

(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>14</sup> Each inquiry is highly dependent on the facts on the record and must be analyzed in light of those specific facts.<sup>15</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>16</sup>

### Preliminary Determination

As detailed in the Preliminary Decision Memorandum, Commerce preliminarily determines that the SSWire completed in Vietnam using Korea-origin SSWR and subsequently exported from Vietnam to the United States is not circumventing the *Order* on a country-wide basis. Accordingly, Commerce is making a negative preliminary finding of circumvention of the *Order*.

### Methodology

As noted above, Commerce is conducting this circumvention inquiry in accordance with section 781(c) of the Act. For a complete description of the events that followed the initiation of these circumvention inquiries, see the Preliminary Decision Memorandum. A list of topics included 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 19 CFR 351.307, Commerce intends to verify information relied upon in making its final determination.

### Public Comment

Because Commerce intends to conduct verification, interested parties will be provided an opportunity to submit written comments (case briefs) at a date to be determined by Commerce and rebuttal comments (rebuttal briefs) within seven days after the time limit for filing case briefs.<sup>17</sup> Parties who submit case briefs or rebuttal briefs in this proceeding 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>18</sup> Case and rebuttal briefs should be filed electronically via ACCESS.<sup>19</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>20</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the 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. 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. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

### Postponement of Final Determination

In accordance with 19 CFR 351.302(b), unless expressly precluded by the statute, Commerce, may, for good cause, extend any time limit. As we indicate above, Commerce intends to conduct verification of information relied upon, pursuant to 19 CFR 351.307, prior to issuing its final determination. As such, Commerce has determined that additional time is

necessary to issue the final determination of this circumvention inquiry. Therefore, in accordance with 19 CFR 351.302(b), we are extending the deadline for issuing the final determination of this circumvention inquiry by 120 days, until April 11, 2023.

### Notification to Interested Parties

This determination is issued and published in accordance with section 781(c) of the Act and 19 CFR 351.226(g)(1).

Dated: December 12, 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 *Order*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Period of Circumvention Inquiry
- VI. Surrogate Countries and Methodology for Valuing Inputs From Korea and Processing in Vietnam
- VII. Legal Framework
- VIII. Application of Facts Otherwise Available and Adverse Inferences
- IX. Statutory Analysis for the Circumvention Inquiry
- X. Summary of Statutory Analysis
- XI. Verification
- XII. Country-Wide Preliminary Negative Determination of Circumvention
- XIII. Recommendation

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-953]

#### Narrow Woven Ribbons With Woven Selvage From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of the 2016 Countervailing Duty Administrative Review; Notice of Amended Final Results

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

**SUMMARY:** On December 8, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Yama Ribbons and Bows Co., v. United States*, Court No. 19-00047, sustaining the Department of Commerce's (Commerce's) remand results pertaining to the 2016 administrative review of the countervailing duty (CVD) order on

<sup>14</sup> *Id.*; see also *Deacero S.A. de C.V. v. United States*, 817 F.3d 1332 (Fed. Cir. 2016).

<sup>15</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>16</sup> *Id.*; see also *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 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>17</sup> See 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1). Interested parties will be notified through ACCESS regarding the deadline for submitting case briefs; see also 19 CFR 351.303 (for general filing requirements).

<sup>18</sup> See 19 CFR 351.309(c)(2)(d)(2).

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

<sup>20</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

narrow woven ribbons with woven selvage (ribbons) from the People's Republic of China (China). Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the countervailable subsidy rate assigned to Yama Ribbons and Bows Co. (Yama).

**DATES:** Applicable December 18, 2022.

**FOR FURTHER INFORMATION CONTACT:** Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1280.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 25, 2019, Commerce published its final results of the 2016 CVD administrative review of ribbons from China.<sup>1</sup> In the *Final Results*, Commerce assigned Yama an overall subsidy rate of 23.70 percent based, in part, on adverse facts available (AFA).

Yama appealed Commerce's *Final Results*. On April 30, 2021, the CIT remanded to Commerce its *Final Results* findings that Yama used and benefited from the Export Buyer's Credit program (EBCP) and the Provision of Synthetic Yarn and Caustic Soda for Less-Than-Adequate Remuneration (LTAR) and its inclusion of these subsidies in the overall subsidy rate determined for Yama.<sup>2</sup>

In its remand redetermination issued in August 2021, Commerce reconsidered its decision to apply AFA in evaluating use of the EBCP and determined, under respectful protest, that the EBCP was not used by Yama during the period of review (POR). Commerce also further considered the information on the record and supplemented the record regarding the synthetic yarn and caustic soda inputs for LTAR programs and addressed the "specificity" requirement in the statute for them. Upon further examination, Commerce found that: (1) the Provision of Synthetic Yarn and Caustic Soda for LTAR programs met the specificity requirement of the statute and, therefore, were countervailable subsidies; and (2) Yama benefited from these programs during the POR.

<sup>1</sup> See *Narrow Woven Ribbons with Woven Selvage from the People's Republic of China: Final Results of Countervailing Duty Administrative Review*; 2016, 84 FR 11052 (March 25, 2019) (*Final Results*).

<sup>2</sup> See *Yama Ribbons and Bows Co., LTD. vs. United States*, 517 F.Supp.3d 1325 (CIT 2021).

Accordingly, Commerce calculated a revised subsidy rate for Yama of 13.16 percent.<sup>3</sup> On December 8, 2022, the CIT sustained Commerce's final redetermination.<sup>4</sup>

**Timken Notice**

In its decision in *Timken*,<sup>5</sup> as clarified by *Diamond Sawblades*,<sup>6</sup> the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's December 8, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

**Amended Final Results**

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Yama as follows:

Company	Subsidy rate (%)
Yama Ribbons and Bows Co., Ltd .....	13.16

**Cash Deposit Requirements**

Because Yama has a superseding cash deposit rate, *i.e.*, there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate for Yama.

**Liquidation of Suspended Entries**

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and exported by Yama and were entered, or withdrawn from warehouse, for consumption during the period January 1, 2016, through December 31, 2016. These entries will remain enjoined pursuant to the terms of the injunction

<sup>3</sup> See *Final Results of Redetermination Pursuant to Court Remand*, Consol. Ct. No. 19-00047, Slip Op. 21-50 (August 13, 2021) (Remand Results).

<sup>4</sup> See *Yama Ribbons and Bows Co., Ltd. vs. United States*, Consol. Court No 19-00047, Slip Op. 22-138 (CIT December 8, 2022).

<sup>5</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>6</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, is upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and exported by Yama in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis*. Where an *ad valorem* subsidy rate is zero or *de minimis*,<sup>7</sup> we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: December 12, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

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**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 Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders—60cc Up To 99cc Engines**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that vertical shaft engines with displacements between 60 cubic centimeters (cc) 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 by means of being merchandise "altered in form or appearance in minor respects."

**DATES:** Applicable December 16, 2022.

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Luberda, AD/CVD

<sup>7</sup> See 19 CFR 351.106(c)(2).