

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-201-820]

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

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the respondents selected for individual examination, respectively, International Greenhouse Produce, S.A. de C.V. (IGP) and Negocio Agrícola San Enrique, S.A. de C.V. (NASE) (collectively, respondents), were in compliance with the terms of the 2019 Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico (2019 Agreement) during the period of review (POR) from September 1, 2020, through August 31, 2021, except for certain instances of inadvertent or inconsequential noncompliance. Commerce also determines that the 2019 Agreement met the applicable statutory requirements during the POR.

DATES: Applicable March 13, 2023.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or David Cordell, Enforcement and 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 October 7, 2022, Commerce published the *Preliminary Results* of this administrative review.¹ On November 7, 2022, a member of the U.S. petitioning industry, the Florida Tomato Exchange (FTE), and IGP filed case briefs.² On November 18, 2022, FTE filed a rebuttal brief and the respondents filed a joint rebuttal brief.³

¹ See *Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico: Preliminary Results of 2020–2021 Administrative Review*, 87 FR 60994 (October 7, 2022) (*Preliminary Results*).

² See FTE's Letter, "Case Brief on Behalf of the Florida Tomato Exchange," dated November 7, 2022; IGP's Letter, "Case Brief of International Greenhouse Produce, S.A. de C.V.," dated November 7, 2022.

³ See FTE's Letter, "Rebuttal Brief on Behalf of the Florida Tomato Exchange," dated November 18, 2022; Respondents' Letter, "Rebuttal Brief of International Greenhouse Produce, S.A. de C.V. and Negocio Agrícola San Enrique S.A. de C.V.," dated November 18, 2022.

On January 23, 2023, Commerce extended the deadline for the final results to March 6, 2023.⁴

Scope of 2019 Agreement

The merchandise subject to this 2019 Agreement is all fresh or chilled tomatoes (fresh tomatoes) which have Mexico as their origin, except for those tomatoes which are for processing. For purposes of this 2019 Agreement, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying, or the addition of chemical substances, or converting the tomato product into juices, sauces, or purees. In Appendix F of this 2019 Agreement, Commerce has outlined the procedure that Signatories must follow for selling subject merchandise for processing. Fresh tomatoes that are imported for cutting up, not further processing (*e.g.*, tomatoes used in the preparation of fresh salsa or salad bars), are covered by this 2019 Agreement. Commercially grown tomatoes, both for the fresh market and for processing, are classified as *Lycopersicon esculentum*. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by this 2019 Agreement. Tomatoes imported from Mexico covered by this 2019 Agreement are classified under the following subheading of the Harmonized Tariff Schedules of the United States (HTSUS), according to the season of importation: 0702. Although this HTSUS number is provided for convenience and customs purposes, the written description of the scope of this Agreement is dispositive.

A full description of the scope of the order is also contained in the Issues and Decision Memorandum.⁵

Analysis

Commerce continues to find, based on record evidence, that the selected respondents, IGP and NASE, were generally in compliance with the terms of the 2019 Agreement during the POR, with the exception of certain inconsequential or inadvertent non-compliance. We intend to consult with the Signatories to the 2019 Agreement under Section VII.G (Operations Consultations) to address the non-

⁴ See Memorandum, "Extension of Deadline for Final Results of the Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico (2019 Agreement)," dated January 23, 2023.

⁵ See Memorandum, "Decision Memorandum for the Final Results of the 2020–2021 Administrative Review: Fresh Tomatoes from Mexico," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

compliance identified in the review. Overall, Commerce finds that there have been no material or consequential violations of the 2019 Agreement by the selected respondents during the POR. We also determine that the 2019 Agreement is preventing price suppression or undercutting and can be effectively monitored.

The issues raised in the case and rebuttal briefs are addressed in the accompanying Issues and Decision Memorandum and business proprietary memorandum.⁶ The issues are identified in the Appendix to this notice. The Issues and 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 Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to 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). 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 terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Dated: March 6, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix**Issues and Decision Memorandum**

- I. Summary
- II. Scope of the Agreement
- III. Background
- IV. Discussion of the Issues
 1. Calculation Methodology for Analysis of Compliance With Section VI of the 2019 Agreement

⁶ *Id.*; see also Memorandum, "Final Analysis of Proprietary Information and Argument Regarding International Greenhouse Produce, S.A. de C.V.," dated concurrently with, and hereby adopted by, this notice.

- 2. Classification of Certain U.S. Sales
 - 3. Alleged Violations of the 2019 Agreement and Requests for Enforcement
 - 4. Reporting Regarding Certain Transactions
 - 5. Adjustments Under Appendix D Based on an Inspection Requested by a Downstream Customer
 - 6. Request for Collection of Cost Data in Future Reviews
- V. Recommendation

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Guam Coastal Management Program; Notice of Public Meeting; Request for Comments

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold an in-person public meeting to solicit input on the performance evaluation of the Guam Coastal Management Program. NOAA also invites the public to submit written comments.

DATES: NOAA will hold an in-person public meeting will be held on Wednesday, May 10, 2023, at 5:30 p.m. Chamorro Standard Time (CHST). NOAA will consider all relevant written comments received by Friday, May 19, 2023.

ADDRESSES: Comments may be submitted by one of the following methods:

In-Person Public Meeting: Provide oral comments during the in-person public meeting on Wednesday, May 10, 2023, at 5:30 p.m. CHST at the Hagat Mayor’s Office, 393 Route 2, Hagat, Guam, 96915.

Email: Send written comments to Ralph Cantral, Evaluator, NOAA Office

for Coastal Management, at Ralph.Cantral@noaa.gov. Include “Comments on Performance Evaluation of the Guam Coastal Management Program” in the subject line of the message.

NOAA will accept anonymous comments, however, the written comments received are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers should not be included with the comment. Comments that are not related to the performance evaluation of the Guam Coastal Management Program or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT: Ralph Cantral, Evaluator, NOAA Office for Coastal Management, by email at Ralph.Cantral@noaa.gov or by phone at (843) 474-1357. Copies of the previous evaluation findings, and Assessment and Strategies may be viewed and downloaded at <http://coast.noaa.gov/czm/evaluations/>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Ralph Cantral.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved coastal management programs. The evaluation process includes holding one or more public meetings, considering public comments, and consulting with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the Territory of Guam has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is complete, NOAA’s Office for Coastal Management will place a notice in the

Federal Register announcing the availability of the final evaluation findings.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC831]

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.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore (Permit No. 27079) and Amy Hapeman (Permit No. 23644-02); 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 and search on the permit number provided in Table 1 below.

TABLE 1—ISSUED PERMITS AND PERMIT AMENDMENTS

Permit No.	RTID	Applicant	Previous Federal Register notice	Issuance date
23644-02	0648-XC603 ...	Iain Kerr, D.H.L., Ocean Alliance, 32 Horton Street, Gloucester, MA 01930.	87 FR 77077, December 16, 2022.	February 23, 2023.
27079	0648-XC636	Cantata Bio, 100 Enterprise Way, Suite A10, Scotts Valley, CA 95066 (Responsible Party: Jordan Zhang).	87 FR 80526, December 30, 2022.	February 16, 2023.