

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-11-2023]

Foreign-Trade Zone (FTZ) 121—Albany, New York; Notification of Proposed Production Activity; Curia Global, Inc. (Pharmaceutical Chemicals Production); Rensselaer, New York

The Capital District Regional Planning Commission, grantee of FTZ 121, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Curia Global, Inc., located in Rensselaer, New York within Subzone 121A. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on February 1, 2023.

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. The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is 4-(3-(4-Cyano-3-(trifluoromethyl)phenyl)-5,5-dimethyl-4-oxo-2-thioxoimidizolidin-1-yl)-2-fluoro-N-methylbenzamide (duty rate 6%).

The proposed foreign-status materials and components are 2-(3-fluoro-4-(methylcarbamoyl)phenylamino)-2-methylpropanoic acid and 4-Isothiocyanato-2-(trifluoromethyl)benzotrile (duty rate ranges from 3.7% to 6.5%). The request indicates that the 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. The closing period for their receipt is March 20, 2023.

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 Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: February 1, 2023.

Elizabeth Whiteman,
Acting Executive Secretary.

[FR Doc. 2023-02539 Filed 2-6-23; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-113]

Certain Collated Steel Staples From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2019-2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies were provided to producers and exporters of certain collated steel staples (collated staples) from the People's Republic of China (China) during the period of review (POR) from November 12, 2019, through December 31, 2020.

DATES: Applicable February 7, 2023.

FOR FURTHER INFORMATION CONTACT: Jinny Ahn or Shane Subler, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0339 or (202) 482-6241, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 2022, Commerce published the *Preliminary Results*.¹ On November 22, 2022, we released the final verification report and invited parties to comment on the *Preliminary Results*.² For a detailed description of the events that occurred subsequent to the *Preliminary Results*, see the Issues and Decision Memorandum.³ On November 21, 2022,⁴ in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results until February 1, 2023.

Scope of the Order⁵

The merchandise subject to the *Order* is collated staples from China. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by interested parties in briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided 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

¹ See *Certain Collated Staples from the People's Republic of China: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2019-2020*, 87 FR 47980 (August 5, 2022) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

² See Memoranda, "Verification of the Questionnaire Responses of Tianjin Hweschun Fasteners Manufacturing Co., Ltd.," dated November 22, 2022 (Verification Report); and "Case Brief Schedule," dated November 22, 2022.

³ See Memorandum, "Certain Collated Steel Staples from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2019-2020 Countervailing Duty Administrative Review," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

⁴ See Memorandum, "Extension of Deadline for the Final Results of Countervailing Duty Administrative Review; 2020," dated November 21, 2022.

⁵ See *Certain Collated Steel Staples from the People's Republic of China: Countervailing Duty Order*, 85 FR 43813 (July 20, 2020) (*Order*).

at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain revisions to the countervailable subsidy rate calculations for Tianjin Hweschun Fasteners Mfg. Co. Ltd. (Tianjin Hweschun).⁶ As a result of the changes to Tianjin Hweschun’s program rates, the final rate for the five non-selected companies under review also changed.⁷ Further, as a result of the changes to Tianjin Hweschun’s program rates and other changes made to the derivation of the total adverse facts available (AFA) rate, the final total AFA rate for the non-cooperative mandatory respondents (*i.e.*, China Staple Enterprise (Tianjin) (China Staple) and Shanghai Yueda Nails Co., Ltd. (Shanghai Yueda)) also changed.⁸ These changes are explained in the Issues and Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁹ The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce’s conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

Verification

Pursuant to section 782(i) of the Act, and 19 CFR 351.307(b)(iv), we conducted verification of the

⁶ See Memorandum, “Final Results Calculations for Tianjin Hweschun Fasteners Manufacturing Co., Ltd.,” dated concurrently with this notice.

⁷ The five non-selected companies under review are: A-Jax International Co., Ltd., China Dinghao Co., Ltd., Rise Time Industrial Ltd., Shaoxing Bohui Import Export Co., Ltd., and Zhejiang Best Nail Industrial Co., Ltd.

⁸ For information detailing the derivation of the AFA rate applied, see Memorandum, “AFA Calculation Memorandum for the Final Results in the Administrative Review of Certain Collated Steel Staples from the People’s Republic of China,” dated concurrently with this memorandum (AFA Calculation Memorandum).

⁹ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

questionnaire responses of Tianjin Hweschun.¹⁰

Companies Not Selected for Individual Review

The statute and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 705(c)(5) of the Act, which provides instructions for determining the all-others rate in an investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 705(c)(5)(A) of the Act, the all-others rate is normally an amount equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates, and any rates determined entirely on the basis of facts available.

As stated above, there are five companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross owned with a mandatory respondent. For these non-selected companies, because the rate calculated for the only participating mandatory respondent in this review, Tianjin Hweschun, was *above de minimis* and not based entirely on facts available, we are applying to the five non-selected companies Tianjin Hweschun’s subsidy rate. This methodology used to establish the rate for the non-selected companies is consistent with our practice regarding the calculation of the all-others rate, pursuant to section 705(c)(5)(A)(i) of the Act.

Final Results of Review

We find the countervailable subsidy rates for the mandatory and non-selected respondents under review for the period of November 12, 2019, through December 31, 2020, to be as follows:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
Tianjin Hweschun Fasteners Mfg. Co. Ltd	62.18
China Staple Enterprise (Tianjin)	319.30
Shanghai Yueda Nails Co., Ltd	319.30

¹⁰ See Verification Report.

Producer/exporter	Subsidy rate (percent <i>ad valorem</i>)
Review-Specific Rate Applicable to Non-Selected Companies	
A-Jax International Co., Ltd	62.18
China Dinghao Co., Ltd	62.18
Rise Time Industrial Ltd	62.18
Shaoxing Bohui Import Export Co., Ltd	62.18
Zhejiang Best Nail Industrial Co., Ltd	62.18

Disclosure

We intend to disclose the calculations performed in connection with the final results of review to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review 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).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms subject to the *Order*, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of the final results of review, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), 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 terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: February 1, 2023.

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. Alleged Upstream Subsidies on Galvanized Steel Wire
- V. Diversification of China's Economy
- VI. Use of Facts Otherwise Available and Application of Adverse Inferences
- VII. Subsidies Valuation Information
- VIII. Analysis of Programs
- IX. Discussion of the Issues
 - Comment 1: Whether Commerce Should Apply Adverse Facts Available (AFA) to the Export Buyer's Credit Program
 - Comment 2: Whether Commerce Should Conduct the Upstream Subsidy Investigation
 - Comment 3: Whether Commerce Should Apply AFA to the Provision of Wire Rod and Galvanized Steel Wire for Less Than Adequate Remuneration (LTAR)
 - Comment 4: Whether Inland Freight and Value-Added Tax (VAT) Included in the Wire Rod and Galvanized Wire Benchmarks Should Be Removed
 - Comment 5: Whether Commerce Should Apply AFA to the Provision of Electricity for LTAR
 - Comment 6: Whether Import Compliance Costs Should Be Included in the Wire Rod and Galvanized Steel Wire Benchmarks
 - Comment 7: May 2020 Exchange Rate Calculation
 - Comment 8: Ministerial Error in the Benefit Calculations for the Provision of Galvanized Steel Wire for LTAR Program
 - Comment 9a: Provision of Electricity for LTAR Benefit Calculations: Highest Applicable Benchmark Rates
 - Comment 9b: Provision of Electricity for LTAR Benefit Calculations: Benchmark for "Unspecified" Electricity Categories

Comment 9c: Provision of Electricity for LTAR Benefit Calculations: Electricity Prices Paid by Tianjin Hweschun
 Comment 10: Total AFA Rate
 X. Recommendation

[FR Doc. 2023-02591 Filed 2-6-23; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[A-570-831]

Fresh Garlic from the People's Republic of China: Final Results of Expedited Fifth Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this expedited review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on fresh garlic (garlic) from the People's Republic of China (China) would likely lead to continuation or recurrence of dumping at the levels indicated in the "Final Results of Review" section of this notice.

DATES: Applicable February 7, 2023.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5255.

SUPPLEMENTARY INFORMATION:**Background**

On October 3, 2022, Commerce published the notice of initiation of the sunset review of the AD order on garlic from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).¹ On October 12, 2022, Commerce received a notice of intent to participate from the domestic interested parties² with respect to the *Order*, within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i).³ The domestic interested parties claimed interested

¹ See *Initiation of Five-Year Sunset Reviews*, 87 FR 59779 (October 3, 2022); see also *Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994) (*Order*).

² The domestic interested parties in this sunset review are the petitioners, who consist of the Fresh Garlic Producers Association and its individual members: Christopher Ranch L.L.C., The Garlic Company, and Valley Garlic, Inc.

³ See Petitioners' Letter, "Five-Year ("Sunset") Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China—Petitioners' Notice of Intent to Participate," dated October 12, 2022.

party status under section 771(9)(C) of the Act as manufacturers of the domestic like product in the United States.⁴ On June 1, 2022, the domestic interested parties submitted a timely substantive response for this sunset review within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).⁵ Commerce did not receive a substantive response from any other interested parties with respect to the *Order* covered by this sunset review.

On November 30, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties in this sunset review.⁶ As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of this *Order*.

Scope of the Order

The products covered by the *Order* are all grades of garlic, whole or separated into constituent cloves. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.⁷

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an 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/FRNotices/ListLayout.aspx>.

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(c) of the Act, Commerce determines that revocation of the *Order* would be likely

⁴ *Id.*

⁵ See Petitioners' Letter, "Five-Year ("Sunset") Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China—Petitioners' Substantive Response to the Department's Notice of Initiation," dated November 2, 2022.

⁶ See Commerce's Letter, "Sunset Reviews for October 2022," dated November 30, 2022.

⁷ See Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Fifth Sunset Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).