

OTR TIRES FROM THE PRC—Continued

Exporter	Producer	Weighted-average margin (percent)
Qingdao Free Trade Zone Full-World International Trading Co., Ltd.	Qingdao Yellowsea Tyre Factory	12.91
Qingdao Free Trade Zone Full-World International Trading Co., Ltd.	Shandong Zhentai Tyre Co., Ltd.	12.91
Qingdao Hengda Tyres Co., Ltd.	Qingdao Hengda Tyres Co., Ltd.	12.91
Qingdao Milestone Tyre Co., Ltd.	Qingdao Shuanghe Tyre Co., Ltd.	12.91
Qingdao Milestone Tyre Co., Ltd.	Shandong Zhentai Tyre Co., Ltd.	12.91
Qingdao Milestone Tyre Co., Ltd.	Shifeng Double-Star Tire Co., Ltd.	12.91
Qingdao Milestone Tyre Co., Ltd.	Weifang Longtai Tyre Co., Ltd.	12.91
Qingdao Qihang Tyre Co., Ltd.	Qingdao Qihang Tyre Co., Ltd.	12.91
Qingdao Qizhou Rubber Co., Ltd.	Qingdao Qizhou Rubber Co., Ltd.	12.91
Qingdao Sinorient International Ltd.	Qingdao Hengda Tyres Co., Ltd.	12.91
Qingdao Sinorient International Ltd.	Shifeng Double-Star Tire Co., Ltd.	12.91
Qingdao Sinorient International Ltd.	Tengzhou Broncho Tyre Co., Ltd.=	12.91
Shandong Huitong Tyre Co., Ltd.	Shandong Huitong Tyre Co., Ltd.	12.91
Shandong Jinyu Tyre Co., Ltd.	Shandong Jinyu Tyre Co., Ltd.	12.91
Shandong Taishan Tyre Co., Ltd.	Shandong Taishan Tyre Co., Ltd. =	12.91
Shandong Wanda Boto Tyre Co., Ltd.	Shandong Wanda Boto Tyre Co., Ltd.	12.91
Shandong Xingyuan International Trading Co., Ltd.	Shandong Xingda Tyre Co., Ltd.	12.91
Shandong Xingyuan International Trading Co., Ltd.	Xingyuan Tyre Group Co., Ltd.	12.91
Techking Tires Limited	Shandong Xingda Tyre Co. Ltd.	12.91
Techking Tires Limited	Shandong Xingyuan International Trade Co. Ltd.	12.91
Techking Tires Limited	Shandong Xingyuan Rubber Co. Ltd.	12.91
Triangle Tyre Co., Ltd.	Triangle Tyre Co., Ltd.	12.91
Wendeng Sanfeng Tyre Co., Ltd.	Wendeng Sanfeng Tyre Co., Ltd.	12.91
Zhaoyuan Leo Rubber Co., Ltd.	Zhaoyuan Leo Rubber Co., Ltd.	12.91
PRC-Entity	210.48

Because the Department continues to find that the weighted-average dumping margin for subject merchandise produced and exported by Xugong is zero, we are instructing CBP to terminate suspension of liquidation of all imports of subject merchandise produced and exported by Xugong, entered, or withdrawn from warehouse, for consumption on or after February 20, 2008, the date of publication of the preliminary determination. CBP shall refund any cash deposit and release any bond or other security previously posted in connection with merchandise produced and exported by Xugong.

This notice constitutes the antidumping duty order with respect to certain new pneumatic OTR tires from the PRC, pursuant to section 736 (a) of the Act. Interested parties may contact the Department's Central Records Unit, Room 1117 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is issued and published in accordance with section 736 (a) of the Act and 19 CFR 351.211 (b).

Dated: August 29, 2008.

David M. Spooner

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-913]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Countervailing Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: Based on an affirmative final determination by the U.S. International Trade Commission (ITC), the Department of Commerce (the Department) is issuing a countervailing duty order on certain new pneumatic off-the-road tires from the People's Republic of China (PRC). On August 28, 2008, the ITC notified the Department of its affirmative determination of material injury to a U.S. industry. *See Certain Off-the-Road Tires From China*, USITC Pub. 4031, Inv. Nos. 701-TA-448 and 731-TA-1117 (Final) (August 2008).

DATES: *Effective Date:* September 4, 2008.

Contact Information: Mark Hoadley, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-3148.

SUPPLEMENTARY INFORMATION:

Case History

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), on July 15, 2008, the Department published its final determination in the countervailing duty investigation of certain new pneumatic off-the-road tires from the PRC. *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Negative Determination of Critical Circumstances*, 73 FR 40480 (July 15, 2008).

On July 18, 2008, Starbright timely filed a ministerial error allegation. No other party to the proceeding filed a ministerial error allegation. After analyzing all interested party comments and rebuttals regarding the alleged ministerial error, the Department determined that it did not make a ministerial error. *See Memorandum to Barbara Tillman, "Countervailing Duty Investigation of Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Allegations of a Ministerial Error in the Final Determination"* (July 30, 2008).

Scope of the Order

The products covered by the order are new pneumatic tires designed for off-

the-road (OTR) and off-highway use, subject to exceptions identified below. Certain OTR tires are generally designed, manufactured and offered for sale for use on off-road or off-highway surfaces, including but not limited to, agricultural fields, forests, construction sites, factory and warehouse interiors, airport tarmacs, ports and harbors, mines, quarries, gravel yards, and steel mills. The vehicles and equipment for which certain OTR tires are designed for use include, but are not limited to: (1) Agricultural and forestry vehicles and equipment, including agricultural tractors,¹ combine harvesters,² agricultural high clearance sprayers,³ industrial tractors,⁴ log-skidders,⁵ agricultural implements, highway-towed implements, agricultural logging, and agricultural, industrial, skid-steers/mini-loaders;⁶ (2) construction vehicles and equipment, including earthmover articulated dump products, rigid frame haul trucks,⁷ front end loaders,⁸ dozers,⁹ lift trucks, straddle carriers,¹⁰ graders,¹¹ mobile cranes,¹² compactors; and (3) industrial vehicles and equipment,

¹ Agricultural tractors are dual-axle vehicles that typically are designed to pull farming equipment in the field and that may have front tires of a different size than the rear tires.

² Combine harvesters are used to harvest crops such as corn or wheat.

³ Agricultural sprayers are used to irrigate agricultural fields.

⁴ Industrial tractors are dual-axle vehicles that typically are designed to pull industrial equipment and that may have front tires of a different size than the rear tires.

⁵ A log-skidder has a grappling lift arm that is used to grasp, lift and move trees that have been cut down to a truck or trailer for transport to a mill or other destination.

⁶ Skid-steer loaders are four-wheel drive vehicles with the left-side drive wheels independent of the right-side drive wheels and lift arms that lie alongside the driver with the major pivot points behind the driver's shoulders. Skid-steer loaders are used in agricultural, construction and industrial settings.

⁷ Haul trucks, which may be either rigid frame or articulated (*i.e.*, able to bend in the middle) are typically used in mines, quarries and construction sites to haul soil, aggregate, mined ore, or debris.

⁸ Front loaders have lift arms in front of the vehicle. They can scrape material from one location to another, carry material in their buckets, or load material into a truck or trailer.

⁹ A dozer is a large four-wheeled vehicle with a dozer blade that is used to push large quantities of soil, sand, rubble, etc., typically around construction sites. They can also be used to perform "rough grading" in road construction.

¹⁰ A straddle carrier is a rigid frame, engine-powered machine that is used to load and offload containers from container vessels and load them onto (or off of) tractor trailers.

¹¹ A grader is a vehicle with a large blade used to create a flat surface. Graders are typically used to perform "finish grading." Graders are commonly used in maintenance of unpaved roads and road construction to prepare the base course onto which asphalt or other paving material will be laid.

¹² *I.e.*, "on-site" mobile cranes designed for off-highway use.

including smooth floor, industrial, mining, counterbalanced lift trucks, industrial and mining vehicles other than smooth floor, skid-steers/mini-loaders, and smooth floor off-the-road counterbalanced lift trucks.¹³ The foregoing list of vehicles and equipment generally have in common that they are used for hauling, towing, lifting, and/or loading a wide variety of equipment and materials in agricultural, construction and industrial settings. Such vehicles and equipment, and the descriptions contained in the footnotes are illustrative of the types of vehicles and equipment that use certain OTR tires, but are not necessarily all-inclusive. While the physical characteristics of certain OTR tires will vary depending on the specific applications and conditions for which the tires are designed (e.g., tread pattern and depth), all of the tires within the scope have in common that they are designed for off-road and off-highway use. Except as discussed below, OTR tires included in the scope of the order range in size (rim diameter) generally but not exclusively from 8 inches to 54 inches. The tires may be either tube-type¹⁴ or tubeless, radial or non-radial, and intended for sale either to original equipment manufacturers or the replacement market. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Specifically excluded from the scope are new pneumatic tires designed, manufactured and offered for sale primarily for on-highway or on-road use, including passenger cars, race cars, station wagons, sport utility vehicles, minivans, mobile homes, motorcycles,

¹³ A counterbalanced lift truck is a rigid framed, engine-powered machine with lift arms that has additional weight incorporated into the back of the machine to offset or counterbalance the weight of loads that it lifts so as to prevent the vehicle from overturning. An example of a counterbalanced lift truck is a counterbalanced fork lift truck. Counterbalanced lift trucks may be designed for use on smooth floor surfaces, such as a factory or warehouse, or other surfaces, such as construction sites, mines, etc.

¹⁴ While tube-type tires are subject to the scope of this proceeding, tubes and flaps are not subject merchandise and therefore are not covered by the scope of this proceeding, regardless of the manner in which they are sold (e.g., sold with or separately from subject merchandise).

bicycles, on-road or on-highway trailers, light trucks, and trucks and buses. Such tires generally have in common that the symbol "DOT" must appear on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Such excluded tires may also have the following designations that are used by the Tire and Rim Association:

Prefix letter designations:

- P—Identifies a tire intended primarily for service on passenger cars;
- LT—Identifies a tire intended primarily for service on light trucks; and,
- ST—Identifies a special tire for trailers in highway service.

Suffix letter designations:

- TR—Identifies a tire for service on trucks, buses, and other vehicles with rims having specified rim diameter of nominal plus 0.156" or plus 0.250";
- MH—Identifies tires for Mobile Homes;
- HC—Identifies a heavy duty tire designated for use on "HC" 15" tapered rims used on trucks, buses, and other vehicles. This suffix is intended to differentiate among tires for light trucks, and other vehicles or other services, which use a similar designation.
- Example: 8R17.5 LT, 8R17.5 HC;
- LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service; and
- MC—Identifies tires and rims for motorcycles.

The following types of tires are also excluded from the scope: pneumatic tires that are not new, including recycled or retreaded tires and used tires; non-pneumatic tires, including solid rubber tires; tires of a kind designed for use on aircraft, all-terrain vehicles, and vehicles for turf, lawn and garden, golf and trailer applications. Also excluded from the scope are radial and bias tires of a kind designed for use in mining and construction vehicles and equipment that have a rim diameter equal to or exceeding 39 inches. Such tires may be distinguished from other tires of similar size by the number of plies that the construction and mining tires contain (minimum of 16) and the weight of such tires (minimum 1500 pounds).

Countervailing Duty Order

On August 28, 2008, the ITC notified the Department of its final determination, pursuant to section 705(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured as a result of subsidized imports from the PRC. The ITC also determined that critical

circumstances do not exist with respect to subject imports from the PRC.

As a result of the ITC's final determination, in accordance with section 706(a) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by the Department, countervailing duties on all unliquidated entries of OTR tires from the PRC entered, or withdrawn from warehouse, for consumption on or after December 17, 2007, the date on which the Department published its preliminary affirmative countervailing duty determination in the **Federal Register**, and before April 15, 2008, the date on which the Department instructed CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act. Section 703(d) states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Entries of OTR tires made on or after April 15, 2008, and prior to the date of publication of the ITC's final determination in the **Federal Register** are not liable for the assessment of countervailing duties, due to the Department's discontinuation, effective April 15, 2008, of the suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct CBP to reinstate the suspension of liquidation for OTR tires from the PRC, effective the date of publication of the ITC's notice of final determination in the **Federal Register**, and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise. On or after the date of publication of the ITC's final injury determination in the **Federal Register**, CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rates noted below:

Producer/exporter	Subsidy rate (percent)
Guizhou Tire Co., Ltd. (GTC)	2.45
Hebei Starbright Tire Co., Ltd. (Starbright)	14.00
Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC)	6.85
All Others	5.62

This notice constitutes the countervailing duty order with respect

to certain new pneumatic OTR tires from the PRC pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit, Room 1117 of the main Commerce building, for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is issued and published in accordance with sections 705(c)(2) and 706 of the Act and 19 CFR 351.211.

Dated: August 29, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-803]

Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On March 5, 2008, the Department of Commerce ("the Department") published a notice preliminarily rescinding the administrative review on the antidumping duty order on heavy forged hand tools from the People's Republic of China, covering the period February 1, 2006, through January 31, 2007. See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Preliminary Rescission of Antidumping Duty Administrative Review*, 73 FR 11867 (March 5, 2008) ("*Preliminary Rescission*"). We gave interested parties an opportunity to comment on the *Preliminary Rescission*. Based upon our analysis of the comments and information received, we have made no changes to the preliminary rescission. We find that there is no evidence that Truper Herramientas S.A. de C.V. ("Truper") made sales of the subject merchandise to the United States during the period of review ("POR").

DATES: *Effective Date:* September 4, 2008.

FOR FURTHER INFORMATION CONTACT:

Javier Barrientos AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; *telephone:* (202) 482-2243.

SUPPLEMENTARY INFORMATION:

Case History

On March 5, 2008, the Department published its *Preliminary Rescission*. On April 4, 2008, Council Tool Company (a domestic interested party) filed a timely case brief. On August 9, 2008, Truper filed a timely rebuttal brief. On July 10, 2008, the Department published a notice extending the final results by 60 days to September 2, 2008.¹ See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review*, 73 FR 39655 (July 10, 2008).

Scope of the Review

The products covered by these orders are HFHTs from the PRC, comprising the following classes or kinds of merchandise: (1) Hammers and sledges with heads over 1.5 kg (3.33 pounds); (2) bars over 18 inches in length, track tools and wedges; (3) picks and mattocks; and (4) axes, adzes and similar hewing tools. HFHTs include heads for drilling hammers, sledges, axes, mauls, picks and mattocks, which may or may not be painted, which may or may not be finished, or which may or may not be imported with handles; assorted bar products and track tools including wrecking bars, digging bars and tampers; and steel wood splitting wedges. HFHTs are manufactured through a hot forge operation in which steel is sheared to required length, heated to forging temperature, and formed to final shape on forging equipment using dies specific to the desired product shape and size. Depending on the product, finishing operations may include shot blasting, grinding, polishing and painting, and the insertion of handles for handled products. HFHTs are currently provided for under the following Harmonized Tariff System of the United States ("HTSUS") subheadings: 8205.20.60, 8205.59.30, 8201.30.00, 8201.40.60, and 8205.59.5510. Specifically excluded from these investigations are hammers and sledges with heads 1.5 kg. (3.33 pounds) in weight and under, hoes and rakes, and bars 18 inches in length and

¹ Sixty days from July 3, 2008, is September 1, 2008. However, Department practice dictates that where a deadline falls on a federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Act*, 70 FR 24533 (May 10, 2005).