

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

Technology, 100 Bureau Drive, Stop 2000, Gaithersburg, MD 20899. Online submissions in electronic form may be sent to [cybercommission@nist.gov](mailto:cybercommission@nist.gov) in any of the following formats: HTML; ASCII; Word; RTF; or PDF. Please submit comments only and include your name, organization's name (if any), and cite "Input to the Commission on Enhancing National Cybersecurity" in all correspondence. Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials.

All comments received in response to this RFI will be posted at <http://www.nist.gov/cybercommission> without change or redaction, so commenters should not include information they do not wish to be posted (e.g., personal or confidential business information).

**FOR FURTHER INFORMATION CONTACT:** For questions about this RFI contact: Kevin Stine, National Institute of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899, telephone (301) 975-4483, or [cybercommission@nist.gov](mailto:cybercommission@nist.gov). Please direct media inquiries to NIST's Office of Public Affairs at (301) 975-2762.

**SUPPLEMENTARY INFORMATION:** The digital economy has been a driver of innovation and productivity for several decades. The Internet is used every day by individuals, businesses, and government to make purchases, store sensitive data, and provide critical information services. These services and infrastructure have come under attack in recent years in the form of identity and intellectual property theft, deliberate and unintentional service disruption, and stolen data. Steps must be taken to enhance existing efforts to increase the protection and resilience of the digital ecosystem, while maintaining a cyber environment that encourages efficiency, innovation, and economic prosperity.

In order to enhance cybersecurity awareness and protections at all levels of Government, business, and society, to protect privacy, to ensure public safety and economic and national security, and to empower Americans to take better control of their digital security, the President issued Executive Order 13718,<sup>1</sup> Commission on Enhancing National Cybersecurity, in February 2016.

The Commission will make detailed 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. According to the Executive Order, the Commission's recommendations should address actions that can be taken over the next decade to accomplish these goals.

The Secretary of Commerce was tasked by the Executive Order to direct the Director of 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.

To accomplish its mission, the Commission shall, among other approaches, reference and, as appropriate, build on successful existing cybersecurity policies, public-private partnerships, and other initiatives; consult with cybersecurity, national security and law enforcement, privacy, management, technology, and digital economy experts in the public and private sectors; and seek input from those who have experienced significant cybersecurity incidents to understand lessons learned from these experiences, including identifying any barriers to awareness, risk management, and investment. The Commission seeks broad input from individuals and organizations of all sizes and their representatives from sector and professional associations. The Commission also invites submissions from Federal agencies, state, local, territorial and tribal governments, standard-setting organizations, other members of industry, consumers, solution providers, and other stakeholders.

#### Request for Information

The following questions cover the major areas about which the Commission seeks comment. They are not intended to limit the topics that may be addressed. Responses may include information related to or recommendations for other areas the Commission should consider.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Do not include in comments or otherwise submit proprietary or confidential information, as all comments received in response to this RFI will be made available publically at <http://www.nist.gov/cybercommission>.

The Commission requests that each comment contain an Executive Summary, that is no more than one page in length, which identifies the topic addressed, the challenges, and the proposed solution, recommendation, and/or finding.

Based on the Executive Order and the Commission's initial deliberations, the Commission is seeking information on the following topics:

- Critical Infrastructure Cybersecurity
- Cybersecurity Insurance
- Cybersecurity Research and Development
- Cybersecurity Workforce
- Federal Governance
- Identity and Access Management
- International Markets
- Internet of Things
- Public Awareness and Education
- State and Local Government Cybersecurity

For each topic area, the Commission solicits information on current and future challenges, promising and innovative approaches to address those challenges, recommendations, and references to inform the work of the Commission. The Commission is specifically seeking input on the topic areas below:

#### Topic Area Challenges and Approaches

1. Current and future trends and challenges in the selected topic area;
2. Progress being made to address the challenges;
3. The most promising approaches to addressing the challenges;
4. What can or should be done now or within the next 1–2 years to better address the challenges;
5. What should be done over the next decade to better address the challenges; and
6. Future challenges that may arise and recommended actions that individuals, organizations, and governments can take to best position themselves today to meet those challenges.

The Commission also seeks input on the following:

1. Emerging technology trends and innovations; the effect these technology trends and innovations will have on the digital economy; and the effect these technology trends and innovations will have on cybersecurity.
2. Economic and other incentives for enhancing cybersecurity.
3. Government-private sector coordination and cooperation on cybersecurity.
4. The role(s) of the government in enhancing cybersecurity for the private sector.

<sup>1</sup> Exec. Order No. 13718, Commission on Enhancing National Cybersecurity, 81 FR 7441 (February 9, 2016).

5. Performance measures for national-level cybersecurity policies; and related near-term and long-term goals.

6. Complexity of cybersecurity terminology and potential approaches to resolve, including common lexicons.

**Kevin Kimball,**

*NIST Chief of Staff.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XE759**

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Exempted Fishing Permit

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

**ACTION:** Notice of receipt of an application for an exempted fishing permit; request for comments.

**SUMMARY:** NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Dr. David Die and Chiara Pacini at the University of Miami, Rosenstiel School of Marine and Atmospheric Science. If granted, the EFP would authorize the collection of a maximum of 400 juvenile snowy grouper incidentally caught in commercial spiny lobster traps in Federal waters off the Florida Keys in the South Atlantic during the 2016–2017 and 2017–2018 commercial lobster fishing seasons. The purpose of the EFP would be to estimate and validate age and growth rates for juvenile snowy grouper in the South Atlantic.

**DATES:** Comments must be received no later than September 9, 2016.

**ADDRESSES:** You may submit comments on the application by either of the following methods:

- *Email:* [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

Include in the subject line of the email comment the following document identifier: “University of Miami Snowy Grouper EFP”.

- *Mail:* Mary Vara, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

The application and related documents are available for review upon written request to any of the above addresses.

**FOR FURTHER INFORMATION CONTACT:**

Mary Vara, 727-824-5305; email [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The EFP request involves activities covered by regulations implementing the Fishery Management Plans (FMP) for federally managed fisheries of the South Atlantic Region. The proposed collection for scientific research involves activities that would otherwise be prohibited by regulations at 50 CFR part 622, as they pertain to South Atlantic snapper-grouper managed by the South Atlantic Fishery Management Council (Council). The EFP would exempt this research activity from Federal regulations at § 622.170(a)(1) (Permits and endorsements) and other requirements applicable to snapper-grouper permit holders; § 622.183(b)(8) (Seasonal closures); § 622.187(b)(2)(ii) (Bag and possession limits); and § 622.188(a), (b), and (c) (Required gear, authorized gear, and unauthorized gear); § 622.193(b)(2) (Annual catch limits, annual catch targets, and accountability measures). The purpose of this study is to estimate and validate age and growth rates of juvenile snowy grouper to better understand its early life history.

The applicant requests authorization to collect juvenile snowy grouper incidentally caught using standard commercial spiny lobster traps in Federal waters off the Florida Keys in the South Atlantic, bounded by Bahia Honda to the south and Upper Matecumbe Key to the north.

As described in the application, snowy grouper sampling would occur during approximately 15 spiny lobster trips completed during the 2016–2017 and 2017–2018 commercial spiny lobster fishing seasons. These seasons are from August 6, 2016, through March 31, 2017, and August 6, 2017, through March 31, 2018. Approximately 200 spiny lobster traps would be deployed or retrieved during each commercial spiny lobster trip. A maximum of 200 incidentally caught snowy grouper would be collected each year of the 2-season project duration, for a maximum quantity of 400 snowy grouper. The project would end when either 400 snowy grouper are collected over the 2 spiny lobster seasons or by March 31, 2018, whichever occurs first.

Gear used for collecting the snowy grouper would be legal commercial spiny lobster traps constructed of wire with wooden tops that are anchored down with concrete slabs to prevent them from moving during storm winds and heavy currents. The traps are

standard spiny lobster traps with dimensions of 35.0 inches (88.9 cm) long, 23.6 inches (59.9 cm) wide, and 23.6 inches (59.9 cm) high. The spiny lobster traps being deployed would be a mix of single traps and trawls (traps tethered together). Each trawl would have approximately 15–25 traps connected together with approximately 50–75 yd (46–69 m) of rope between each trap with buoys on each end. Each trap or trawl would also have a vertical line and a buoy attached, along with the vessel identification and permit number etched into the buoy. Single traps would be set in sand in shallow waters less than 75 ft (23 m), and trawls would be set in sand in deeper waters between 100–300 ft (30–91 m). The exact depth and location of the traps or trawls would be recorded after each deployment. Traps would be baited with raw cowhide and dead fish, and would be re-baited and checked approximately every 2 weeks, depending on weather.

The trap soak time would be approximately 2 weeks. All traps would be retrieved during daylight hours. On retrieval, traps would be hauled slowly to the surface to minimize the risk of barotrauma. Each trap would then be checked for the presence of snowy grouper. If there are snowy grouper present, the trap number, location, depth, length, and date would be documented. Snowy grouper that are longer than 209 mm total length would be released because this study would focus on juvenile snowy grouper. Any other fish collected in the spiny lobster traps would be returned to the water. Before release, fish showing evidence of barotrauma, including snowy grouper longer than 209 mm total length and any other finfish bycatch, would be vented before release. Release cages (or descending devices) would be utilized to aid in fish descent. Lawfully harvested spiny lobster would be retained by the permitted vessel.

A maximum of 20 of the 200 snowy grouper collected each year of the project would be kept alive in an aerated tank and taken to the University of Miami for further study (for a maximum of 30 days) to validate daily growth rings on otoliths (fish ear bones). The remaining snowy grouper will not be kept alive on the boat, but will be taken to the lab where their otoliths would be removed to estimate age and growth rates. Gut contents from all snowy grouper that are not kept alive for further study would be removed for future analysis. In addition, any bycatch from the spiny lobster traps would be documented before being returned to the water. In this study, bycatch would