

technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

*Obtaining a Copy of the Information Collection:* A copy of the information collection and related instructions may be obtained free of charge by contacting Robert Martin as directed above.

Done at Washington, DC, this day of November 18, 2021.

**Carrie L. Castille,**

*Director, National Institute of Food and Agriculture, U.S. Department of Agriculture.*

[FR Doc. 2021-25665 Filed 11-23-21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-78-2021]

#### **Foreign-Trade Zone (FTZ) 18—San Jose, California Notification of Proposed Production Activity Innovusion, Inc. (Light Detection and Ranging Systems) Sunnyvale, California**

Innovusion, Inc. (Innovusion) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Sunnyvale, California under FTZ 18. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on November 12, 2021.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

The proposed finished products include light detection and ranging systems (duty rate is duty-free).

The proposed foreign-status materials and components include: Stainless steel or non-extrusion aluminum housings, brackets, mounts, baffles, spacers, clamps, rings, bushings, shields, covers; unground ball bearings; cables and wires with connectors; encoders; electronic integrated circuits; fiber lasers; neodymium rare earth block magnets; brushless electric motors and generators; O-rings; optical fiber cables

and cable bundles; optical transceivers; printed circuit board splices and couplings; populated printed circuit board assemblies; stators and rotors for motors; transmission shafts; tempered glass windows; and, multi-faceted mirror mounted on mechanical bases (duty rate ranges from duty-free to 9.0%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is January 3, 2022.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen at [juanita.chen@trade.gov](mailto:juanita.chen@trade.gov).

Dated: November 18, 2021.

**Camille R. Evans,**

*Acting Executive Secretary.*

[FR Doc. 2021-25656 Filed 11-23-21; 8:45 am]

**BILLING CODE 3510-DS-P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-038, C-570-039]

#### **Certain Amorphous Silica Fabric Between 70 and 90 Percent Silica, From the People's Republic of China: Initiation of Circumvention Inquiry of Antidumping and Countervailing Duty Orders—70–90 Percent Amorphous Silica Fabric**

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

**SUMMARY:** In response to allegations of circumvention from Auburn Manufacturing, Inc. (AMI), the Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry to determine whether imports of certain amorphous silica fabric with 70–90 percent silica content (70–90 percent ASF) from the People's Republic of China (China) are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on certain amorphous silica fabric with a silica content of at least 90 percent from China.

**DATES:** Effective November 24, 2021.

**FOR FURTHER INFORMATION CONTACT:** Margaret Collins, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6250.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 20, 2021, Auburn Manufacturing, Inc. (AMI), the petitioner in the AD and CVD investigations, requested that Commerce initiate circumvention inquiries with regard to 70–90 percent ASF that is exported to the United States from China.<sup>1</sup> The petitioner alleges that 70–90 percent ASF constitutes merchandise altered in form or appearance in such minor respects that it should be included within the scope of the *Orders*,<sup>2</sup> pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.225(i). In addition, the petitioner alleges that 70–90 percent ASF is later-developed merchandise and should be included within the scope of the *Orders*, pursuant to section 781(d) of the Act and 19 CFR 351.225(j). No interested parties submitted comments in response to this request for an inquiry.

##### **Scope of the Orders**

The product subject to these *Orders* is amorphous silica fabric with silica content of at least 90 percent from China. For a complete description of the scope of the *Orders*, see the Initiation Decision Memorandum dated concurrently with this notice.<sup>3</sup>

##### **Merchandise Subject to the Circumvention Inquiry**

This circumvention inquiry covers amorphous silica fabric with silica content between 70 and 90 percent produced in China and exported to the United States.

##### **Legal Framework**

Section 781(c) of the Act provides that Commerce may find circumvention of an AD or CVD order when merchandise of the same class or kind as

<sup>1</sup> See Petitioner's Letter, "Certain Amorphous Silica Fabric from the People's Republic of China: Request for Anti-Circumvention Inquiry," dated August 20, 2021.

<sup>2</sup> See *Certain Amorphous Silica Fabric from the People's Republic of China: Antidumping Duty Order*, 82 FR 14314 (March 17, 2017); see also *Certain Amorphous Silica Fabric from the Peoples' Republic of China: Countervailing Duty Order*, 82 FR 14316 (March 27, 2017) (*Orders*).

<sup>3</sup> See Memorandum, "Decision Memorandum for Initiation of Anti-Circumvention Inquiry," dated concurrently with and hereby adopted by this notice (Initiation Decision Memorandum).

merchandise has been “altered in form or appearance in minor respects . . . whether or not included in the same tariff classification.” Section 781(c)(2) of the Act provides an exception that “{p}aragraph 1 shall not apply with respect to altered merchandise if the administering authority determines that it would be unnecessary to consider the altered merchandise within the scope of the {order}.” While the Act is silent regarding the factors to consider in determining whether alterations are properly considered “minor,” the legislative history of this provision indicates that there are certain factors that should be considered before reaching a circumvention determination. In conducting a circumvention inquiry under section 781(c) of the Act, Commerce has generally relied upon “such criteria as the overall physical characteristics of the merchandise, the expectations of the ultimate users, the use of the merchandise, the channels of marketing and the cost of any modification relative to the total value of the imported products.”<sup>4</sup> Concerning the allegation of minor alteration under section 781(c) of the Act and 19 CFR 351.225(i), Commerce examines such factors as: (1) Overall physical characteristics; (2) expectations of ultimate users; (3) use of merchandise; (4) channels of marketing; and, (5) cost of any modification relative to the value of the imported products.<sup>5</sup>

Section 781(d) of the Act provides that Commerce may initiate an circumvention inquiry to determine whether merchandise developed after an AD or CVD investigation is within the scope of the order(s). In conducting later-developed merchandise inquiries under section 781(d)(1) of the Act, Commerce will evaluate whether: (1) The general physical characteristics of the merchandise subject to the inquiry are the same as subject merchandise covered by the order(s); (2) the expectations of the ultimate purchasers of the merchandise subject to the inquiry are no different to the expectations of the ultimate purchasers of subject merchandise; (3) the ultimate use of the inquiry merchandise and subject merchandise are the same; (4) the channels of trade of both products are the same; and, (5) there are any differences in the advertisement and display of both products.<sup>6</sup> First,

however, Commerce applies a commercial availability test to determine whether the merchandise subject to the inquiry was commercially available at the time of the investigation(s) (*i.e.*, the product was present in the commercial market or the product was tested and ready for commercial production).<sup>7</sup>

#### Analysis

After analyzing the record evidence and the petitioner’s allegation, we determine that there is sufficient information to warrant the initiation of a minor alterations circumvention inquiry, pursuant to section 781(c) of the Act and 19 CFR 351.225(i). However, we determine that initiation of a later-developed merchandise circumvention inquiry, pursuant to section 781(d) of the Act and 19 CFR 351.225(j), is not warranted. For a full discussion of the basis for our decision to initiate a minor alterations circumvention inquiry, but not a later-developed merchandise circumvention inquiry, *see* the Initiation Decision Memorandum. The Initiation Decision Memorandum is a public document, on file 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 Initiation Decision Memorandum can be accessed directly at <http://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Conclusion

Commerce will determine whether the merchandise subject to the inquiry (as described in the “Merchandise Subject to the Anti-Circumvention Inquiry” section above) is circumventing the *Orders* such that it should be included within the scope of the *Orders*, pursuant to section 781(c) of the Act and 19 CFR 351.225(i).

In accordance with 19 CFR 351.225(l)(2), if Commerce issues a preliminary affirmative determination, we will then instruct U.S. Customs and Border Protection to suspend liquidation and require a cash deposit of estimated duties, at the applicable rate,

<sup>7</sup> *See Later-Developed Anticircumvention Inquiry of the Antidumping Duty Order on Petroleum Wax Candles from the People’s Republic of China: Affirmative Preliminary Determination of Circumvention of Antidumping Duty Order*, 71 FR 32033, 32035 (June 2, 2006), unchanged in *Later-Developed Merchandise Anticircumvention Inquiry of the Antidumping Duty Order on Petroleum Wax Candles from the People’s Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 71 FR 59075 (October 6, 2006).

<sup>4</sup> *See Carbon and Certain Alloy Steel Wire Rod from Mexico: Initiation of Anti-Circumvention Inquiry of Antidumping Duty Order*, 83 FR 5405 (February 7, 2018) (citing S. Rep. No. 71, 100th Cong., 1st Sess. 100 (1987)).

<sup>5</sup> *Id.*; *see also Deacero S.A. de C.V. v. United States*, 817 F.3d 1332 (Fed. Cir. 2016).

<sup>6</sup> *See* section 781(d)(1) of the Act.

for each unliquidated entry of the merchandise at issue entered or withdrawn from warehouse for consumption on or after the date of publication in the **Federal Register** of the initiation of the inquiry.

Commerce will establish a schedule for questionnaires and comments on the issues related to the inquiry. In accordance with section 781(f) of the Act, to the maximum extent practicable, Commerce intends to issue its final determination within 300 days of the date of publication of this initiation.

#### Notification to Interested Parties

This notice is published in accordance with sections 781(c) of the Act and 19 CFR 351.225(i).

Dated: November 18, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2021–25657 Filed 11–23–21; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB048]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Coast Guard’s Alaska Facility Maintenance and Repair Activities

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

**ACTION:** Notice; receipt of application for Letter of Authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Coast Guard for authorization to take small numbers of marine mammals incidental to conducting construction activities related to maintenance and repair of eight of their facilities in Alaska over the course of five years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the U.S. Coast Guard’s request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the application and request.