

**FOR FURTHER INFORMATION CONTACT:**

Victoria Moreno at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov) or by phone at 434-515-0204.

**SUPPLEMENTARY INFORMATION:** This meeting will be held in Spanish with English interpretation available for participants joining via Zoom, with the exception of call-in users. This meeting is available to the public through the Zoom link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Victoria Moreno at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov). All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the [www.facadatabase.gov](http://www.facadatabase.gov). Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Regional Programs Unit at the above phone number or email address.

**Agenda: Wednesday, September 28, 2022; 1 p.m. (AT)**

1. Welcome & Roll Call
2. Committee Discussion and Project Planning
3. Next Steps
4. Public Comment
5. Other Business
6. Adjourn

Dated: September 1, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-19268 Filed 9-6-22; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

**North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Completion of Panel Review**

**AGENCY:** United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

**ACTION:** Notice of completion of Panel Review.

**SUMMARY:** In accordance with the *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews*, the Panel Review of *Ammonium Sulphate from the United States of America* (Secretariat File Number: MEX-USA-2015-1904-01) was completed and the panelists were discharged from their duties effective September 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202-482-5438.

**SUPPLEMENTARY INFORMATION:** Article 1904 of NAFTA provides a dispute settlement mechanism for binational panel reviews of trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. On July 19, 2022, the NAFTA Binational Panel issued an Order affirming the Secretaria de Economia's Fourth Determination on Remand. Accordingly, the Notice of Completion of Panel Review is being issued pursuant to Rule 78 of the *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews*. For the complete *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews*, please see <https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/index.aspx?lang=eng>.

Dated: September 1, 2022.

**Vidya Desai,**

*U.S. Secretary, NAFTA Secretariat.*

[FR Doc. 2022-19237 Filed 9-6-22; 8:45 am]

**BILLING CODE 3510-GT-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 Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that vertical shaft engines with displacements between 60cc 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. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable September 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Lubarda, AD/CVD 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 May 4, 2021, the Department of Commerce (Commerce) published AD and CVD orders on small vertical engines from China.<sup>1</sup> On September 17, 2021, in response to a request from Briggs & Stratton, LLC (the petitioner),<sup>2</sup> Commerce initiated a circumvention inquiry to determine whether imports of engines with displacements between 60cc and up to 99cc produced in China and exported to the United States are "altered in form or appearance in minor respects" from in-scope merchandise such that they should be considered subject to the *Orders*.<sup>3</sup> For a complete

<sup>1</sup> 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*).

<sup>2</sup> See Petitioner's Letter, "Request for Anti-Circumvention Inquiry Pursuant to Section 781(c) and/or Section 781(d) of the Tariff Act of 1930," dated July 30, 2021.

<sup>3</sup> See *Certain Vertical Shaft Engines Between 99cc and up to 225cc, and Parts Thereof, from the People's Republic of China: Initiation of Anti-*

description of events that followed initiation of this inquiry, *see* the Preliminary Decision Memorandum.<sup>4</sup>

### 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 Preliminary Decision Memorandum.

### Scope of the Circumvention Inquiry

This circumvention inquiry covers small vertical engines with displacements between 60cc and up to 99cc produced in China and exported to the United States.

### Statutory and Regulatory Framework

Section 781(c) of the Tariff Act of 1930, as amended (the Act), provides that Commerce may find circumvention of an AD or CVD order when merchandise of the same class or kind as subject 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 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 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>5</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>6</sup> Each inquiry is highly dependent on the facts on the record and must be analyzed in light of those specific facts.<sup>7</sup> Thus, along with the five factors enumerated above, Commerce may also consider the circumstances under which the products enter the United States, including, but not limited to, the timing of the entries and the quantity of merchandise entered during the circumvention review period.<sup>8</sup>

### Preliminary Determination

We preliminarily determine that small vertical 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 Companies exported the engines with displacements between 60cc and up to 99cc.<sup>9</sup> Because we find that the

merchandise subject to this inquiry is not dissimilar to subject merchandise, we preliminarily determine 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)(1) of the Act. Also, we preliminarily determine that the affirmative circumvention finding should be applied on a countrywide basis.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary 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 <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of the topics discussed in the Preliminary Decision Memorandum is attached at the appendix to this notice.

### Suspension of Liquidation

In accordance with 19 CFR 351.225(l)(2), we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of small vertical engines between 60cc and up to 99cc produced in China and exported to the United States that are entered, or withdrawn from warehouse, for consumption on or after September 17, 2021 (*i.e.*, the date of the initiation of this inquiry).<sup>10</sup> Pursuant to 19 CFR 351.225(l)(2), we will also instruct CBP to require cash deposits of estimated duties equal to the AD and CVD rates in effect for small vertical engines for each unliquidated entry of small vertical engines between 60cc and up to 99cc produced in China and exported to the United States that are entered, or withdrawn from warehouse, for consumption on or after September 17, 2021. The suspension of liquidation instructions will remain in effect until further notice.

### Public Comment

Interested parties are invited to comment on this preliminary determination of circumvention and may submit case briefs and/or written comments within 14 days of the

*Circumvention Inquiry of Antidumping and Countervailing Duty Orders—60cc up to 99cc Engines*; 86 FR 51866 (September 17, 2021) (*Initiation Notice*), and accompanying Issues and Decision Memorandum.

<sup>4</sup> *See* Memorandum, “Preliminary Decision Memorandum for the Circumvention Inquiry,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>5</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>6</sup> *Id.*; *see also* *Deacero S.A. de C.V. v. United States*, 817 F.3d 1332 (Fed. Cir. 2016).

<sup>7</sup> *See, e.g., Certain Uncoated Paper from Australia, Brazil, the People’s Republic of China, Indonesia, and Portugal: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders*, 82 FR 26778 (June 9, 2017), and accompanying Preliminary Decision Memorandum, at “IV. Statutory and Regulatory Framework.”

<sup>8</sup> *Id.*; *see also, e.g., Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order on Certain Cut-to-Length Steel Plate from the People’s Republic of China*, 74 FR 33991, 33992–93 (July 14, 2009); *Brass Sheet and Strip from West Germany: Negative Preliminary Determination of Circumvention of Antidumping Duty Order*, 55 FR 32655 (August 10, 1990), unchanged in *Brass Sheet and Strip from Germany: Negative Final Determination of Circumvention of Antidumping Duty Order*, 56 FR 65884 (December 19, 1991); and *Small Diameter Graphite Electrodes from the People’s Republic of China: Initiation of Anticircumvention Inquiry*, 77 FR 37873 (June 25, 2012).

<sup>9</sup> 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.

<sup>10</sup> *See Initiation Notice.*

publication of this notice.<sup>11</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date on which the case briefs are due.<sup>12</sup> Parties who submit case briefs of rebuttal briefs in this inquiry are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>13</sup> Case and rebuttal briefs should be filed electronically via ACCESS.<sup>14</sup> Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>15</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically and received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time within 14 days after the date of publication of this notice.<sup>16</sup> Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the date and time for the hearing at a later date.

#### Postponement of Final Determination

Section 781(f) of the Act provides that, to the maximum extent practicable, Commerce shall make its circumvention determinations within 300 days from the date of initiation of the inquiry. On July 14, 2022, we extended the final determination until August 25, 2022.<sup>17</sup> We determine that it is not practicable to make a final determination in this circumvention inquiry by the current deadline of August 25, 2022, because Commerce will require additional time to review and analyze case and rebuttal briefs. Therefore, we are extending the time period for issuing the final determination in this inquiry by 103 days, to December 6, 2022.

<sup>11</sup> Commerce is exercising its discretion, under 19 CFR 351.309(c)(1)(ii), to alter the time limit for filing of case briefs.

<sup>12</sup> Commerce is exercising its discretion, under 19 CFR 351.309(d)(1), to alter the time limit for filing of rebuttal briefs.

<sup>13</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>14</sup> See 19 CFR 351.303.

<sup>15</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>16</sup> See 19 CFR 351.310(c).

<sup>17</sup> See Memorandum, "Extension of Anti-Circumvention Final Determination," dated July 14, 2022.

#### Notification to Interested Parties

This affirmative preliminary circumvention determination is in accordance with section 781(c) of the Act and 19 CFR 351.225(i).

Dated: August 25, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Orders
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Statutory and Regulatory Framework
- VI. Use of Facts Available With an Adverse Inference
- VII. Allegation of Circumvention
- VIII. Analysis
- IX. Preliminary Affirmative Determination of Circumvention
- X. Country-Wide Circumvention Finding
- XI. Recommendation

[FR Doc. 2022-19310 Filed 9-6-22; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

##### United States Investment Advisory Council; Meeting

**AGENCY:** SelectUSA, International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of an open meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act (FACA), this notice announces, the United States Investment Advisory Council (IAC) will hold a public meeting on September 29, 2022. In August 2022, U.S. Secretary of Commerce Gina M. Raimondo appointed a new cohort of members who will serve two-year terms. Members will meet for the first time to hear from Federal government officials on the importance of foreign direct investment (FDI) in the United States and discuss programs and policies to promote and retain such investments across the country.

**DATES:** Thursday, September 29, 2022, 10:30 a.m.–12 p.m. ET.

**ADDRESSES:** The meeting will be held in-person and virtually. Please note that pre-clearance is required both to attend the meeting in person and to make a statement during the public comment portion of the meeting. Please limit comments to five minutes or less and

submit a brief statement summarizing your comments to: [IAC@trade.gov](mailto:IAC@trade.gov) or United States Investment Advisory Council, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 30011, Washington, DC 20230. The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting is 5:00 p.m. ET on September 22, 2022. Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

#### FOR FURTHER INFORMATION CONTACT:

Rachel David, United States Investment Advisory Council, Room 30011, 1401 Constitution Avenue NW, Washington, DC 20230, email: [IAC@trade.gov](mailto:IAC@trade.gov).

**SUPPLEMENTARY INFORMATION:** The IAC was established under the discretionary authority of the Secretary of Commerce (Secretary) and in accordance with the Federal Advisory Committee Act (5 U.S.C. app.).

The IAC advises the Secretary on matters relating to the promotion and retention of foreign direct investment in the United States. At the inaugural meeting, the newly appointed IAC members will introduce themselves and will discuss the subcommittee topics and appointments. In previous years, the IAC subcommittees have included economic competitiveness, workforce development, and strategic communications. The agenda may change to accommodate IAC business. The final agenda will be posted on the Department of Commerce website for the IAC at: <https://www.trade.gov/selectusa-investment-advisory-council>, at least one week in advance of the meeting.

**Public Participation:** The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may be impossible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker and a brief statement summarizing the comments. If the number of registrants