

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instruction by the Department, countervailing duties on all unliquidated entries of OTR tires from the PRC entered, or withdrawn from warehouse, for consumption on or after December 17, 2007, the date on which the Department published its preliminary affirmative countervailing duty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 reinstitute 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.<sup>1</sup> 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

<sup>1</sup> 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).

under. The HTSUS subheadings are provided for convenience and customs purposes. The written description remains dispositive.

The Department issued nine conclusive scope rulings regarding the merchandise covered by these orders: (1) On August 16, 1993, the Department found the "Max Multi-Purpose Axe," imported by the Forrest Tool Company, to be within the scope of the axes/adzes order; (2) on March 8, 2001, the Department found "18-inch" and "24-inch" pry bars, produced without dies, imported by Olympia Industrial, Inc. and SMC Pacific Tools, Inc., to be within the scope of the bars/wedges order; (3) on March 8, 2001, the Department found the "Pulaski" tool, produced without dies by TMC, to be within the scope of the axes/adzes order; (4) on March 8, 2001, the Department found the "skinning axe," imported by Import Traders, Inc., to be within the scope of the axes/adzes order; (5) on December 9, 2004, the Department found the "MUTT," imported by Olympia Industrial, Inc., under HTSUS 8205.59.5510, to be within the scope of the axes/adzes order; (6) on May 23, 2005, the Department found 8-inch by 8-inch and 10-inch by 10-inch cast tampers, imported by Olympia Industrial, Inc. to be outside the scope of the orders; (7) on September 22, 2005, following remand, the U.S. Court of International Trade affirmed the Department's determination that cast picks are outside the scope of the order; (8) on October 14, 2005, the Department found the Mean Green Splitting Machine, imported by Avalanche Industries, under HTSUS 8201.40.60, to be within the scope of the bars/wedges order, and (9) on July 27, 2006, the Department found that the gooseneck claw wrecking bar which has a length of 17 7/8" not including the curvature portion of the bar stock, imported by Central Purchasing, LLC, to be outside the scope of the order for bars and wedges.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum ("*Final Decision Memo*"), which is hereby adopted by this notice. Parties can find a complete discussion of the issues raised in this administrative review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit of the main Department building. In addition, a copy of the *Final Decision Memo* can

be accessed directly on our Web site at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the *Final Decision Memo* are identical in content.

#### Rescission of Review

In our *Preliminary Rescission*, in accordance with 19 CFR 351.213(d)(3), we preliminarily rescinded the review for all four orders for Truper. For these final results, in accordance with 19 CFR 351.213(d)(3), we are continuing to rescind this administrative review with respect to all four orders for Truper. The Department verified data from Truper, which supports its claim that it did not export subject merchandise to the United States during the POR. Furthermore, no party placed evidence on the record demonstrating that Truper exported the merchandise identified above during the POR to the United States since the issuance of the *Preliminary Rescission*. Therefore, in accordance with 19 CFR 351.213(d)(3) and consistent with the Department's practice, we are rescinding this administrative review with respect to the hammers/sledges, picks/mattocks, axes/adzes, and bars/wedges for Truper.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a) and 777(i) of the Tariff Act of 1930, as amended.

Dated: August 28, 2008.

**David M. Spooner,**  
Assistant Secretary for Import Administration.

#### Appendix I—Decision Memorandum

##### I. Rescission of Antidumping Duty Administrative Review

[FR Doc. E8-20539 Filed 9-3-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of Solicitation of Applications for Allocation of Tariff Rate Quotas on the Import of Certain Worsted Wool Fabrics to Persons Who Cut and Sew Men's and Boys' Worsted Wool Suits, Suit-Type Jackets and Trousers in the United States

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

**ACTION:** The Department of Commerce (Department) is soliciting applications for an allocation of the 2009 tariff rate quotas on certain worsted wool fabric to persons who cut and sew men's and boys' worsted wool suits, suit-type jackets and trousers in the United States.

**SUMMARY:** The Department hereby solicits applications from persons (including firms, corporations, or other legal entities) who cut and sew men's and boys' worsted wool suits and suit-like jackets and trousers in the United States for an allocation of the 2009 tariff rate quotas on certain worsted wool fabric. Interested persons must submit an application on the form provided to the address listed below by October 6, 2008. The Department will cause to be published in the **Federal Register** its determination to allocate the 2009 tariff rate quotas and will notify applicants of their respective allocation as soon as possible after that date. Promptly thereafter, the Department will issue licenses to eligible applicants.

**DATES:** To be considered, applications must be received or postmarked by 5 p.m. on October 6, 2008.

**ADDRESSES:** Applications must be submitted to Office of Textiles and Apparel, Room 3001, United States Department of Commerce, Washington, D.C. 20230 (telephone: (202) 482-3400). Application forms may be obtained from that office (via facsimile or mail) or from the following Internet address: <http://web.ita.doc.gov/tacgi/wooltrq.nsf/TRQApp>.

**FOR FURTHER INFORMATION CONTACT:** Robert Carrigg, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2573.

#### SUPPLEMENTARY INFORMATION:

#### BACKGROUND:

Title V of the Trade and Development Act of 2000 (the Act) created two tariff rate quotas (TRQs), providing for temporary reductions in the import duties on limited quantities of two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers: (1) for worsted wool fabric with average fiber diameters greater than 18.5 microns (Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11); and (2) for worsted wool fabric with average fiber diameters of 18.5 microns or less (HTS heading 9902.51.12). On August 6, 2002, President Bush signed into law the Trade Act of 2002, which includes several amendments to Title V of the Act. On December 3, 2004, the Act was further amended pursuant to the Miscellaneous Trade Act of 2004, Public Law 108-429, by increasing the TRQ for worsted wool fabric with average fiber diameters greater than 18.5 microns, HTS 9902.51.11, to an annual total level of 5.5 million square meters, and extending it through 2007, and increasing the TRQ for average fiber diameters of 18.5 microns or less, HTS