

Department of Commerce, 1401
Constitution Avenue NW, Washington,
DC 20230.

This determination and notice are in
accordance with section 702(a) of the
Act.

Dated: October 3, 2022.

Lisa W. Wang,

*Assistant Secretary for Enforcement and
Compliance.*

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross ³ subsidy (\$/lb)	Net ⁴ subsidy (\$/lb)
27 European Union Member States ⁵	European Union Restitution Payments	\$0.00	\$0.00
Canada	Export Assistance on Certain Types of Cheese	0.45	0.45
Norway	Indirect (Milk) Subsidy	0.00	0.00
	<i>Consumer Subsidy</i>	0.00	0.00
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[FR Doc. 2022–21872 Filed 10–6–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–820]

Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes From Mexico; Preliminary Results of 2020–2021 Administrative Review

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

SUMMARY: The U.S. Department of
Commerce (Commerce) preliminarily
determines that the respondents
selected for individual examination,
International Greenhouse Produce, S.A.
de C.V. (IGP) and Negocio Agricola San
Enrique, S.A. de C.V. and its affiliates
(NASE), as a whole complied with the
Agreement Suspending the
Antidumping Duty Investigation on
Fresh Tomatoes from Mexico (2019
Agreement), for the period of review
(POR) September 1, 2020, through
August 31, 2021, except for certain
instances of inconsequential or
inadvertent noncompliance. We

preliminarily determine that such
noncompliance does not materially
frustrate the purposes of the 2019
Agreement; however, we intend to
address such noncompliance of the
respondent IGP by engaging in
Operations Consultations pursuant to
Section VII.G the 2019 Agreement.
Commerce also preliminarily
determines that the 2019 Agreement
continued to meet the statutory
requirements under sections 734(c) and
(d) of the Tariff Act of 1930, as amended
(the Act) during the POR.

DATES: Applicable October 7, 2022.

FOR FURTHER INFORMATION CONTACT:

Sally C. Gannon or David Cordell,
Enforcement & Compliance,
International Trade Administration,
U.S. Department of Commerce, 1401
Constitution Avenue NW, Washington,
DC 20230, telephone: (202) 482–0162 or
(202) 482–0408, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 19, 2019, Commerce
signed a suspension agreement ¹ under
section 734(c) of the Act, with
representatives of Mexican fresh tomato
producers/exporters accounting for
substantially all imports of fresh
tomatoes from Mexico, suspending the

antidumping duty (AD) investigation on
fresh tomatoes from Mexico.²

On September 17, 2021, the Florida
Tomato Exchange (FTE),³ a member of
the U.S. petitioning industry, filed a
request for an administrative review of
the 2019 Agreement.⁴ Commerce
initiated the review of the 2019
Agreement on November 5, 2021.⁵ On
February 3, 2022, Commerce selected
mandatory respondents and issued its
questionnaire to two respondents, listed
here in alphabetical order: International
Greenhouse Produce and Negocio
Agricola San Enrique, S.A.⁶

Scope of the 2019 Agreement

Merchandise covered by the 2019
Agreement is typically classified under
the following subheading of the
Harmonized Tariff Schedules of the
United States (HTSUS), according to the
season of importation: 0702. The tariff
classification is provided for
convenience and customs purposes;
however, the written description of the
scope of this 2019 Agreement is
dispositive.⁷

Methodology and Preliminary Results

Commerce has conducted this review
in accordance with section 751(a)(1)(C)
of the Act, which specifies that
Commerce shall “review the current

³ Defined in 19 U.S.C. 1677(5).

⁴ Defined in 19 U.S.C. 1677(6).

⁵ The 27 member states of the European Union
are: Austria, Belgium, Bulgaria, Croatia, Cyprus,
Czech Republic, Denmark, Estonia, Finland, France,
Germany, Greece, Hungary, Ireland, Italy, Latvia,
Lithuania, Luxembourg, Malta, Netherlands,
Poland, Portugal, Romania, Slovakia, Slovenia,
Spain, and Sweden.

¹ See *Fresh Tomatoes from Mexico: Suspension of
Antidumping Duty Investigation*, 84 FR 49987
(September 24, 2019) (2019 Agreement).

² The Mexican signatories are predominately
represented by the following associations:
Asociacion Mexicana de Horticultura Protegida,

A.C., Asociacion de Productores de Hortalizas del
Yaqui y Mayo, Confederacion de Asociaciones
Agricolas del Estado de Sinaloa, A.C., Consejo
Agricola de Baja California, A.C., and Sistema
Producto Tomate.

³ The members of the FTE are as follows: Ag-Mart
Produce, Inc. dba Santa Sweets, Inc., Classie
Produce, DiMare Homestead, Inc., DiMare Ruskin,
Inc., Gargiulo, Inc., Kern Carpenter Farms, Lipman
Family Farms, Mecca Family Farms, Inc., Michael
Borek Farms, Pacific Tomato Growers, Ltd., Taylor
& Fulton Packing, LLC, Tomatoes of Ruskin, Inc.,
TomPak, LLC, and West Coast Tomato, LLC.

⁴ See FTE’s Letter, “Request for Administrative
Review,” dated September 17, 2021.

⁵ See *Initiation of Antidumping and
Countervailing Duty Administrative Reviews*, 86 FR
61121 (November 5, 2021).

⁶ See Memorandum, “Respondent Selection and
Corrected Period of Review,” dated February 3,
2022.

⁷ For a complete description of the Scope of the
2019 Agreement, see Memorandum, “Decision
Memorandum for the Preliminary Results of the
2020–2021 Administrative Review: Fresh Tomatoes
from Mexico,” dated concurrently with, and hereby
adopted by, this notice (Preliminary Decision
Memorandum).

status of, and compliance with, any agreement by reason of which an investigation was suspended.” In this case, Commerce and representatives of the Mexican tomato producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico signed the 2019 Agreement, which suspended the underlying antidumping duty investigation, on September 19, 2019. Pursuant to the 2019 Agreement, the Mexican signatories agreed to sell subject merchandise at or above certain minimum reference prices, and that their pricing would eliminate at least 85 percent of the dumping determined in the antidumping duty investigation.⁸ The Mexican signatories also agreed to other conditions, including quarterly audits,⁹ near-the-border inspections by the U.S. Department of Agriculture on all Round and Roma tomatoes and certain other types of tomatoes beginning on April 4, 2020,¹⁰ and limits to adjustments to the sales price due to certain changes in condition and quality after shipment.¹¹

After reviewing the information received to date from the respondent companies in their questionnaire and supplemental questionnaire responses, we preliminarily determine that the respondents have adhered to the terms of the 2019 Agreement, except for certain instances of inconsequential or inadvertent noncompliance that does not materially frustrate the purposes of the 2019 Agreement. We intend to address such noncompliance of the respondent IGP by engaging in Operations Consultations pursuant to Section VII.G of the 2019 Agreement. We also preliminarily determine that the 2019 Agreement is functioning as intended and that the 2019 Agreement continues to meet the statutory requirements under sections 734(c) and (d) of the Act.

For a full description of the analysis underlying our conclusions, *see* the Preliminary Decision Memorandum. Commerce examines issues involving the discussion of proprietary information concerning each of the respondents in separate memoranda which we incorporate into the Preliminary Decision Memorandum.¹²

⁸ *See* 2019 Agreement, 84 FR at 49990, at Price Undertaking.

⁹ *Id.*, 84 FR at 49991, at Compliance Monitoring.

¹⁰ *Id.* at Inspection of Subject Merchandise; *see also* Memorandum, “Frequently Asked Questions Regarding Inspections,” dated March 17, 2020.

¹¹ *See* 2019 Agreement, 84 FR 49996, at Appendix D.

¹² *See* Memoranda, “Preliminary Analysis of Proprietary Information and Argument Regarding International Greenhouse Produce,” dated concurrently with this notice; and “Preliminary Analysis of Proprietary Information and Argument

A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. 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 <https://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>.

Verification

As provided in section 782(i) of the Act, Commerce may verify the information relied upon in making its final results. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. While we consider the possibility of conducting an on-site verification for some of the information submitted by the respondents, we may also need to verify the information relied upon in making the final results through alternative means in lieu of an on-site verification. Commerce intends to notify parties of its verification procedures, as applicable.

Public Comment

Case briefs are due 30 days from the publication of these preliminary results in the **Federal Register**. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.¹³ Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation 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.¹⁴ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹⁵

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the

Regarding *Negocio Agrícola San Enrique S.A.* and its Affiliates,” dated concurrently with this notice.

¹³ *See* 19 CFR 351.309(d)(1).

¹⁴ *See* 19 CFR 351.309(c)(2) and (d)(2).

¹⁵ *See* *Temporary Rule*.

case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.¹⁶ Requests should contain the party’s name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless extended.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 30, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Scope of the 2019 Agreement
- III. Background
- IV. Preliminary Results of Review
- V. Discussion of the Issues
- VI. Recommendation

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC444]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

¹⁶ *See* 19 CFR 351.310(c).