

narrow woven ribbons with woven selvage (ribbons) from the People’s Republic of China (China). Commerce is notifying the public that the CIT’s final judgment is not in harmony with Commerce’s final results of the administrative review, and that Commerce is amending the final results with respect to the countervailable subsidy rate assigned to Yama Ribbons and Bows Co. (Yama).

DATES: Applicable December 18, 2022.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1280.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 2019, Commerce published its final results of the 2016 CVD administrative review of ribbons from China. ¹ In the *Final Results*, Commerce assigned Yama an overall subsidy rate of 23.70 percent based, in part, on adverse facts available (AFA).

Yama appealed Commerce’s *Final Results*. On April 30, 2021, the CIT remanded to Commerce its *Final Results* findings that Yama used and benefited from the Export Buyer’s Credit program (EBCP) and the Provision of Synthetic Yarn and Caustic Soda for Less-Than-Adequate Remuneration (LTAR) and its inclusion of these subsidies in the overall subsidy rate determined for Yama.²

In its remand redetermination issued in August 2021, Commerce reconsidered its decision to apply AFA in evaluating use of the EBCP and determined, under respectful protest, that the EBCP was not used by Yama during the period of review (POR). Commerce also further considered the information on the record and supplemented the record regarding the synthetic yarn and caustic soda inputs for LTAR programs and addressed the “specificity” requirement in the statute for them. Upon further examination, Commerce found that: (1) the Provision of Synthetic Yarn and Caustic Soda for LTAR programs met the specificity requirement of the statute and, therefore, were countervailable subsidies; and (2) Yama benefited from these programs during the POR.

¹ See *Narrow Woven Ribbons with Woven Selvage from the People’s Republic of China: Final Results of Countervailing Duty Administrative Review*; 2016, 84 FR 11052 (March 25, 2019) (*Final Results*).

² See *Yama Ribbons and Bows Co., LTD. vs. United States*, 517 F.Supp.3d 1325 (CIT 2021).

Accordingly, Commerce calculated a revised subsidy rate for Yama of 13.16 percent.³ On December 8, 2022, the CIT sustained Commerce’s final redetermination.⁴

Timken Notice

In its decision in *Timken*,⁵ as clarified by *Diamond Sawblades*,⁶ the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s December 8, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Yama as follows:

Company	Subsidy rate (%)
Yama Ribbons and Bows Co., Ltd	13.16

Cash Deposit Requirements

Because Yama has a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate for Yama.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and exported by Yama and were entered, or withdrawn from warehouse, for consumption during the period January 1, 2016, through December 31, 2016. These entries will remain enjoined pursuant to the terms of the injunction

³ See *Final Results of Redetermination Pursuant to Court Remand*, Consol. Ct. No. 19–00047, Slip Op. 21–50 (August 13, 2021) (Remand Results).

⁴ See *Yama Ribbons and Bows Co., Ltd. vs. United States*, Consol. Court No 19–00047, Slip Op. 22–138 (CIT December 8, 2022).

⁵ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁶ See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

during the pendency of any appeals process.

In the event the CIT’s ruling is not appealed, or, if appealed, is upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and exported by Yama in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis*. Where an *ad valorem* subsidy rate is zero or *de minimis*,⁷ we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: December 12, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–27331 Filed 12–15–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–124; C–570–125]

Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, From the People’s Republic of China: Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders—60cc Up To 99cc Engines

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that vertical shaft engines with displacements between 60 cubic centimeters (cc) and up to 99cc produced in the People’s Republic of China (China) and exported to the United States are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on certain vertical shaft engines between 99cc and up to 225cc, and parts thereof, (small vertical engines) from China by means of being merchandise “altered in form or appearance in minor respects.”

DATES: Applicable December 16, 2022.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Luberda, AD/CVD

⁷ See 19 CFR 351.106(c)(2).

Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2185.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2022, Commerce published the preliminary determination¹ for the circumvention inquiry of the AD and CVD *Orders* on small vertical engines from China with respect to vertical shaft engines with displacements between 60cc and up to 99cc produced in China and exported to the United States.² A summary of the events that occurred since Commerce published the *Preliminary Determination* may be found in the Issues and Decision Memorandum.³ Commerce conducted this inquiry in accordance with section 781(c) of the Tariff Act of 1930, as amended, (the Act) and 19 CFR 351.225(i). This inquiry was initiated on September 13, 2021,⁴ and it is being conducted under the prior version of 19 CFR 351.225, not the version promulgated in *AB10*.⁵

Scope of the Orders

The merchandise subject to the *Orders* is small vertical engines from China. For a complete description of the scope of the *Orders*, see the Issues and Decision Memorandum.

Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers vertical shaft engines with

displacements between 60cc and up to 99cc produced in China and exported to the United States.

Analysis of Comments Received

All the issues raised in case and rebuttal briefs that were submitted by parties in this inquiry are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached in the Appendix to 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 <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>.

Final Determination

In the *Preliminary Determination*, we determined that vertical shaft engines with displacements between 60cc and up to 99cc and engines with displacements of 99cc up to 225cc are not dissimilar in terms of overall physical characteristics of the merchandise, the expectations of the ultimate users, the use of the merchandise, channels of marketing, and the timing and circumstances under which the Zongshen Companies⁶ exported the engines with displacements between 60cc and up to 99cc. Thus, we preliminarily determined that the merchandise subject to this inquiry is not dissimilar to subject merchandise and that the engines at issue constitute merchandise “altered in form or appearance in minor respects” from in-scope merchandise, within the meaning of section 781(c) of the Act. We also preliminarily determined that the affirmative

circumvention finding should be applied on a countrywide basis.⁷

Our final determination remains unchanged from the *Preliminary Determination*. Accordingly, we determine, pursuant to section 781(c) of the Act and 19 CFR 351.225(i), that imports of vertical shaft engines with displacements between 60cc and up to 99cc, produced in China and exported to the United States, are circumventing the *Orders*. We also continue to find that the affirmative circumvention finding should be applied on a countrywide basis.

Liquidation of Entries

In the *Preliminary Determination*, Commerce stated that it would instruct United States Customs and Border Protection (CBP) to suspend liquidation of, and collect cash deposits on, vertical shaft engines between 60cc and up to 99cc produced in China and exported to the United States that were entered, or withdrawn from warehouse, for consumption on or after September 17, 2021 (*i.e.*, the date of the initiation of this inquiry).⁸ On October 26, 2022, Commerce rescinded the administrative review of the AD order for the period July 23, 2020, through April 30, 2022, and the administrative review of the CVD order for the period May 26, 2020, through December 31, 2021.⁹ Accordingly, the administrative reviews covering certain entries of inquiry merchandise for which liquidation is suspended have been rescinded.

For any unliquidated entries and entries for which liquidation has not become final of vertical shaft engines with displacements between 60cc and up to 99cc produced in China and exported to the United States that entered as non-AD/CVD type entries (*e.g.*, type 01) that were shipped and/or entered, or withdrawn from warehouse, for consumption in the United States after September 17, 2021, importers should file a Post Summary Correction with CBP, in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD case numbers to AD/CVD type entries (*e.g.*, type 01 to type 03). For such shipments, the Post Summary Corrections should be completed as soon as practicable, but not later than 45 days after publication of this notice in the **Federal Register**. Importers should report those AD/CVD type entries of merchandise under the AD/CVD case numbers of the *Orders* on

¹ See *Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 87 FR 54672 (September 7, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

² See *Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 86 FR 23675 (May 4, 2021) (*Orders*).

³ See Memorandum, “Final Issues and Decision Memorandum for Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: 60cc Up To 99cc Engines,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See *Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof, from the People's Republic of China: Initiation of Anti-Circumvention Inquiry of Antidumping and Countervailing Duty Orders—60cc Up to 99cc Engines*, 86 FR 51866 (September 17, 2021), and accompanying Issues and Decision Memorandum.

⁵ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*AB10*).

⁶ In the less-than-fair-value investigation, Commerce found that Chongqing Zongshen General Power Machine Co., Ltd.; Chongqing Dajiang Power Equipment Co., Ltd.; and Chongqing Zongshen Power Machinery Co., Ltd. (collectively, the Zongshen Companies) should be treated as a single entity. See *Certain Vertical Shaft Engines Between 99cc and Up to 225cc, and Parts Thereof, from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances, in Part*, 85 FR 66932 (October 21, 2020), unchanged in *Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances in Part*, 86 FR 14077 (March 12, 2021). Absent information to the contrary, we continue to treat the Zongshen Companies as a single entity for the purposes of this inquiry.

⁷ See *Preliminary Determination* PDM.

⁸ See *Preliminary Determination*, 87 FR at 54673.

⁹ See *Rescission of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 64764 (October 26, 2022).

small vertical engines from China (*i.e.*, A-570-124; C-570-125) or appropriate third-country case numbers (*i.e.*, A-201-996; C-201-997). The importer must pay cash deposits on those entries consistent with the regulations governing post summary corrections that require payment of additional duties.

Commerce intends to instruct CBP to assess AD and/or CVD duties on all appropriate entries of vertical shaft engines with displacements between 60cc and up to 90cc during the periods of review noted above at rates equal to the applicable cash deposit of estimated AD or CVD duties in effect at time of entry, or withdrawal of merchandise from warehouse, for consumption, in accordance with 19 CFR

351.212(c)(1)(i). Commerce intends to issue assessment instructions no earlier than 35 days after the publication of this notice in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Continuation of Suspension of Liquidation

As a result of this determination, and consistent with 19 CFR 351.225(l)(3), we will instruct CBP to continue to suspend the liquidation of all entries of merchandise subject to the inquiry entered, or withdrawn from warehouse, for consumption, under the AD order after April 30, 2022, and all entries entered, or withdrawn from warehouse, for consumption, under the CVD order after December 31, 2021, and to require cash deposits of estimated AD and/or CVD duties at the applicable subject merchandise rates. The suspension of liquidation and cash deposit instructions will remain in effect until further notice.

Notification Regarding Administrative Protective Order

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

Notification to Interested Parties

This affirmative final determination of circumvention is issued and published in accordance with section 781(c) of the Act.

Dated: December 9, 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. Merchandise Subject to the Circumvention Inquiry
- IV. Scope of the *Orders*
- V. Use of Facts Available With an Adverse Inference
- VI. Discussion of the Issues
 - Comment 1. Whether Commerce's *Preliminary Determination* Improperly Applied the Minor Alterations Provision of the Statute
 - Comment 2. Physical Characteristics of the Inquiry Merchandise
 - Comment 3. Modification Cost of the Inquiry Merchandise
- VII. Recommendation

[FR Doc. 2022-27276 Filed 12-15-22; 8:45 am]

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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; Economic Valuation of Natural and Nature-Based Infrastructure

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 September 22, 2022 (87 FR 57868) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

Title: Economic Valuation of Natural and Nature-Based Infrastructure.

OMB Control Number: 0648-0788.

Form Number(s): None.

Type of Request: Revision and extension.

Number of Respondents: Focus groups: 48; Questionnaire: 6,500.

Average Hours per Response: Focus groups: 1 hour; Questionnaire: 20 minutes.

Total Annual Burden Hours: 2,215.

Needs and Uses: Pursuant to H.R.

3684 (Infrastructure Investment and Jobs Act) and the Coastal Zone Management Act (CZMA), this request is for a revision and extension of an information collection. This information collection will focus on a different geographical location (Gulf of Mexico (GoM)). Therefore, this is a request for focus groups to help guide any revisions necessary to the survey instrument. Upon completion of these focus groups, a revision will be submitted for the revised survey instrument. Also, NOAA is revising the title of this collection from Economic Analysis of Shoreline Treatment Options for Coastal New Hampshire to Economic Valuation of Natural and Nature-Based Infrastructure to better describe this collection."

The National Ocean Service (NOS) proposes to collect data on the opinions, values, and attitudes of GoM residents relative to natural and nature-based infrastructure for the purpose of shoreline stabilization or habitat restoration. Respondents (age 18 years and older) will be randomly sampled from households in GoM coastal counties. This information will be used by NOAA, state and local decision-makers, and others to assess the value, benefits, and perceived efficacy of federal investments in habitat restoration and/or climate adaptation projects that use natural or nature-based infrastructure. NOAA has a vested interest in the potential use of natural and nature-based infrastructure, from many perspectives, including as it relates to the resilience, well-being, and sustainability of coastal communities.

Affected Public: Individuals or households.

Frequency: This is a one-time information collection for this region, although the collection may be deployed to other regions in the future.

Respondent's Obligation: Voluntary.

Legal Authority: H.R. 3684

(Infrastructure Investment and Jobs Act) and the Coastal Zone Management Act (CZMA).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the