

the Swiss-U.S. DPF an organization must (a) be subject to the investigatory and enforcement powers of the Federal Trade Commission (FTC), the Department of Transportation (DOT), or another statutory body that will effectively ensure compliance with the Principles; (b) publicly declare its commitment to comply with the Principles; (c) publicly disclose its privacy policies in line with the Principles; and (d) fully implement them.

To rely on the EU-U.S. DPF and, as applicable, the UK Extension to the EU-U.S. DPF, and/or the Swiss-U.S. DPF an organization must self-certify its adherence to the Principles to the DOC, and both be placed and remain on the Data Privacy Framework List. Such organizations' commitment to comply with the Principles must be reflected in their self-certification submissions to the DOC and in their privacy policies. Organizations that only wish to self-certify their compliance pursuant to the EU-U.S. DPF and/or the Swiss-U.S. DPF may do so; however, organizations that wish to participate in the UK Extension to the EU-U.S. DPF must participate in the EU-U.S. DPF. The DOC will update the Data Privacy Framework List on the basis of annual re-certification submissions made by participating organizations and by removing organizations when they voluntarily withdraw, fail to complete the annual re-certification in accordance with the DOC's procedures, or are found to persistently fail to comply. The DOC will also maintain and make available to the public an authoritative record of U.S. organizations that have been removed from the Data Privacy Framework List and will identify the reason each organization was removed. The aforementioned authoritative list and record will remain available to the public on the DOC's Data Privacy Framework program website. An organization's failure to comply with the Principles after its self-certification is enforceable by the FTC under Section 5 of the Federal Trade Commission (FTC) Act prohibiting unfair or deceptive acts in or affecting commerce (15 U.S.C. 45); by the DOT under 49 U.S.C. 41712 prohibiting a carrier or ticket agent from engaging in an unfair or deceptive practice in air transportation or the sale of air transportation; or under other laws or regulations prohibiting such acts.

To initially self-certify or subsequently re-certify for the EU-U.S. DPF and, as applicable, UK Extension to the EU-U.S. DPF, and/or the Swiss-U.S. DPF, an organization must on each occasion provide to the DOC a

submission that contains the relevant information specified in the Principles. The submission must be made via the DOC's Data Privacy Framework program website by an individual within the organization who is authorized to make representations on behalf of the organization and any of its covered U.S. entities regarding its adherence to the Principles. Such an organization must respond promptly to inquiries and other requests for information from the DOC relating to the organization's adherence to the Principles.

ITA has committed to follow up with organizations that have been or wish to be removed from the Data Privacy Framework List. ITA will direct organizations that allow their self-certifications to lapse to verify whether they intend to re-certify or instead intend to withdraw. An organization that intends to re-certify will be required to further verify to the DOC that during the lapse of its certification status it applied the Principles to relevant personal data received in reliance on its participation in the Data Privacy Framework program and clarify what steps it will take to address the outstanding issues that have delayed its re-certification. An organization that intends to withdraw will be required to further verify to the DOC what it will do and/or has done (as applicable) with the relevant personal data that it received in reliance on its participation in the Data Privacy Framework program and who within the organization will serve as an ongoing point of contact for Principles-related questions. Organizations will be required to provide such verification to the DOC by completing and submitting appropriate questionnaires to the DOC.

ITA has also committed to conduct compliance reviews on an ongoing basis, including, as appropriate, through sending detailed questionnaires to participating organizations. The DOC will require that a participating organization complete and submit to the DOC such a questionnaire when: (a) the DOC has received any specific, non-frivolous complaints about the organization's compliance with the Principles; (b) the organization does not respond satisfactorily to inquiries by the DOC for information relating to the organization's adherence to the Principles; or (c) there is credible evidence that the organization does not comply with its commitments under the EU-U.S. DPF and, as applicable, the UK Extension to the EU-U.S. DPF, and/or the Swiss-U.S. DPF.

*Affected Public:* Primarily businesses or other for-profit organizations.

*Frequency:* Annual and periodic.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* The DOC's statutory authority to foster, promote, and develop the foreign and domestic commerce of the United States (15 U.S.C. 1512).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering the title of the collection.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

#### **Fresh Garlic From the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty Order**

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

**SUMMARY:** In response to a request from the Fresh Garlic Producers Association and its individual members (collectively, the petitioners), the Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry to determine whether imports of small and large garlic chunks from the People's Republic of China (China) are circumventing the antidumping duty (AD) order on fresh garlic from China.

**DATES:** Applicable June 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** Charles DeFilippo or Jacob Saude; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3979 or 202-482-0981, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On February 16, 2023, pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(c), the petitioners filed a circumvention inquiry request alleging that small and large garlic chunks are circumventing the *Order*<sup>1</sup> and, accordingly, should be included within the scope of the *Order*.<sup>2</sup> On March 17, 2023, we deferred the decision to initiate this circumvention inquiry until the ongoing scope inquiry regarding large and small garlic chunks from Green Garden Produce LLC was complete.<sup>3</sup> On April 13, 2023, Commerce officials held a videoconference and in-person meeting with counsel to the petitioners regarding their February 16, 2023, request that Commerce conduct a minor alterations circumvention inquiry.<sup>4</sup> On March 3, 2023, Commerce issued a supplemental questionnaire to the petitioners regarding their circumvention request.<sup>5</sup> On May 10, 2023, the petitioners submitted their supplemental questionnaire response.<sup>6</sup>

**Scope of the Order**

The products covered by this *Order* are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing and level of decay. A full description of the scope of the *Order* is provided in the Initiation Checklist.<sup>7</sup>

<sup>1</sup> See *Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994) (*Order*).

<sup>2</sup> See Petitioners' Letter, "Petitioners' Request for Circumvention Ruling Pursuant to Section 781(c) of the Tariff Act of 1930, As Amended," dated February 16, 2023.

<sup>3</sup> See Memorandum, "Extension of Time to Determine Whether to Initiate Circumvention Inquiry," dated March 17, 2023.

<sup>4</sup> See Memorandum, "Meeting with Petitioners' Counsel," dated April 13, 2023.

<sup>5</sup> See Commerce's Letter, "Circumvention Inquiry Request Supplemental Questionnaire," dated May 3, 2023.

<sup>6</sup> See Petitioners' Letter, "Response to Supplemental Questionnaire in Circumvention Inquiry Request," dated May 10, 2023.

<sup>7</sup> See Initiation Checklist, "Initiation of the Circumvention Inquiry on the Antidumping Duty Order," dated concurrently with, and hereby adopted by, this notice (Initiation Checklist) at 7.

**Merchandise Subject to the Circumvention Inquiry**

The circumvention inquiry covers small and large garlic chunks produced in China and exported to the United States.

**Initiation of Circumvention Inquiry**

Section 351.226(d) of Commerce's regulations states that if Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce "will accept the request and initiate a circumvention inquiry." Section 351.226(c)(1) of Commerce's regulations, in turn, requires that each request for a circumvention inquiry allege "that the elements necessary for a circumvention determination under section 781 of the Act exist" and be "accompanied by information reasonably available to the interested party supporting these allegations." The petitioners alleged circumvention pursuant to section 781(c) of the Act (minor alterations of merchandise).

Section 781(c) of the Act provides that Commerce may find circumvention of an AD order when products which are of the class or kind of merchandise subject to an AD order have 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 AD order."

While the statute is silent as to what factors to consider in determining whether alterations are properly considered "minor," the legislative history of this provision indicates that there are certain factors which 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>8</sup>

<sup>8</sup> See S. Rep. No. 71, 100th Cong., 1st Sess. 100 (1987) ("In applying this provision, the Commerce Department should apply practical measurements regarding minor alterations, so that circumvention can be dealt with effectively, even where such alterations to an article technically transform it into a differently designated article."). See also *Affirmative Preliminary Determination of*

**Analysis**

Based on our analysis of the petitioners' circumvention inquiry request, we determined that the petitioners satisfied the criteria under 19 CFR 351.226(c), and thus, pursuant to 19 CFR 351.226(d)(1)(ii), we have accepted the request and are initiating the requested circumvention inquiry of the *Order*. For a full discussion of the basis for our decision to initiate the requested circumvention inquiry, see Initiation Checklist.

Furthermore, pursuant to 19 CFR 351.226(c)(2)(iii), the petitioners noted that Green Garden is the entity that imports small and large garlic chunks into the United States. While the petitioners stated that they are not aware of other exporters and/or producers exporting small and large garlic chunks to the United States, beyond those that supply Green Garden, they are concerned that there are numerous Chinese entities that could begin production of significant volumes of IQF garlic chunks for exportation to the United States. Therefore, given the ease with which other Chinese exporters and/or producers could engage in the same activities as those supplying Green Garden, Commerce is initiating this circumvention inquiry on a country-wide basis.

**Respondent Selection**

Commerce intends to base respondent selection on U.S. Customs and Border Protection (CBP) data. Commerce intends to place the CBP data on the record within five days of the publication of the initiation notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after placement of the CBP data on the record of the relevant inquiry.

Commerce intends to establish a schedule for questionnaire responses after respondent selection. A company's failure to completely respond to Commerce's requests for information may result in the application of partial or total facts available, pursuant to section 776(a) of the Act, which may include adverse inferences, pursuant to section 776(b) of the Act.

**Suspension of Liquidation**

Pursuant to 19 CFR 351.226(l)(1), Commerce intends to notify CBP of this

*Circumvention of the Antidumping Duty Order on Certain Cut-to-Length Steel Plate from the People's Republic of China*, 74 FR 33991, 33992 (July 14, 2009), unchanged in *Affirmative Final Determination of Circumvention of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China*, 74 FR 40565 (August 12, 2009).

initiation and direct CBP to continue the suspension of liquidation of entries of products subject to this circumvention inquiry that were already subject to the suspension of liquidation under the *Order* and to apply the cash deposit rates that would be applicable if the products were determined to be covered by the scope of the *Order*. Should Commerce issue affirmative preliminary or final circumvention determinations, Commerce will follow the suspension of liquidation rules under 19 CFR 351.226(l)(2)–(4).

#### Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(c) of the Act, Commerce determines that the petitioners' request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of this circumvention inquiry to determine whether small and large garlic chunks produced in and exported from China are circumventing the *Order* and the opportunity to comment on any additional entities that import small and large garlic chunks to the United States. In addition, we have included a description of the products that are the subject to this inquiry and an explanation of Commerce's decision to initiate this inquiry as provided in the accompanying Initiation Checklist.<sup>9</sup> In accordance with 19 CFR 351.226(e)(1), Commerce intends to issue its preliminary circumvention determination no later than 150 days from the date of publication of the notice of initiation of this circumvention inquiry in the **Federal Register**.

This notice is published in accordance with section 781(c) of the Act, and 19 CFR 351.226(d)(1)(ii).

Dated: June 1, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–060, A–533–875, A–580–893, A–583–860]

#### Fine Denier Polyester Staple Fiber From the People's Republic of China, India, the Republic of South Korea, and Taiwan: Final Results of Expedited First Sunset Reviews of the Antidumping Duty Orders

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

**SUMMARY:** As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on fine denier polyester staple fiber (fine denier PSF) from the People's Republic of China (China), India, the Republic of Korea (South Korea), and Taiwan would likely lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Sunset Reviews” section of this notice.

**DATES:** Applicable June 8, 2023.

**FOR FURTHER INFORMATION CONTACT:** Luke Caruso, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2081.

**SUPPLEMENTARY INFORMATION:**

#### Background

After Commerce initiated these sunset reviews<sup>1</sup> of the *Orders*,<sup>2</sup> pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), domestic interested parties<sup>3</sup> timely submitted complete notices of intent to participate in,<sup>4</sup> and adequate substantive responses regarding, the reviews.<sup>5</sup> The domestic

<sup>1</sup> See *Initiation of Five-Year (Sunset) Reviews*, 88 FR 6700 (February 1, 2023).

<sup>2</sup> See *Fine Denier Polyester Staple Fiber from the People's Republic of China, India, the Republic of Korea, and Taiwan: Antidumping Duty Orders*, 83 FR 34545 (July 20, 2018) (*Orders*).

<sup>3</sup> The domestic interested parties are Auriga Polymers Inc.; Fiber Industries LLC; Nan Ya Plastics Corporation, America; and Sun Fiber LLC.

<sup>4</sup> See Domestic Interested Parties' Letters, “Fine Denier Polyester Staple Fiber from India—Domestic Interested Parties' Notice of Intent to Participate,” dated February 15, 2023; “Fine Denier Polyester Staple Fiber from the People's Republic of China—Domestic Interested Parties' Notice of Intent to Participate,” dated February 15, 2023; “Fine Denier Polyester Staple Fiber from the Republic of Korea—Domestic Interested Parties' Notice of Intent to Participate,” dated February 15, 2023; and “Fine Denier Polyester Staple Fiber from Taiwan—Domestic Interested Parties' Notice of Intent to Participate,” dated February 15, 2023.

<sup>5</sup> See Domestic Interested Parties' Letters, “Fine Denier Polyester Staple Fiber from India—Domestic

interested parties claimed domestic interested party status under section 771(9)(C) of the Act as producers of the domestic like product in the United States.<sup>6</sup> Commerce did not receive a substantive response from any respondent interested party, nor was a hearing requested. On March 23, 2023, Commerce notified the International Trade Commission that it did not receive adequate substantive responses from respondent interested parties.<sup>7</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of the *Orders*.

#### Scope of the Orders<sup>8</sup>

The merchandise covered by the *Orders* is fine denier PSF, not carded or combed, measuring less than 3.3 decitex (3 denier) in diameter. The scope covers all fine denier PSF, whether coated or uncoated. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.<sup>9</sup>

#### Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews, including the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margins likely to prevail if the *Orders* were revoked, is provided in the Issues and Decision Memorandum. A list of the sections in the Issues and Decision Memorandum is 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

Interested Parties' Substantive Response,” dated March 3, 2023; “Fine Denier Polyester Staple Fiber from the People's Republic of China—Domestic Interested Parties' Substantive Response,” dated March 2, 2023; “Fine Denier Polyester Staple Fiber from Korea—Domestic Interested Parties' Substantive Response,” dated March 3, 2023; and “Fine Denier Polyester Staple Fiber from Taiwan—Domestic Interested Parties' Substantive Response,” dated March 2, 2023.

<sup>6</sup> *Id.*

<sup>7</sup> See Commerce's Letter “Sunset Reviews Initiated on February 1, 2023,” dated March 23, 2023.

<sup>8</sup> See *Orders*.

<sup>9</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of the First Expedited Sunset Reviews of the Antidumping Duty Orders on Fine Denier Polyester Staple Fiber from India, the People's Republic of China, the Republic of Korea, and Taiwan,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>9</sup> See Initiation Checklist at 4 and 6.