

Notices

Federal Register

Vol. 88, No. 205

Wednesday, October 25, 2023

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-54-2023]

Foreign-Trade Zone (FTZ) 26, Notification of Proposed Production Activity; Helena Industries, LLC; (Insecticides); Cordele, Georgia

Helena Industries, LLC, submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Cordele, Georgia within FTZ 26. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on October 19, 2023.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished product is thiamethoxam 240 grams/liter suspended concentrate (duty rate 5%).

The proposed foreign-status material/ component is thiamethoxam (insecticide active ingredient) (duty rate 6.5%). The request indicates that thiamethoxam (insecticide active ingredient) is subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is December 4, 2023.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: October 20, 2023.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2023-23610 Filed 10-24-23; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2153]

Approval of Expansion of Subzone 98A; Mercedes-Benz U.S. International, Inc.; Moundville, Vance and Woodstock, Alabama

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ". . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the City of Birmingham, grantee of Foreign-Trade Zone 98, has made application to the Board to expand Subzone 98A on behalf of Mercedes-Benz U.S. International, Inc. in Moundville, Vance and Woodstock, Alabama (FTZ Docket B-33-2023, docketed May 22, 2023);

Whereas, notice inviting public comment has been given in the **Federal Register** (88 FR 34127-34128, May 26, 2023) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' memorandum, and finds that

the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves the expansion of Subzone 98A on behalf of Mercedes-Benz U.S. International, Inc. in Moundville, Vance and Woodstock, Alabama, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including section 400.13.

Dated: October 20, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2023-23609 Filed 10-24-23; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Dina Zhu, 101 Windsor Chase Drive, Lawrenceville, GA 30043; Order Relating to Dina Zhu

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has notified Dina Zhu, of Lawrenceville, GA ("Zhu"), of its intention to initiate an administrative proceeding against Zhu pursuant to section 766.3 of the Export Administration Regulations (the "Regulations"),¹ through the issuance of a Proposed Charging Letter to Zhu that alleges that Zhu committed one

¹ The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601-4623 (Supp. III 2015) ("the EAA"), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) ("IEEPA"). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801-4852 ("ECRA"). While section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

violation of the Regulations.²

Specifically:

Charge 1 15 CFR 764.2(c)—Attempted Unlicensed Export to China

On or about November 30, 2018, Zhu engaged in conduct prohibited by the Regulations by attempting to export optical sighting devices, items subject to the Regulations, and valued at approximately \$25,000, from the United States to the Peoples Republic of China (“China”), via Hong Kong, without the required Department of Commerce export license. At the time of the attempted export, the items were classified under export control classification (“ECCN”) 0A987 and controlled on Crime Control grounds.³ Pursuant to Section 742.7 of the Regulations, a Department of Commerce export license was required before the items could be exported to Hong Kong or China. OEE was able to interdict this transaction by issuing the courier a re-delivery order to return or unload the shipment pursuant to Section 758.8 of the Regulations.

During a subsequent December 2018 interview with OEE Special Agents, Zhu admitted to responding to an online ad seeking help in exporting commodities to China. Zhu explained that optical sighting devices would be delivered to her house from U.S. vendors and then she would consolidate the packages and take them to an international courier for export to Hong Kong. According to Zhu, she shipped the packages to Hong Kong and was aware the items would then be forwarded to mainland China.

Zhu was also aware of U.S. government export licensing requirements for optical sighting devices, *inter alia*, having been notified by U.S. Customs and Border Protection (“CBP”) on or about May 19, 2017, that a shipment of optical sighting devices exported by Zhu was seized by CBP for not having the requisite U.S. Government authorization.⁴

In so doing, Zhu committed one violation of 15 CFR 764.2(c).

Whereas, BIS and Zhu have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein;

² The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022). The charged violations occurred in 2018. The Regulations governing the violations at issue are found in the 2018 version of the Code of Federal Regulations (15 CFR parts 730–774). The 2022 Regulations set forth the procedures that apply to this matter.

³ Currently, the items are classified under ECCN 0A504. However, the items are still controlled on Crime Control grounds and would still require an export license to both Hong Kong and China.

⁴ At that time, the seized items were determined to be controlled on the U.S. Munitions List under Category XII(c)(2)(i). U.S. State Department authorization pursuant to the International Trafficking in Arms Regulation, 22 CFR parts 120–130, was required to export the seized items.

Whereas, Zhu admits committing the alleged conduct described in the Proposed Charging Letter; and

Whereas, I have approved of the terms of such Settlement Agreement;

It is therefore ordered:

First, for a period of one (1) year from the date of the Order, Zhu, with a last known address of 101 Windsor Chase Drive, Lawrenceville, GA 30043, and when acting for or on her behalf, her successors, assigns, representatives, agents, or employees (hereinafter collectively referred to as the “Denied Person”), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason

to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, any licenses issued under the Regulations in which Zhu has an interest as of the date of this Order shall be revoked by BIS.

Fourth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulation, any person, firm, corporation, or business organization related to Zhu by affiliation, ownership, control, or position of responsibility in the conduct or trade or related services may also be made subject to the provisions of this Order.

Fifth, as authorized by Section 766.18(c) of the Regulations, the denial period shall be imposed and extended for a second year, but for that second year shall be suspended for a probationary period and shall thereafter be waived, provided that Zhu has not committed another violation of ECRA, the Regulations, or any order, license or authorization issued under ECRA or the Regulations. If Zhu commits another violation of ECRA, the Regulations, or any order, license or authorization issued under ECRA or the Regulations during the two-year period from the date of the Order the suspended portion of the Order may be modified or revoked by BIS pursuant to Section 766.17(c) of the Regulations. If the suspension of the denial is modified or revoked, BIS may extend the active denial period until up to two-years from the date of the Order.

Sixth, the Proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

Seventh, a copy of this Order shall be provided to Zhu, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Matthew S. Axelrod,
Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2023-23571 Filed 10-24-23; 8:45 am]
BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-008]

Gas Powered Pressure Washers From the Socialist Republic of Vietnam: Antidumping Duty Order

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

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing an antidumping duty order on gas powered pressure washers (pressure washers) from the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable October 25, 2023.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Matthew Palmer, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4243 and (202) 482-1678, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2023, Commerce published its affirmative final determination in the less-than-fair-value (LTFV) investigation of pressure washers from Vietnam.¹ On October 13, 2023, the ITC notified Commerce of its final determination, pursuant to section 735(d) of the Tariff Act of 1930, as amended (the Act), that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of pressure washers from Vietnam.²

¹ See *Gas Powered Pressure Washers from the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 88 FR 59503 (August 29, 2023).

² See ITC's Letter, Notification Letter: Investigation No. 731-TA-1598 (Final), dated October 13, 2023.

Scope of the Order

The products covered by this order are gas powered pressure washers from Vietnam. For a complete description of the scope of this order, see the appendix to this notice.

Antidumping Duty Order

On October 13, 2023, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination in this investigation, in which it found that an industry in the United States is materially injured by reason of imports of pressure washers from Vietnam.³ Therefore, in accordance with section 735(c)(2) of the Act, Commerce is issuing this antidumping duty order. Because the ITC determined that imports of pressure washers from Vietnam materially injure a U.S. industry, unliquidated entries of such merchandise from Vietnam, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of pressure washers from Vietnam. Antidumping duties will be assessed on unliquidated entries of pressure washers from Vietnam entered, or withdrawn from warehouse, for consumption, on or after June 15, 2023, the date of publication of the *Preliminary Determination* in the **Federal Register**, except as noted in the "Provisional Measures" section below.⁴

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of pressure washers from Vietnam, except as noted below. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margin indicated in the table below. Accordingly, effective on the date of publication in the **Federal Register** of

³ *Id.*

⁴ See *Gas Powered Pressure Washers from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Determination of Critical Circumstances*, 88 FR 39221 (June 15, 2023) (*Preliminary Determination*).

the notice of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on subject merchandise, a cash deposit equal to the rate listed below.

Estimated Weighted-Average Dumping Margin

The estimated weighted-average dumping margin is as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Vietnam-Wide Entity	225.86

Critical Circumstances

With respect to the ITC's negative critical circumstances determination on imports of pressure washers from Vietnam, Commerce intends to instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after March 17, 2023 (*i.e.*, 90 days prior to the date of the publication of the *Preliminary Determination*), but before June 15, 2023 (*i.e.*, the date of publication of the *Preliminary Determination*).

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. None of the exporters of pressure washers requested Commerce to extend the four-month period to six months in this investigation.

The provisional measures period, beginning on the date of publication of the *Preliminary Determination*, ended on October 12, 2023. Therefore, in accordance with section 733(d) of the Act, Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of pressure washers from Vietnam entered, or withdrawn from warehouse, for consumption after October 12, 2023, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative injury