

Dated: December 5, 2011.

Christian Marsh,

Acting Assistant Secretary for Import Administration.

Appendix I

- Comment 1: Whether the Department Should Apply Partial Adverse Facts Available to TMI
 Comment 2: Whether the Department Should Continue To Treat the Identity of TMI's Supplier and the Supplier's Business Operation as Business Proprietary Information
 Comment 3: Wage Rate
 Comment 4: Whether the Department Should Treat Retorts as a Direct Material
 Comment 5: Selection of Surrogate Financial Statements and Calculation of Financial Ratios
 Comment 6: Whether the Department Should Grant TMI By-Product Offsets for Magnesium Waste and Cement Clinker
 Comment 7: Valuation of Dolomite
 Comment 8: The Source of the Surrogate Value for Truck Freight
 Comment 9: Ministerial Errors in the Preliminary Results
 Comment 10: The Surrogate Value for Coal Tar
 Comment 11: Valuation of Magnesium Waste
 Comment 12: The Per-Unit Basis for Steel Bands
 Comment 13: Valuation of Flux

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 1, 2011, the Department of Commerce (the Department) issued the preliminary results of the administrative review of polyethylene terephthalate film, sheet and strip (PET Film) from India for Ester Industries Ltd. (Ester), covering the period of review (POR) from January 1, 2009, through December 31, 2009. Based on the results of our analysis of the comments received, we continue to find that subject merchandise produced and exported by Ester has benefitted from countervailable subsidies provided on the production and export of PET Film

from India. Also, based on our analysis of Ester's comments, we made certain revisions to the calculations of certain subsidy programs. The final subsidy rate for Ester is listed below in the section titled "Final Results of Administrative Review." The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties at the final subsidy rate.

DATES: *Effective Date:* December 9, 2011.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Toni Page, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0197 or (202) 482-1398.

SUPPLEMENTARY INFORMATION:

Background

Since the issuance of *Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Countervailing Duty Administrative Review*, 76 FR 47558 (August 5, 2011) (*Preliminary Results*), the following events have occurred. Ester filed its response to the Department's third supplemental questionnaire on September 8, 2011. On September 21, 2011, the Department issued a memorandum confirming a revised briefing schedule. See Memorandum To Interested Parties From Toni Page, International Trade Analyst, AD/CVD Operations, Office 6, Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India; Revised Briefing Schedule (September 21, 2011). Ester and the petitioners, DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc., timely filed case briefs on September 28, 2011. Both Ester and the petitioners timely filed their respective rebuttal briefs on October 3, 2011.

Scope of the Order

The products covered by the order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Imports of PET Film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for

convenience and customs purposes. The written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case briefs and rebuttal briefs by parties to this administrative review are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from India (December 5, 2011) (Issues and Decision Memorandum), which is hereby adopted by this notice. The Issues and Decision Memorandum also contains a complete analysis of the programs covered by this review and the methodologies used to calculate the subsidy rates and discusses any changes to the subsidy rates from the Preliminary Results. A list of the comments raised in the briefs and addressed in the Issues and Decision Memorandum is appended to this notice. The Issues and Decision Memorandum is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments and information received, we have revised the calculations with respect to the benefit amount calculated for the Pre- and Post-Shipment Export Financing and Export Promotion Capital Goods Scheme programs. In addition, based on our analysis of information Ester provided in its third supplemental questionnaire response, we have made changes to the sales denominators for calculating the *ad valorem* rates for the programs used by Ester. These changes are discussed in more detail in the Issues and Decision Memorandum.

Final Results of Administrative Review

In accordance with section 777A(e)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(b)(5), we

calculated an individual *ad valorem* subsidy rate for Ester, for the POR for this administrative review.

Manufacturer/exporter	Subsidy rate (percent)
Ester Industries Ltd.	11.81

Disclosure

The Department will disclose to parties the calculations performed in connection with these final results within five days of the date of public announcement. See 19 CFR 351.224(b).

Assessment and Cash Deposit Instructions

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise produced and exported by Ester and entered, or withdrawn from warehouse, for consumption on or after January 1, 2009, through December 31, 2009 at 11.81 percent *ad valorem* of the entered value.

The Department intends to also instruct CBP to collect cash deposits of the estimated countervailing duties at the rate of 11.81 percent *ad valorem* of the entered value on shipments of the subject merchandise produced and exported by Ester, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. These cash deposit requirements, when imposed, shall remain in effect until further notice. The cash deposit rates for all companies not covered by this review are not changed by the results of this administrative review.

Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under the 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.

Dated: December 5, 2011.

Christian Marsh,
Acting Assistant Secretary for Import Administration.

Appendix I

List of Issues Addressed in the Issues and Decision Memorandum

- Comment 1: Respondent's Sales Figures.
Comment 2: Calculation of Respondent's DEPS Benefit.
Comment 3: Calculation of Respondent's EPCGS Benefit.
Comment 4: Calculation of Respondent's Pre- and Post-Export Financing Benefit.
Comment 5: The State of Uttar Pradesh Sales Tax Incentive Program.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[File No. 14534]

RIN 0648-XR52

Marine Mammals

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that NOAA's Office of Science and Technology, Silver Spring, MD, (Brandon Southall, Ph.D.—Principal Investigator) has applied for an amendment to Scientific Research Permit No. 14534-01.

DATES: Written, telefaxed, or email comments must be received on or before January 9, 2012.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 14534 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include File No. 14534 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Carrie Hubbard, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 14534 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Permit No. 14534, issued on July 2, 2010 (75 FR 39665), authorizes the permit holder to harass marine mammals during studies of sound production, diving, responses to sound, and other behavior. The research is focused in the waters within the U.S. Navy's Southern California Range Complex, and primarily near the vicinity of San Clemente Island. The experimental design involves temporarily attaching individual recording tags to measure vocalization, behavior, and physiological parameters as well as sound exposure. Behavior is measured before, during, and after carefully controlled exposures of sound in conventional playback experiments. Target species include beaked whales and other odontocetes, key baleen whales, and pinniped species for which such data have not been previously obtained; other marine species may be incidentally impacted. Please refer to the tables in the issued permit for the numbers of marine mammals covered, by species and stock. The permit is valid through July 31, 2015.

A minor amendment, Permit No. 14534-01, was issued August 30, 2010, to combine the permitted takes of 60 long-beaked common dolphins (*Delphinus capensis*) and 3,540 short-beaked common dolphins (*D. delphis*) into a single "unidentified common dolphin" category for harassment