[2] The merchandise subject to the order is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive. A full description of the scope of the *Order* is contained in the ''Issues and Decision Memorandum for Final Results of Countervailing Duty Administrative Review: Certain Pasta from Italy,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated February 12, 2016

[1] *See Certain Pasta From Italy: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Preliminary Intent to Rescind in Part; 2013,* 80 FR 47900 (August 10, 2015) (*Preliminary Results*). *See also* Memorandum from Jennifer Meek, International Trade Analyst, to the File, ''Preliminary Results Program Description,'' for details regarding program ''Law 488/92—Industrial Development Grants,'' August 4, 2015.

[2] *See Notice of Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta (''Pasta'') From Italy,* 61 FR 38544 (July 24, 1996) (*Order*).

(Issues and Decision Memorandum), and hereby adopted by this notice.

The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and available to all parties in the Central Records Unit, room 7046 of the main Department building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content. A list of topics discussed in the Issues and Decision Memorandum is provided in the Appendix to this notice.

**Analysis of Comments Received**

All issues raised in the case brief filed by La Molisana in this review are addressed in the Issues and Decision Memorandum, which is incorporated herein by reference. A list of the issues which parties raised, and to which we respond in the Issues and Decision Memorandum, follows as an appendix to this notice.

**Changes Since the Preliminary Results**

Based on additional information provided by La Molisana after the *Preliminary Results* at the Department's request, the Department corrected certain program calculations which affected the countervailable subsidy rate to be applied to La Molisana. For a full explanation of the changes made, see the Issues and Decision Memorandum.

**Methodology**

We have conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[3] In making these findings, we have relied, in part, on an adverse inference in selecting from among the facts otherwise available because we find that the GOI did not act to the best of its ability to respond to our requests for information regarding certain programs.[4]

**Partial Rescission**

In the *Preliminary Results,* we announced our intent to recind the administrative review with respect to LMIA. As we stated in the *Preliminary Results,* the record demonstrates that LMIA ceased operations prior to the POR. Moreover, La Molisana reported that all entries shown in the entry data from Customs and Border Protection (CBP) as entries made by LMIA were of subject merchandise produced and exported by La Molisana. There is no record evidence that LMIA made entries of subject merchandise during the POR. Therefore, we are now rescinding the review with respect to LMIA.

**Final Results of the Review**

In accordance with 19 CFR 351.221(b)(5), we calculated individual subsidy rates for the mandatory respondents, DeMatteis and La Molisana.

We find the net countervailable subsidy rate for the producers and/or exporters under review to be as follows:

| Producer/exporter | Net subsidy rate |
|---|---|
| DeMatteis Agroalimentare S.p.A. (also known as De Matteis Agroalimentare SpA) | 2.12 |
| La Molisana S.p.A | 0.26 |

**Disclosure**

We intend to disclose the calculations performed to interested parties within five days of the publication of these final results in accordance with 19 CFR 351.224(b).

**Assessment Rates**

Consistent with 19 CFR 351.212(b)(2), we intend to issue assessment instructions to the U.S. Customs and Border Protection (CBP) fifteen days after the date of publication of these final results. Because we have calculated a *de minimis* countervailable subsidy rate for La Molisana in the final results of this review, in accordance with 19 CFR 351.212 we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties. For DeMatteis, we will instruct CBP to assess countervailing duties on the value of POR entries at the rate shown above.

**Cash Deposit Requirements**

In accordance with section 751(a)(2)(C) of the Act, we intend to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above, for the companies listed above, with the exception of La Molisana, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. Because the countervailable subsidy rate for La Molisana is *de minimis,* the Department will instruct CBP to collect cash despoits at a rate of zero for La Molisana for all shipments of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed companies (except Barilla G. e R. F.lli S.p.A. and Gruppo Agricoltura Sana S.r.l., which are excluded from the order,[5] and Pasta Lensi S.r.l., which was revoked from the *Order*[6]), we will instruct CBP to continue to collect cash deposits at the most recently assigned company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Administrative Protective Order**

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: February 12, 2016.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix

**List of Topics Discussed in the Issues and Decision Memorandum**

1. Summary
2. Background

[3] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity. For a full description of the methodology underlying our conclusions, *see* Issues and Decision Memorandum.

[4] *See* sections 776(a) and (b) of the Act. For further discussion, *see* Issues and Decision Memorandum at ''Use of Facts Otherwise Available and Adverse Inferences.''

[5] *See Order,* 61 FR 38545.

[6] *See Certain Pasta from Italy: Final Results of the Ninth Countervailing Duty Administrative Review and Notice of Revocation of Order, in Part,* 71 FR 36318 (June 26, 2006).

3. Changes Since the Preliminary Results
4. Scope of the Order
5. Partial Rescission of the Administrative Review
6. Use of Facts Otherwise Available and Adverse Inferences
7. Subsidy Valuation Information
8. Loan Benchmarks and Discount Rates
9. Analysis of Programs
10. Analysis of Comments
Comment 1: Whether to Rescind the Review of LMIA
Comment 2: Entries Covered in La Molisana's Liquidation Instructions
Comment 3: Application of the Appropriate Sales Denominator
11. Recommendation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD124**

### National Environmental Policy Act Compliance for Council-Initiated Fishery Management Actions Under the Magnuson-Stevens Act

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

**ACTION:** Notice of availability.

**SUMMARY:** The purpose of this notice is to notify the public that NOAA/NMFS has finalized revisions to the NOAA policy and procedures for complying with the National Environmental Policy Act (NEPA) in the context of Magnuson-Stevens Act (MSA) fishery management actions. This notice provides a summary of the public comments received and the agency's responses. The final revised and updated NEPA procedures for MSA actions are available online at *http://www.nmfs.noaa.gov/msa2007/nepa.htm.*

**DATES:** The final policy is effective February 23, 2016.

**FOR FURTHER INFORMATION CONTACT:** Steve Leathery, 301–427–8014.

**SUPPLEMENTARY INFORMATION:**

## Background

On February 19, 2013, in compliance with section 304(i), NMFS issued an internal policy pertaining to complying with NEPA in the context of MSA fishery management actions. This policy, entitled ''Policy Directive 30–132: National Environmental Policy Act Compliance for Council-Initiated Fishery Management Actions under the Magnuson-Stevens Act'' (the policy): Clarified roles and responsibilities of NMFS and the Regional Fishery Management Councils (Councils); explained timing and procedural linkages; provided guidance on documentation needs; and provided guidance for fostering partnerships and cooperation between NMFS and the Councils on NEPA compliance.

After consulting with the Councils and with the Council on Environmental Quality (CEQ) on proposed revisions to the 2013 NMFS NEPA policy, NMFS proposed using this policy as a basis for issuing revised and updated NEPA procedures for MSA actions in the form of a line-office supplement to NOAA Administrative Order (NAO) 216–6), which contains NOAA's policies and procedures for complying with the NEPA. On June 30, 2014, NMFS published a notice in the **Federal Register** inviting public comments for a 90-day period on a proposed supplement to the NAO (NAO supplement) intended to satisfy fully the requirements of section 304(i) of the Magnuson-Stevens Act (MSA). Section 304(i) requires NMFS, in consultation with the Councils and Council on Environmental Quality (CEQ), to revise and update agency NEPA procedures to conform to the timelines for review and approval of fishery management plans and to integrate applicable environmental analytical procedures. 16 U.S.C. 1854(i). After careful consideration of the public comments received in response to the 2014 notice, NOAA/NMFS has decided to finalize the NAO supplement with editorial, but no substantive, changes to the June 30, 2014 draft.

NMFS received comments from 5 environmental non-governmental organizations and 2 fishery management councils. The key issues are summarized below along with NMFS's responses. We note that many comments are similar to those raised previously either as comments on a proposed rule (73 FR 27998, May14, 2008), (which was subsequently withdrawn (79 FR 40703, Jul. 14, 2014)), or as comments on the 2013 NMFS NEPA policy. When NMFS issued the 2013 NMFS NEPA policy directive, it developed a background document that addressed many of these comments. A copy of the background document for 2013 Policy Directive can be viewed and downloaded at the following site: *http://www.nmfs.noaa.gov/sfa/laws_policies/msa/nepa.html.*

In this notice, we will limit our discussion to those comments that specifically address issues pertaining to the NAO supplement. Many of these comments pertain broadly to transparency in the NEPA process. NMFS is supportive of these comments and will explore ways to improve public access to NEPA documents and information on the status of ongoing NEPA analyses. However, NMFS believes that, given the limited purpose of the draft NAO supplement—to revise and update agency NEPA procedures to conform to the timelines for review and approval of fishery management plans and to integrate applicable environmental analytical procedures—the NAO supplement is not the appropriate vehicle for addressing all such issues. As NOAA generally works to revise and update its NEPA procedures through the NAO, the agency will continue seeking ways to enhance public access, participation and process transparency through all appropriate mechanisms.

*Key Issues Raised In Comments:* NMFS notes that since the initiation of efforts to comply with section 304(i), commenters have expressed widely divergent opinions on how best to proceed. When introducing Policy Directive 30–132, ''National Environmental Policy Act Compliance for Fishery Management Actions under the Magnuson-Stevens Act (2/19/2013),'' NMFS provided a background document that summarized NMFS's consideration of key issues and concerns, ''Introduction to NMFS Policy Directive: National Environmental Policy Act Compliance for Fishery Management Actions under the Magnuson-Stevens Act.'' Some of the same issues and concerns were re-introduced as comments on the draft Supplement. For additional context regarding NMFS's treatment of these concerns, please see the background document, available at: *http://www.nmfs.noaa.gov/sfa/management/councils/ccc/2013/2013_md_agenda.htm.*

## Comments and Responses

*Comment 1: Ultimate Responsibility for NEPA Lies With NMFS*

*Comment:* Commenters expressed support for the position emphasized in the NMFS NEPA procedures that NMFS retains ultimate responsibility for NEPA compliance. Some comments requested that the procedures be revised to indicate that NMFS must remain primary author of the NEPA documents, that NMFS must oversee the NEPA process, and that the Councils should not conduct NEPA scoping during Council meetings.

*Response:* The NAO supplement clearly states that ''ultimate legal responsibility for NEPA lies . . . with NMFS.'' However, for reasons stated in