

Producer/exporter	Subsidy rate (percent ad valorem)
Columbus Stainless Steel Company (the operating division of the Columbus Joint Venture) ..	3.95
All Others .....	3.95

**Administrative Protective Order**

This notice serves as the only 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, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the 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.

**Notification to Interested Parties**

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 16, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

**Appendix**

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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
  - 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  - 2. Net Countervailable Subsidy Likely to Prevail
  - 3. Nature of the Subsidy
- VII. Final Results of the Sunset Review
- VIII. Recommendation.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A-533-901]**

**Organic Soybean Meal From India: Final Affirmative Determination of Sales at Less Than Fair Value**

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

**SUMMARY:** The Department of Commerce (Commerce) determines that organic soybean meal from India is being, or is likely to be, sold in the United States at less than fair value (LTFV).

**DATES:** Applicable March 23, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4261.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 2, 2021, Commerce published the *Preliminary Determination* in this investigation.<sup>1</sup> A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>2</sup>

**Period of Investigation**

The period of investigation is January 1, 2020, through December 31, 2020.

**Scope of the Investigation**

The product covered by this investigation is organic soybean meal from India. For a complete description of the scope of this investigation, see Appendix I.

**Scope Comments**

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

<sup>1</sup> See *Organic Soybean Meal from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 60443 (November 2, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Decision Memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of Organic Soybean Meal from India,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

**Analysis of Comments Received**

All issues raised in the case briefs and rebuttal briefs submitted by interested parties in this proceeding are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties and responded to by Commerce in the Issues and Decision Memorandum is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Verification**

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>3</sup>

**Changes Since the Preliminary Determination**

Based on our analysis of the comments received and additional information obtained since our preliminary findings, we made certain changes to the margin calculations for Bergwerff Organic India Private Limited (Bergwerff), the sole cooperative respondent in this investigation, after the *Preliminary Determination*. For a discussion of these changes, see the Issues and Decision Memorandum.

**All-Others Rate**

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding any margins that are zero or *de minimis* or any margins determined entirely under section 776 of the Act. Commerce

<sup>3</sup> See Commerce’s Letter, “Organic Soybean Meal from India Antidumping Duty Investigation: Questionnaire in Lieu of Verification,” dated January 7, 2022; see also Bergwerff’s Letter, “Organic Soybean Meal from India: In Lieu of Onsite Verification Questionnaire Response,” dated January 19, 2022.

calculated an individual estimated weighted average dumping margin for Bergwerff, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin

is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Bergwerff is the margin assigned to all other producers

and exporters, pursuant to section 735(c)(5)(A) of the Act.

**Final Determination**

The estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Bergwerff Organic Private Limited/Suminter India Organic Private Limited .....	3.07	0.00
Shanti Worldwide .....	* 18.80	9.26
Shri Sumati Oil Industries Pvt. Ltd .....	* 18.80	9.26
Navjyot International Pvt. Ltd .....	* 18.80	9.26
Ish Agritech Pvt. Ltd .....	* 18.80	9.26
Satguru Organics Pvt. Ltd .....	* 18.80	9.26
Radiance Overseas .....	* 18.80	9.26
Swastik Enterprises .....	* 18.80	9.26
Soni Soya Products Limited .....	* 18.80	9.26
Raj Foods International .....	* 18.80	9.26
Vantage Organic Foods Pvt. Ltd .....	* 18.80	9.26
Shree Bhagwati Oil Mill .....	* 18.80	9.26
Pragati Organics .....	* 18.80	9.26
All Others .....	3.07	0.00

\*(Facts available with an adverse inference).

**Disclosure**

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

**Continuation of Suspension of Liquidation**

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of all appropriate entries of organic soybean meal, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after November 2, 2022, the date of publication of the *Preliminary Determination* in this investigation in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act, we will instruct CBP to require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit

rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

In the event that a countervailing duty (CVD) order is issued, and suspension of liquidation is resumed in the companion CVD investigation of soybean meal from India, Commerce will instruct CBP to require, for this antidumping duty investigation, cash deposits adjusted by the amount of export subsidies, as appropriate. These adjustments are reflected in the final column of the rate chart, above. Until such suspension of liquidation is resumed in the companion CVD investigation, and so long as suspension of liquidation continues under this antidumping duty investigation, the cash deposit rates for this antidumping duty investigation will be the rates identified in the estimated weighted-average dumping margin column in the rate chart, above.

**International Trade Commission Notification**

In accordance with section 735(d) of the Act, Commerce will notify the International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with

material injury, no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that material injury or threat of material injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

**Notification Regarding Administrative Protective Orders**

This notice serves as the only reminder to parties subject to an 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 notification of the 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 violation subject to sanction.

**Notification to Interested Parties**

This determination is issued and published in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: March 17, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix I

### Scope of the Investigation

The merchandise subject to the investigation is certified organic soybean meal. Certified organic soybean meal results from the mechanical pressing of certified organic soybeans into ground products known as soybean cake, soybean chips, or soybean flakes, with or without oil residues. Soybean cake is the product after the extraction of part of the oil from soybeans. Soybean chips and soybean flakes are produced by cracking, heating, and flaking soybeans and reducing the oil content of the conditioned product. "Certified organic soybean meal" is certified by the U.S. Department of Agriculture (USDA) National Organic Program (NOP) or equivalently certified to NOP standards or NOP-equivalent standards under an existing organic equivalency or recognition agreement.

Certified organic soybean meal subject to this investigation has a protein content of 34 percent or higher.

Organic soybean meal that is otherwise subject to this investigation is included when incorporated in admixtures, including but not limited to prepared animal feeds. Only the organic soybean meal component of such admixture is covered by the scope of this investigation. The products covered by this investigation are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 1208.10.0010 and 2304.00.0000. Certified organic soybean meal may also enter under HTSUS 2309.90.1005, 2309.90.1015, 2309.90.1020, 2309.90.1030, 2309.90.1032, 2309.90.1035, 2309.90.1045, 2309.90.1050, and 2308.00.9890.

The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

## Appendix II

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

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Use of Facts Otherwise Available and Adverse Inferences: Non-Cooperative and Non-Responsive Companies
- V. Changes Since the Preliminary Determination
- VI. Analysis of Comments
  - Comment 1: Certain Direct Selling Expenses
  - Comment 2: Bergwerff's Affiliation with a Certain Supplier
  - Comment 3: Bergwerff's Affiliation with Supplying Farmers
  - Comment 4: Bergwerff Allegedly Used Non-Organic Soybeans
  - Comment 5: Whether AFA is Warranted for Bergwerff
  - Comment 6: AFA for Non-Cooperative Selected Mandatory Respondents and Affiliates

Comment 7: AFA Rate  
Comment 8: AFA Rate Subsidy Offset  
VII. Recommendation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Northeast Multispecies Reporting Requirements.

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 17, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration (NOAA), Commerce.

*Title:* Northeast Multispecies Reporting Requirements

*OMB Control Number:* 0648-0605.

*Form Number(s):* None.

*Type of Request:* Regular submission [revision and extension of a current information collection].

*Number of Respondents:* 1,339.

*Average Hours per Response:* Sector Operations Plan & Annual Membership List Updates, 110 hours; Monitoring & Reporting Service Providers Application & Response to Denial, 10 hours; Monitoring System (database) for Discards, Sector Manager Weekly Catch Reports & Annual Reports, 18 minutes; Notification of Ejection from Sector; 30 minutes; Transfer of Annual Catch Entitlement between Sectors, 5 minutes; Area & DAS Declaration—Groundfish Vessels Fishing under any NE Multispecies DAS, 5 minutes; VMS Daily Catch Reports—Average 5-day Length Trips, 15 minutes; Catch Reporting Requirements: US/Canada Area, CA II SAPs, Close Area I SAP, and Regular B Program, 15 minutes; At-Sea Monitoring & Reporting Requirements—Notifications & Database Requirements

& Monitoring Costs, 24 minutes; NE Fishery Observer Notification, 5 minutes; Trip Start/End Hails, 5 minutes; DAS Transfer Program, 5 minutes; Submission of Proposed Special Access Program (SAP), 20 hours; Northwest Atlantic Fisheries Organization (NAFO) Reporting Requirements, 22.75 hours; DAS Leasing Request Form, 5 minutes; DAS Downgrade Request, 5 minutes; VMS Trip Catch Reports—1 Day or Less Trips, 15 minutes; Electronic Monitoring Program Requirements, 9 hours; NAFO—Daily Observer Catch Report Information, 6 minutes.

*Total Annual Burden Hours:* 196,983.

*Needs and Uses:* This request is for the revision and extension of a current information collection. Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Secretary of Commerce has the responsibility for the conservation and management of marine fishery resources. We, National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), and the Regional Fishery Management Councils are delegated the majority of this responsibility. The New England Fishery Management Council (Council) develops management plans for fishery resources in New England.

In 2010, we implemented a new suite of regulations for the Northeast (NE) multispecies fishery through Amendment 16 to the NE Multispecies Fishery Management Plan (FMP). This action updated status determination criteria for all regulated NE multispecies or ocean pout stocks; adopted rebuilding programs for NE multispecies (groundfish) stocks newly classified as being overfished and subject to overfishing; revised management measures, including significant revisions to the sector management measures (established under Amendment 13) necessary to end overfishing, rebuild overfished regulated NE multispecies and ocean pout stocks, and mitigate the adverse economic impacts of increased effort controls. It also implemented new requirements under Amendment 16 for establishing acceptable biological catch, annual catch limits (ACLs), and accountability measures for each stock managed under the FMP, pursuant to the Magnuson-Stevens Act.

Sectors are a management tool in the groundfish fishery. A sector consists of three or more limited access NE multispecies vessel permits, with distinct ownership, who voluntarily enter into a contract to manage their fishing operations and to share liability.