

with 19 CFR 351.212(b)(1).<sup>8</sup> We will also calculate an estimated *ad valorem* importer-specific assessment rate with which to assess whether the per-unit assessment rate is *de minimis*. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis*. Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis*, or an importer-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>9</sup> we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "reseller policy" will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>10</sup>

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

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the POSCO single entity will be equal to the weighted-average dumping margin established in the final results of this administrative

review (*i.e.*, 2.59 percent); (2) for merchandise exported by a producer or exporter not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers and exporters will continue to be 7.10 percent *ad valorem*, the all-others rate established in the LTFV investigation.<sup>11</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (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 the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: September 28, 2022.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. The POSCO Single Entity
- IV. Discussion of the Issues
  - Comment 1: Downstream Home Market Sales of POSCO's Affiliated Reseller and Service Centers
  - Comment 2: General and Administrative (G&A) Expense and Financial Expense Ratios for POSCO International Corporation (PIC)
  - Comment 3: Financial Expense Ratio for POSCO SPS
  - Comment 4: G&A Expenses Ratio for POSCO SPS
- V. Recommendation

[FR Doc. 2022-22106 Filed 10-11-22; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket Number 21006-0213]

#### Implementation of the CHIPS Incentives Program

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice; request for information.

**SUMMARY:** The CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) is seeking further information in order to inform the design and implementation of the CHIPS incentive programs, based on amendments to the CHIPS program resulting from the CHIPS Act of 2022. This Request for Information (RFI) follows the "Incentives, Infrastructure, and Research and Development Needs to Support a Strong Domestic Semiconductor Industry" RFI issued by the U.S. Department of Commerce (the Department) on January 24, 2022, prior to enactment of the CHIPS Act of 2022. On September 6, 2022, the Department released "A Strategy for the CHIPS for America Fund," describing the Department's implementation strategy for the funds Congress appropriated to catalyze long-term growth in the domestic semiconductor industry. This strategy was informed in part by the information received in response to the January 2022 RFI. Responses to this RFI, considered alongside responses to the prior RFI, will further inform the planning of the CPO for the implementation of these programs.

<sup>8</sup>In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>9</sup>See 19 CFR 351.106(c)(2).

<sup>10</sup>For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>11</sup>See *Order*, 82 FR at 24098.

**DATES:** Comments must be received by 5:00 p.m. Eastern time on November 14, 2022. Written comments in response to this RFI should be submitted in accordance with the instructions in the **ADDRESSES** and **SUPPLEMENTARY INFORMATION** sections below.

**ADDRESSES:** To respond to this RFI, please submit electronic public comments via the Federal e-Rulemaking Portal.

1. Go to [www.regulations.gov](http://www.regulations.gov) and enter DOC–2022–0001 in the search field,

2. Click the “Comment Now!” icon, complete the required fields, and

3. Enter or attach your comments.

Comments sent by any other method, or received after the end of the comment period, may not be considered.

Information submitted in response to this request may contain business proprietary information, which will not be published and will be protected from disclosure, provided the submitters follow the instructions in **SUPPLEMENTARY INFORMATION** for submitting confidential business information.

Comments containing references, studies, research, and other empirical data that are not widely published should include electronic copies of the referenced materials.

*For Public Meetings/Webcast:*

The CPO may hold future workshops to explore in more detail questions raised in the RFI. Notice and details about any potential future workshop dates, registration deadlines, and other related information will be announced at [www.chips.gov](http://www.chips.gov).

**FOR FURTHER INFORMATION CONTACT:** For questions about this Notice, please contact Sam Marullo at 202–482–3844 or email [RFI@chips.gov](mailto:RFI@chips.gov). Please direct media inquiries to the CHIPS Press Team at [press@chips.gov](mailto:press@chips.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The CPO is currently working to implement programs authorized by Title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, 15 U.S.C. 4651 *et seq.*, as amended by sections 103 and 105 of the CHIPS Act of 2022, with the goal of releasing an initial funding document for the semiconductor incentives program within six months of the passage of the CHIPS Act of 2022.

The Department of Commerce published an RFI in January 2022 seeking to inform the planning of the

CHIPS Programs.<sup>1</sup> However, the CHIPS Act of 2022 subsequently amended the authorizing legislation for these programs in several areas, including:

- Permitting incentives in the form of loans, loan guarantees, or other transactions,
- Expanding eligibility for CHIPS incentives to include facilities and equipment for the fabrication, assembly, testing, production, or research and development of materials used to manufacture semiconductors and semiconductor manufacturing equipment,
- Requiring applicants to provide plans to identify and mitigate relevant semiconductor supply chain security risks and policies and procedures to combat cloning, counterfeiting, and relabeling,
- Establishing an expansion clawback that prohibits CHIPS incentive recipients from investing in certain projects in countries of concern,
- Creating taxpayer protections to prevent recipients from spending CHIPS funds on stock buybacks or dividends, and
- Directing analyses of certain diversity, equity, and inclusion elements of the CHIPS programs.

The CPO is issuing this RFI to inform its consideration and implementation of these amended sections.

#### **Specific Requests for Information**

The following statements and questions cover the major topic areas about which the CPO seeks comment. They are not intended to limit the topics that may be addressed. Responses may include any topic believed to inform U.S. Government efforts in developing recommendations for supporting the growth and sustainment of a robust domestic semiconductor manufacturing sector to meet the current and future needs of the public and private sectors, regardless of whether the topic is included in this document.

Respondents are encouraged to respond to any or all of the following questions and topic areas, and may address related topics. Your comments should indicate which questions or topics you are addressing. Responses may include estimates, which should be designated as such. Your responses may include supporting data and examples. If your response relies on publications or studies, please attach them. Respondents may organize their

submissions in response to this RFI in any manner.

The CPO is requesting information related to the following topics:

#### *Use of Grants, Loans, and Loan Guarantees*

1. The Department may allocate up to \$6 billion out of the \$39 billion of total incentives to support loans and loan guarantees to covered entities. This \$6 billion has a significant multiplier effect: the principal amount of financing available through loans and loan guarantees could be leveraged to support up to \$75 billion in loans and loan guarantees. This leverage will help the CPO achieve the needed scale of investment by facilitating additional private capital and providing access to debt for companies with reasonable prospects for repayment. Applicants will be encouraged to consider loans or loan guarantees as part of their federal assistance application package. Which types of companies in the supply chain would benefit most from the use of the loans or loan guarantees to supplement or in lieu of CHIPS grants?

2. How should CHIPS financial assistance (grants, loans and/or loan guarantees) be designed to be additive to, rather than a substitute for, private sector equity or debt capital?

3. What information is available on how foreign and domestic companies engaged in semiconductor manufacturing or suppliers to that industry evaluate whether to invest in a discrete project—for example, through internal rates of return (IRR)? Do evaluations and IRRs differ by producer, project, technology, or segment of industry?

4. What debt/equity ratios have semiconductor manufacturers or suppliers used in previous projects that are individually financed?

5. Does the industry, including foreign and domestic firms, finance semiconductor manufacturing or supplier investments on a limited recourse or nonrecourse project finance basis? What proportion of investments are financed this way?

6. How does access to debt and capital markets differ for companies across the semiconductor sector? Which parts of the sector struggle to access debt and equity capital?

#### *Financial Assistance for Upstream Suppliers and Materials Used To Manufacture Semiconductors*

7. For purposes of this set of questions, the upstream supply chain refers to companies that provide materials (including minerals, chemicals, slurries, gases, photomasks,

<sup>1</sup> *Incentives, Infrastructure, and Research and Development Needs to Support a Strong Domestic Semiconductor Industry*, 87 FR 3497 (January 24, 2022), <https://www.federalregister.gov/d/2022-01305>.

photoresists), equipment, or other inputs (including specialized services) for the semiconductor manufacturing process. Which elements of the upstream supply chain could constrain the ability to expand domestic semiconductor production? For example, if U.S. semiconductor production were to increase by 30%, would suppliers be able to keep pace? Please specify in terms of categories like industrial gases, raw materials, specialty chemicals, wafers, photoresists, and/or photomasks.

8. The CHIPS Act of 2022 increased the eligibility for Section 9902 incentives to include facilities and equipment for the fabrication, assembly, testing, production, or research and development of materials used to manufacture semiconductors. Which materials should be included in the definition of “materials used to manufacture semiconductors” and why? For each material identified, if a new facility were constructed for the production of that material, what typical percentage of that facility’s equipment and output would be expected to be used for semiconductor production, as opposed to other manufacturing processes?

9. Which materials used to produce semiconductors and semiconductor manufacturing equipment are currently produced within the U.S. and which are not? Are there technological or other limitations that currently inhibit production of such materials in the United States? Which materials and equipment, if any, have contributed to production delays or other inventory challenges? Which do you think are most likely to contribute to delays or challenges in the future?

10. How are upstream suppliers concentrated geographically? Are any concentrated in a manner that could constrain the ability to expand semiconductor manufacturing?

11. Which materials or equipment critical to semiconductor production are only or predominately available from a single source?

12. How do upstream suppliers work with fabs on new facility proposals? What types of agreements or commitments do fabs offer upstream suppliers to co-locate with new construction?

13. What have been the biggest supply chain bottlenecks for U.S. semiconductor fabs over the past five years?

#### *Intellectual Property*

14. The CHIPS Act of 2022 requires that applicants submit “policies and procedures to combat cloning,

counterfeiting, and relabeling of semiconductors.” Are there standard policies and procedures that companies or industry groups use to achieve this goal? Which industry or publicly defined standards should be used to measure the effectiveness of efforts to combat cloning, counterfeiting, or relabeling?

#### *Expansion Clawback*

15. The Secretary has authority, in consultation with the Secretary of Defense and the Director of National Intelligence, to define the terms “semiconductor manufacturing” and “semiconductor manufacturing capacity.” To ensure effective limits on manufacturing in foreign countries of concern—while balancing the interests of potential eligible CHIPS applicants that may have existing legacy facilities—what types of activities would need to be included under the scope of these terms? How do industry members define the terms in trade usage?

16. What considerations are relevant in determining what memory, analog, packaging, and other technologies should be considered equivalent to 28 nm logic chips?

17. Given the complexities in chipmakers determining where their product might eventually reach its end-use, how can the CPO best enforce the requirement that a proposed investment “predominately serve[s] the market” of the foreign country?

#### *Taxpayer Protections*

18. The CPO has committed to prioritizing companies that are dedicated to making investments in manufacturing, innovation, and workers. Are there types of investments and/or pre-commitments that data suggest have been most effective in promoting inclusive economic growth for workers and communities?

19. The CPO intends to preference companies which commit not to engage in stock buybacks with non-CHIPS funds. What terms and length should the CPO seek in such a commitment and should the commitment extend to any forms of capital distribution beyond buybacks? What types of existing buyback programs or programs tailored to prevent dilution from the award of employee stock compensation exist within the industry?

20. Should the CPO consider companies’ existing capital allocation strategies in formulating the standards it will apply to its evaluation of stock buybacks and the payment of dividends, and if so, how?

#### *Opportunity and Inclusion*

21. What are the primary barriers to entry for individuals from underserved communities seeking employment in the industry, including economically disadvantaged individuals, women, people of color, veterans, disabled individuals, people without college degrees, and people in rural communities? Do the barriers differ by job type? By community? By geography?

22. What policies have been successful in ensuring that job opportunities are good quality and available to and filled by a diverse pool of workers? Does industry currently offer wrap-around services to employees: childcare, paid leave, transportation, etc.? Why or why not?

23. What actions can industry take to promote diversity, equity, and inclusion in the projects that receive CHIPS incentives? What actions is industry already taking to promote diversity, equity, and inclusion? In responding, please consider inclusion broadly, such as women, people of color, veterans, disabled individuals, people without college degrees, and people in rural communities.

24. What policies have proven effective in providing opportunities for small and underrepresented businesses including minority-owned, women-owned and veteran-owned businesses and rural businesses. Which tactics are most effective in creating opportunities in fab construction? The production supply chain? R&D?

25. What actions can the CPO take to ensure that the implementation of the CHIPS incentive programs is equitable and inclusive?

#### *Other*

26. What other information should inform the CPO’s implementation of the CHIPS incentive programs?

27. What data will be important for the agency to collect to build evidence on the effectiveness of the CHIPS program? What are potential data sources?

#### **Requirements for Written Comments**

Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. Users submitting a form that contains business confidential information will need to submit a non-confidential version of the same form that does not contain the confidential business information. The

non-confidential version of the submission will be placed in the public file on <https://www.regulations.gov>. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page. The non-confidential version must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with the character “P.” The “BC” and “P” should be followed by the name of the person or entity submitting the comments.

All relevant non-confidential comments, including attachments and other supporting materials, received in response to the RFI will generally be made publicly available on [www.regulations.gov](http://www.regulations.gov).

**Alicia Chambers,**

*NIST Executive Secretariat.*

[FR Doc. 2022–22158 Filed 10–11–22; 8:45 am]

**BILLING CODE 3510–13–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648–XC450]

**Fisheries of the South Atlantic; National Marine Fisheries Service—Public Meetings**

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

**ACTION:** Notice of Dolphin (*i.e.*, dolphinfish or mahi mahi) Management Strategy Stakeholder workshops to be held by the National Marine Fisheries Service.

**SUMMARY:** The National Marine Fisheries Service will hold a series of in-person workshops on November 2 and November 3, 2022.

**DATES:** The workshops will be held on Wednesday, November 2, 2022, from

5:30 p.m. until 8:30 p.m. EDT, and on Thursday, November 3, 2022, from 5:30 p.m. until 8:30 p.m. EDT.

**ADDRESSES:** *Meeting address:* The meeting is open to members of the public. The workshop on November 2 will be held at the Montauk Fire Department, 12 Flamingo Ave, Montauk, NY 11954. The workshop on November 3 will be held at the Coastal Institute Building, Room #140, University of Rhode Island Graduate School of Oceanography, 215 South Ferry Road, Narragansett, RI 02882. Those interested in participating should contact Cassidy Peterson (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Cassidy Peterson, Management Strategy Evaluation Specialist, NMFS Southeast Fisheries Science Center, phone (910) 708–2686; email: [Cassidy.Peterson@noaa.gov](mailto:Cassidy.Peterson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** In collaboration with the South Atlantic Fishery Management Council, NMFS is embarking on a Management Strategy Evaluation (MSE) to guide dolphin (*i.e.*, dolphinfish or mahi mahi) management in the jurisdiction. The MSE will be used to develop a management procedure that best achieves the suite of management objectives for the U.S. Atlantic dolphin fishery. Stakeholder input is necessary for characterizing the management objectives of the fishery and stock, identifying any uncertainties in the system that should be built into the MSE analysis, and providing guidance on the acceptability of the proposed management procedures.

Agenda items for the meeting include: developing an understanding of management procedures and management strategy evaluation, developing conceptual management objectives, and clarifying uncertainties that should be addressed within the framework.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to Cassidy Peterson (see **FOR**

**FURTHER INFORMATION CONTACT**) 5 days prior to the meeting.

The times and sequence specified in this agenda are subject to change.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: October 5, 2022.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2022–22140 Filed 10–11–22; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[RTID 0648–XC452]

**Marine Mammals and Endangered Species**

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

**ACTION:** Notice; issuance of permits and permit amendments.

**SUMMARY:** Notice is hereby given that permits and permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

**ADDRESSES:** The permits and related documents are available for review upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Erin Markin, Ph.D. (Permit No. 26591), Jennifer Skidmore (Permit No. 26667, 26678, and 26708), and Sara Young (Permit No. 21018); at (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to [www.federalregister.gov](http://www.federalregister.gov) and search on the permit number provided in Table 1 below.

TABLE 1—ISSUED PERMITS AND PERMIT AMENDMENTS

Permit No.	RTID	Applicant	Previous <b>Federal Register</b> notice	Issuance date
21018–01 ...	0648–XF536 .....	Brent Stewart, Ph.D., Hubbs-SeaWorld Research Institute, 2595 Ingraham Street, San Diego, CA 92109.	82 FR 48985; October 23, 2017.	September 26, 2022.
26591 .....	0648–XC141 .....	BBC Natural History and Factual Productions, Ltd., Television Centre, 101 Wood Lane, London, UK W12 7FA.	87 FR 39803; July 5, 2022.	September 2, 2022.