

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: Wednesday, July 16, 2008, 2:45 p.m.–4 p.m.

PLACE: Cohen Building, Room 3321, 330 Independence Ave., SW., Washington, DC 20237.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded non-military international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6))

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Timi Nickerson Kenealy at (202) 203–4545.

Timi Nickerson Kenealy,
Acting Legal Counsel.

[FR Doc. 08–1432 Filed 7–11–08; 8:57 am]

BILLING CODE 8610–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Notice of Extension of Time Limit for Final Results of the Antidumping Duty Administrative Review: Glycine from the People's Republic of China

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

EFFECTIVE DATE: July 15, 2008.

FOR FURTHER INFORMATION CONTACT: Erin Begnal or Toni Dach, 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) 482–1442 and (202) 482–1655, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 4, 2008, the Department of Commerce (“the Department”) published the preliminary results of the antidumping duty administrative review of glycine from the People's Republic of China, covering the period March 1, 2006, through February 28, 2007. *See Glycine from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission*, 73 FR 18503 (April 4, 2008).

Extension of Time Limits for Final Results

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”), and section 351.213(h)(1) of the Department's regulations, the Department shall issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of the date of publication of the order. The Act and the regulations further provide that the Department shall issue the final results of review within 120 days after the date on which the notice of the preliminary results was published in the **Federal Register**. See section Error! Main Document Only. 751(a)(3)(A) of the Act and section 351.213(h)(1) of the Department's regulations. However, if the Department determines that it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations allow the Department to extend the 245-day period to 365 days and the 120-day period to 180 days.

The Department extended the deadline for parties to submit case briefs and rebuttal briefs in order to address several issues raised by interested parties. As a result of these extensions and to allow more time to analyze issues raised in the case briefs and rebuttal briefs, the Department has determined that it is not practicable to complete the administrative review within the current time limit.

Section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations allow the Department to extend the deadline for the final results of a review to a maximum of 180 days from the date on which the notice of the preliminary results was published. For the reasons noted above, the Department is extending the time limit for the completion of these final results by 30 days, from the current deadline of

August 2, 2008, until no later than September 2, 2008.¹

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: July 8, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–16155 Filed 7–14–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–913]

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

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

SUMMARY: The Department of Commerce (the Department) has reached a final determination that countervailable subsidies are being provided to producers/exporters of certain new pneumatic off-the-road tires (OTR tires) from the People's Republic of China (PRC). For information on the final subsidy rates, see the “Final Determination” section of this notice.

DATES: *Effective Date:* July 15, 2008.

FOR FURTHER INFORMATION CONTACT:

Mark Hoadley, Jun Jack Zhao, Nicholas Czaikowski, or Toni Page, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3148, (202) 482–1396, (202) 482–1395, or (202) 482–1398, respectively.

SUPPLEMENTARY INFORMATION:

Case History

Since the publication of the preliminary determination in the **Federal Register** on December 17, 2007, the following events have occurred. *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 72 FR 71360 (December 17, 2007)

¹ An extension of 30 days from the current deadline of August 2, 2008, would result in a new deadline of September 1, 2008. However, since September 1, 2008, is a federal holiday, the deadline will be the next business day, September 2, 2008.

(*Preliminary Determination*). At the request of Petitioners,¹ the Department aligned the final determination in this countervailing duty investigation with the final determination in the companion antidumping duty investigation. *See Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination*, 73 FR 3238 (January 17, 2008).

In the *Preliminary Determination*, we invited Petitioners, Bridgestone, and all of the Respondents² to comment on land use rights. We received comments from all parties regarding this issue on January 7, 2008. The Petitioners, Bridgestone and the Respondents also submitted factual information and arguments prior to the final determination based on various deadlines for submissions of factual information and/or arguments established by the Department subsequent to the *Preliminary Determination*.

On January 9, 2008, the Department issued supplemental questionnaires to the GOC, GTC, Starbright, and TUTRIC. We received responses to our January 9, 2008 supplemental questionnaire from all Respondents on February 6, 2008. We issued another supplemental questionnaire to all respondent parties on January 25, 2008 for which we received responses from all Respondents on February 15, 2008. The Department issued a supplemental questionnaire to the GOC on February 13, 2008 for which the GOC filed a response on February 27, 2008. The Department issued a supplemental questionnaire to GTC on February 15, 2008 for which GTC filed a response on February 28, 2008. The Department also issued supplemental questionnaires to TUTRIC and Starbright on February 19, 2008, pursuant to which the companies filed responses on February 27, 2008.

The Department received requests for a hearing from the Petitioners, Bridgestone, the GOC, Starbright, and GTC on January 9, 2008 and on January 16, 2008 from TUTRIC. The Department had scheduled the hearing for June 19,

2008; however, on June 16, 2008 the Department received a letter from Bridgestone stating that all interested parties agreed that a hearing was not necessary. *See* Letter to the Department, "New Pneumatic Off-the-Road Tires From the People's Republic of China: Consent Withdrawal of All Hearing Requests" (June 16, 2008), on file in the Department's Central Records Unit (CRU) (Room 1117 in the HCHB Building).

From March 3 through March 13, 2008, we conducted verification of the questionnaire responses submitted by the GOC, including the national, provincial, and local governments, GTC, and TUTRIC. The Department issued verification reports on April 22, 2008 and April 24, 2008. *See* Memorandum to Thomas Gilgunn, Program Manager, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China: Verification of the Questionnaire Responses Submitted by the Government of the People's Republic of China (GOC) (GOC Verification Report)*; Memorandum to Thomas Gilgunn, Program Manager, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China: Verification of the Questionnaire Responses Submitted by GTC Co., Ltd. (GTC Verification Report)*; Memorandum to Thomas Gilgunn, Program Manager, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China: Meetings with the Government of the Guizhou Province Regarding GTC Co., Ltd. and Affiliates (Guizhou Province Verification Report)*; Memorandum to Thomas Gilgunn, Program Manager, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China: Verification of the Questionnaire Responses Submitted by Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC Verification Report)*; and Memorandum to Thomas Gilgunn, Program Manager, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China: Meetings with the Government of Tianjin Municipality Regarding Tianjin United Tire & Rubber International Co., Ltd. and Affiliates (Tianjin Government Verification Report)*.

On March 7, 2008, the Department decided not to verify Starbright because the company had repeatedly declined to provide requested information. *See* Letter to Starbright, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China* (March 7, 2008), on file in the Department's CRU. On March 11 and

March 12, 2008, Starbright and the GOC, respectively, filed letters objecting to the Department's decision. On March 12, 2008, Petitioners and Bridgestone filed letters stating that the Department should not verify Starbright. The Department held several meetings with Starbright officials and GOC officials. *See* Memoranda to the File, "Ex-parte Meeting with Representatives of Hebei Starbright Tire Co., Ltd." (March 11, 2008), "Meeting with Chinese Ministry of Commerce Bureau of Fair Trade Director General Li Ling" (March 12, 2008), "Ex-Parte Meeting with Representatives of Hebei Starbright Tire Co., Ltd." (March 24, 2008), on file in the Department's CRU.

After evaluating all of the parties' submissions and arguments on the matter, the Department stated that it would conduct a limited verification of Starbright's recurring subsidies received after Starbright's change in ownership. *See* Letter to Starbright, *Countervailing Duty Investigation of New Pneumatic Off-the-Road Tires from the People's Republic of China* (March 12, 2008). The Department then issued the GOC and Starbright a supplemental questionnaire providing them a final opportunity to provide the information previously requested. *See* the Department's questionnaires to the GOC and Starbright (March 24, 2008). The Department stated that it would reconsider its decision not to verify Starbright and the local governments that have jurisdiction over the company if Starbright and the GOC provided complete responses to the Department's March 24, 2008 questionnaire concerning Starbright's change in ownership. In the cover letter to the questionnaire, we stated that we needed the information regarding Starbright's purchase of Hebei Tire Co., Ltd. to analyze fully Starbright's claim that the sale at issue was at arm's length and for fair market value. The Department informed Starbright that, if the company or the GOC decided not to provide the information requested, the Department would use facts otherwise available with possible adverse inferences. *See* the Cover Letter of the Department's March 24, 2008 Questionnaire to Starbright. The GOC and Starbright filed responses to these questionnaires, respectively, on April 8 and April 9, 2008.

Based on our examination of these responses, the Department decided to verify. *See* Letter to the GOC, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China* (April 18, 2008) and Letter to Starbright, *Countervailing Duty Investigation: New*

¹ Titan Tire Corporation and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union, AFL-CIO-CLC (collectively, Petitioners). The domestic interested party is Bridgestone Americas Holding, Inc. and its subsidiary, Bridgestone Firestone North America Tire, LLC (collectively, Bridgestone).

² The Government of The People's Republic of China (GOC), Guizhou Tire Co., Ltd. (GTC), Hebei Starbright Tire Co., Ltd. (Starbright), and Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC) (collectively, Respondents).

Pneumatic Off-the-Road Tires from the People's Republic of China (April 21, 2008) to which the verification outlines were attached, on file in the Department's CRU. The Department then verified Starbright as well as the governments of Hebei province and the city of Xingtai from April 24 through May 1, 2008. We issued verification reports on May 13, 2008 and May 14, 2008. See Memorandum to Thomas Gilgunn, Program Manager, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China: Meetings with the Government of Hebei Province and Xingtai Municipality Regarding Hebei Starbright Tire Co., Ltd. (Starbright) and Hebei Tire Co., Ltd. (Hebei Tire) (Hebei Province Verification Report)* and Memorandum to Thomas Gilgunn, Program Manager, *Countervailing Duty Investigation: New Pneumatic Off-the-Road Tires from the People's Republic of China: Verification of the Questionnaire Responses Submitted by Hebei Starbright Tire Co., Ltd. (Starbright) (Starbright Verification Report)*.

On May 2, 2008, we issued our post-preliminary analysis for certain programs for which the Department stated in the *Preliminary Determination* additional information was needed. See Memorandum to David M. Spooner, Assistant Secretary for Import Administration, *Countervailing Duty Investigation of New Pneumatic Off-the-Road Tires from the People's Republic of China; Post-Preliminary Analysis of Non-Tradable Share Reform; Provision of Water to FIEs for Less than Adequate Remuneration; Grants to the Tire Industry for Electricity; and Various Provincial/Municipal Programs* (May 2, 2008) (*Post-Preliminary Analysis*), on file in the Department's CRU. The Department then issued a post-preliminary analysis regarding the change in ownership for Starbright. See Memorandum to David M. Spooner, Assistant Secretary for Import Administration, *Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires (OTR Tires) from the People's Republic of China; Analysis of Change in Ownership* (May 28, 2008) (*CIO Memorandum*).

Due to the decision to conduct verification of Starbright, the Department set up two separate briefing schedules: one for all issues except Starbright-specific issues and one for Starbright issues. See Memorandum to the File, *Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Briefing and Hearing Schedules* (April 3, 2008) and

Memorandum to the File, *Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Briefing and Hearing Schedules* (May 28, 2008). In accordance with the briefing schedules, we received case briefs from Petitioners, Bridgestone, the GOC, GTC, and TUTRIC on May 9 and 12, 2008. The same parties submitted rebuttal briefs on May 15, 2008. The Department then received case briefs regarding Starbright-specific issues on June 4 and June 5, 2008 from Petitioners, Bridgestone, the GOC, and Starbright. On June 6, 2008, the Department determined that Starbright's brief contained untimely new factual information and requested that Starbright submit replacement pages with all references to this information removed. See Letter to Starbright, *New Factual Information* (June 6, 2008). Starbright submitted replacement pages without the untimely filed new factual information on June 9, 2008. Petitioners, Bridgestone, the GOC, and Starbright submitted rebuttal briefs pertaining to Starbright-specific issues on June 9 and June 10, 2008.

On June 10, 2008, both Bridgestone and Starbright filed letters with the Department alleging that the other party had included new factual information on the record in both the case briefs and the rebuttal briefs. On June 13, 2008, the Department issued a memorandum to the file addressing all allegations of new factual information. See Memorandum to the File, *Various Allegations Concerning Case and Rebuttal Briefs Regarding Hebei Starbright Tire Co., Ltd. (Starbright)*, on file in the Department's CRU. In the June 13, 2008 memorandum, the Department: (1) Determined that we would not address Petitioners' or Bridgestone's uncreditworthiness allegation against Starbright that both raised in their respective briefs; (2) determined that information in Starbright's rebuttal brief was not new factual information; (3) determined that information submitted by Bridgestone in its rebuttal brief was not new factual information; and (4) clarified that Bridgestone's comments regarding market distortions in its June 9, 2008 rebuttal brief were allowed as part of the arguments concerning whether the sale of Hebei Tire was for fair market value.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is calendar year 2006.

Scope of the Investigation

The products covered by the scope of this investigation are new pneumatic tires designed for off-the-road (OTR) and off-highway use, subject to certain exceptions. In the *Preliminary Determination*, we stated that we had received comments on the scope of the investigation from a number of parties and that all comments raised by the parties would be addressed in the companion antidumping investigation. On May 14, 2008, the Department issued a memorandum regarding the scope of both the AD and CVD Investigations on OTR Tires from the PRC, addressing the scope comments submitted by multiple interested parties. See *Preliminary Determination: Comments on the Scope of the Investigations (Preliminary Scope Determination)*.

In the *Preliminary Scope Determination*, we made certain modifications to the scope of the investigation and invited interested parties to comment on these modifications. Interested parties submitted comments on the *Preliminary Scope Determination* on May 22, 2008 and rebuttal comments on May 27, 2008. Based on these comments, we have made certain clarifications to the scope of the investigation. These clarifications, as well as a complete description of all products covered by the scope of this investigation, and a list of excluded products, are reflected in the *Final Scope of the Investigation* which is appended to this notice at Appendix I.

All comments submitted on the *Preliminary Scope Determination* are addressed in the *Scope Comments* section of the *Issues and Decision Memorandum for the Final Affirmative Countervailing Duty Determination: Certain New Pneumatic Off-the-Road Tires from the People's Republic of China (Issues and Decision Memorandum)*, which is issued concurrently with this notice.

Critical Circumstances

On March 11, 2008, Petitioners submitted a timely critical circumstances allegation. On April 22, 2008, the Department preliminarily determined that critical circumstances did not exist for imports of OTR tires from the PRC. See *Notice of Preliminary Negative Determination of Critical Circumstances: Certain New Pneumatic Off-the-Road Tires From the People's Republic of China*, 73 FR 21588 (April 22, 2008) (*Critical Circumstances Notice*). Pursuant to section 705(a)(2) of the Tariff Act of 1930, as amended (the

Act), in order for critical circumstances to exist, the Department must find that there are countervailable subsidies that are inconsistent with the World Trade Organization Agreement on Subsidies and Countervailing Measures (*SCM Agreement*) (*i.e.*, import substitution subsidies or export subsidies), and that there have been massive imports over a relatively short period (*i.e.*, whether there was a surge in imports). Based on our analyses of the results of verification and the comments submitted by the parties, we have determined that none of the respondents have received subsidies inconsistent with the *SCM Agreement*. We therefore need not reach the issue of whether there have been massive imports over a relatively short period of time. Since the requirements of section 705(a)(2) of the Act have not been met, we determine that critical circumstances do not exist with respect to imports of OTR tires from the PRC.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised by interested parties in their case briefs and rebuttal briefs on the *Preliminary Determination*, the *Post-Preliminary Analysis*, and the *CIO Memorandum*, are discussed in the *Issues and Decision Memorandum*. A list of the subsidy programs and of the issues that parties have raised is attached to this notice as Appendix II. Parties can find a complete discussion of all of the subsidy programs and issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Department's CRU. A complete version of the *Issues and Decision Memorandum* is available at <http://www.trade.gov/ia> under the heading "Federal Register Notices." The paper copy and the electronic version of the *Issues and Decision Memorandum* are identical in content.

Final Determination

In accordance with section 705(c)(1)(B)(i) of the Act, we determine the total net countervailable subsidy rates to be:

Producer/Exporter	Net 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

In accordance with section 705(c)(5)(A)(ii) of the Act, we have calculated the all others rate based on a weighted average of the three mandatory respondents' calculated rates.

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (2) of the Act, we directed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of OTR tires from the PRC that were entered, or withdrawn from warehouse, for consumption on or after December 17, 2007. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation for countervailing duty purposes for subject merchandise entered, or withdrawn from warehouse, on or after April 15, 2008, but to continue the suspension of liquidation of all entries from December 17, 2007 through April 14, 2008.

If the ITC issues a final affirmative determination of injury, we will issue a countervailing duty order, reinstate suspension of liquidation under section 706(a) of the Act for all entries, and require a cash deposit of estimated countervailing duties for such entries of merchandise at the rates indicated above. If the ITC determines that material injury to, threat of material injury to, or material retardation of, the domestic industry does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the

Department's regulations. Failure to comply is a violation of the APO.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: July 7, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I: Final Scope of the Investigation

The products covered by the scope 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,³ combine harvesters,⁴ agricultural high clearance sprayers,⁵ industrial tractors,⁶ log-skidders,⁷ agricultural implements, highway-towed implements, agricultural logging, and agricultural, industrial, skid-steers/mini-loaders;⁸ (2) construction vehicles and equipment, including earthmover articulated dump products, rigid frame haul trucks,⁹ front end loaders,¹⁰ dozers,¹¹ lift trucks,

³ 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.

⁴ Combine harvesters are used to harvest crops such as corn or wheat.

⁵ Agricultural sprayers are used to irrigate agricultural fields.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

straddle carriers,¹² graders,¹³ mobile cranes,¹⁴ compactors; and (3) industrial vehicles and equipment, 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.¹⁵ 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 proceeding range in size (rim diameter) generally but not exclusively from 8 inches to 54 inches. The tires may be either tube-type¹⁶ 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, 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).

Appendix II: Issues and Decision Memorandum

I. Summary

II. Background

III. Subsidies Valuation

IV. Analysis of Programs

A. *Programs Determined To Be Countervailable*

1. Government Provision of Rubber for Less than Adequate Remuneration.
2. Government Policy Lending
3. Government Debt Forgiveness to TUTRIC
4. Government Debt Forgiveness and the Provision of Land to Starbright Pursuant to Its Change in Ownership
5. Stamp Tax Exemption on Share Transfers under NTSR
6. Tax Subsidies to FIEs in Specially Designated Geographic Areas, and Local Income Tax Exemption and Reduction Programs for "Productive" FIEs

7. VAT and Tariff Exemptions for FIEs and Certain Domestic Enterprises Using Imported Equipment in Encouraged Industries

8. State Key Technology Renovation Project Fund

B. *Programs Determined To Be Not Countervailable*

C. *Programs Determined To Not Confer a Benefit During the POI*

D. *Programs Determined To Be Not Used*

E. *Program Determined To Be Terminated*

V. Analysis of Comments

A. *General Issues including Applicability of the CVD Law to the PRC, Cut-Off Date, and Double Remedies*

Comment A.1: Application of the CVD Law to Non-Market Economies, Including the PRC

Comment A.2: Application of the CVD Law to the PRC is Consistent With the APA

Comment A.3: Whether Simultaneous Application of CVD Law in This Investigation and NME Methodology in the Parallel Antidumping Investigation Imposes Double Trade Remedies

Comment A.4: Whether December 11, 2001, is the Appropriate Date From Which the Department May Measure Subsidies in the PRC

B. *Attribution of Subsidies and Cross-Ownership*

Comment B.1: Attribution of Subsidies to, and Cross-Ownership of, TUTRIC/DCB

C. *Whether GTC and TUTRIC Are SOEs*

Comment C.1: Whether GTC Is an SOE

Comment C.2: Whether TUTRIC Is an SOE

D. *Government Provision of Rubber for Less Than Adequate Remuneration*

Comment D.1: Whether the GOC's

Provision of Rubber Is Specific

Comment D.2: Whether the GOC's

Provision of Rubber Confers a Financial Contribution

Comment D.3: GOC Control of the Rubber Market

Comment D.4: Purchases of SOE-Produced Rubber Through Private Trading Companies

Comment D.5: Whether Imported Rubber Is Countervailable

Comment D.6: Rubber Benchmark

Comment D.7: Adjustments to Rubber Calculation

E. *Government Policy Lending and Government Debt Forgiveness*

Comment E.1: Specificity

Comment E.2: SOCBs and Financial Contribution

Comment E.3: Role of the GOC in the PRC Banking System and Whether To Use an Internal or External Benchmark

Comment E.4: Issues Regarding Building an External Benchmark

Comment E.5: Whether Government Policy Lending to GTC Is Countervailable

Comment E.6: Whether There Was a Financial Contribution to TUTRIC

Comment E.7: Whether TUTRIC's Loans

From Certain Other Banks Were Forgiven

F. *Starbright-Specific Issues*

Comment F.1: Due Process

Comment F.2: Application of Total Adverse Facts Available

Comment F.3: Application of the CIO Methodology

¹² 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.

¹³ 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.

¹⁴ *i.e.*, "on-site" mobile cranes designed for off-highway use.

¹⁵ 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.

¹⁶ 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).

Comment F.4: The Arm's Length Nature of the Transaction
 Comment F.5: The Purchase of Hebei Tire's Assets Was for Fair Market Value
 Comment F.6: Whether Starbright Purchased "Substantially All" of Hebei Tire's Assets
 Comment F.7: Whether the Department Erred in Finding that Hebei Tire's Non-Recurring Subsidies Pass Through to Starbright
 Comment F.8: Whether Any Benefit Found by the Department Should Be Limited to the Difference Between the Appraised Value and the Value Paid
 Comment F.9: Debt Forgiveness—Unpaid Loans and Other Primary Debt
 Comment F.10: Debt Forgiveness—Loan Guarantee Obligations
 Comment F.11: The Countervailability of Starbright's Granted Land Use Rights
 Comment F.12: The Countervailability of Starbright's Land Leased From Local Villages
 Comment F.13: Submission of New Factual Information
 G. *Other Countervailable Programs*
 Comment G.1: Whether Non-Tradeable Share Reform (NTSR) Is Specific
 Comment G.2: Whether GTC Received a Benefit From the Transfer of Bonus Shares to Its Tradeable Shareholders Under NTSR
 Comment G.3: Whether GTC Received a Benefit From the GOC's Exemption of Stamp Taxes on Share Transfers Under NTSR
 Comment G.4: Whether GTC Received a Benefit From the GOC's Exemption of Income Taxes on Income Derived Under NTSR
 Comment G.5: FIE Tax Exemptions
 Comment G.6: Value Added Tax and Tariff Exemptions on Imported Equipment
 Comment G.7: State Key Technology Renovation Project Fund
 H. *Government Provision of Land*
 Comment H.1: Whether the GOC's Provision of Land Is a Financial Contribution
 Comment H.2: Cut-Off Date for Acquisition of Land-Use Rights
 Comment H.3: Whether the GOC's Provision of Land Is a Recurring Benefit
 Comment H.4: TUTRIC Land Countervailability
 Comment H.5: Whether the GOC's Provision of Land to TUTRIC and GTC Is Specific
 Comment H.6: Whether the GOC's Land-Use Rights System Operated on Market Principles During the POI
 Comment H.7: Land Benchmark
 I. *Not Countervailable Programs*
 Comment I.1: VAT Export Rebates
 J. *Scope Comments*
 Comment J.1: Imported Wheel Mounted Tires Certifications
 Comment J.2: OTR Agricultural Tires, Including for Highway-Towed Implements
 Comment J.3: Tubes and Flaps
 Comment J.4: Earthmoving, Mining, and Construction Tires

VI. Recommendation

[FR Doc. E8-16154 Filed 7-14-08; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-912]

Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances

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

EFFECTIVE DATE: July 15, 2008.

SUMMARY: On February 20, 2008, the Department of Commerce (the "Department") published its preliminary determination of sales at less than fair value ("LTFV") in the antidumping investigation of certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC"). The period of investigation ("POI") is October 1, 2006, to March 31, 2007. We invited interested parties to comment on our preliminary determination of sales at LTFV and the post-preliminary determinations. Based on our analysis of the comments we received, we have made changes to our calculations for the mandatory respondents. We determine that OTR tires from the PRC are being, or are likely to be, sold in the United States at LTFV as provided in section 735 of the Tariff Act of 1930, as amended ("the Act"). The estimated margins of sales at LTFV are shown in the "Final Determination Margins" section of this notice.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6412 or (202) 482-0650, respectively.

SUPPLEMENTARY INFORMATION:**Case History**

The Department published its preliminary determination of sales at LTFV on February 20, 2008. *See Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 9278 (February 20, 2008) ("Preliminary

Determination"). The Department issued a ministerial error allegation memorandum, in which it agreed to correct several ministerial errors for the final determination. *See* Memorandum entitled "Preliminary Determination of Antidumping Duty Investigation on Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Allegations of Ministerial Errors," dated March 28, 2008 ("Ministerial Error Memo"). On April 21, 2008, the Department published an affirmative preliminary determination of critical circumstances. *See Certain New Pneumatic Off-The-Road Tires from the People's Republic of China: Affirmative Preliminary Determination of Critical Circumstances*, 73 FR 21312, (April 21, 2008), ("Affirmative Preliminary Determination of Critical Circumstances").

Between March 25 and April 25, 2008, the Department conducted verifications of Starbright,¹ Tianjin United Tire & Rubber International Co., Ltd. ("TUTRIC"),² Xugong,³ and Guizhou Tyre Co., Ltd. ("Guizhou Tyre").⁴ *See* the "Verification" section below for additional information.

On May 14, 2008, the Department issued a memorandum regarding the scope of both the AD and CVD Investigations on OTR Tires from the PRC, addressing the scope comments submitted by multiple interested parties. *See Preliminary Determination: Comments on the Scope of the Investigations ("Preliminary Scope Determination")*.

The Department issued a post-preliminary determination on May 19, 2008, in which it applied a new targeted dumping methodology. *See* Memorandum entitled "Post-Preliminary Determinations on Targeted

¹ *See* Verification of the Factors Response of Hebei Starbright Co., Ltd. in the Antidumping Duty Investigation of Certain New Pneumatic Off-The-Road Tires from the People's Republic of China, dated May 5, 2008 ("Starbright Verification Report"); and Verification of Constructed Export Sales ("CEP") for Hebei Starbright Tire Co., Ltd. ("Starbright") at GPX International Tire Corporation ("GPX7rdquo;), dated May 15, 2008 ("Starbright CEP Verification Report").

² *See* Verification of the Sales and Factors Response of TUTRIC in the Antidumping Investigation of Certain New Pneumatic Off-The-Road Tires from the People's Republic of China, dated May 2, 2008 ("TUTRIC Verification Report").

³ *See* Verification of the Sales and Factors Response of Xuzhou Xugong Tyres Co., Ltd. in the Antidumping Duty Investigation of Certain New Pneumatic Off-The-Road Tires from the People's Republic of China dated May 12, 2008 ("Xugong Verification Report").

⁴ *See* Verification of the Sales and Factors Response of Guizhou Tyre in the Antidumping Investigation of Certain New Pneumatic Off-The-Road Tires from the People's Republic of China dated May 9, 2008 ("Guizhou Tyre Verification Report").