

during the POI, including those not individually examined during the investigation.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Jingzhou Meihou submitted documentation establishing the following: (1) the date on which Jingzhou Meihou first shipped RFM for export to the United States and the date on which the RFM were first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment;<sup>3</sup> and (3) the date of its first sale to an unaffiliated customer in the United States. Jingzhou Meihou also certified that, in accordance with 19 CFR 351.214(b)(2)(v), it has informed the Government of the People's Republic of China that it will be required to provide a full response to the Department's questionnaire.

The Department conducted a U.S. Customs and Border Protection (CBP) database query and confirmed that the shipment of subject merchandise from Jingzhou Meihou entered the United States for consumption and liquidation of such entry was properly suspended for countervailing duties. After examining the CBP data, the Department requested additional information from Jingzhou Meihou. See letter to Jingzhou Meihou regarding, "Request for Antidumping and Countervailing Duty New Shipper Review of Raw Flexible Magnets from the People's Republic of China," dated April 8, 2010. On April 12, 2010, Jingzhou Meihou submitted its response to the Department's request for additional information. See Jingzhou Meihou's letter regarding, "Request for More Information regarding Initiation of Antidumping and Countervailing Duty New Shipper Reviews of Raw Flexible Magnets from the People's Republic of China," dated April 12, 2010.

#### Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214, the Department finds that Jingzhou Meihou meets the threshold requirements for initiation of a new shipper review of its shipment of RFM from the PRC. See Memorandum to the File through Melissa G. Skinner, Director, AD/CVD Operations, Office 3, from Kristen Johnson, Trade Analyst, AD/CVD Operations, Office 3, regarding "Initiation of CVD New Shipper Review of Jingzhou Meihou: Raw Flexible Magnets from the People's Republic of China," dated concurrently with this notice.

<sup>3</sup> This shipment constitutes the only shipment that Jingzhou Meihou has made to the United States.

The Department's regulations state, in 19 CFR 351.214(g)(2), that the POR for a CVD new shipper review will be the same period as that specified in 19 CFR 351.213(e)(2), which states that the Department normally will cover entries of subject merchandise during the most recently completed calendar year. However, the Department noted in the *Preamble* to its Final Regulations that the regulations continue to "provide the Department with sufficient flexibility to resolve any problems that may arise by modifying the standard review period." See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27320 (May 19, 1997) (*Preamble*). The Department's regulations permit a party to file a request for a new shipper review during the six month period preceding the anniversary month and the six month period preceding the semiannual anniversary month. If a calendar year standard is utilized, as noted in the Department's regulations, Jingzhou Meihou's entry would not be covered in the review. Therefore, the review period for this new shipper review will be January 1, 2009, through February 28, 2010.

Pursuant to 19 CFR 351.221(c)(1)(i), the Department will publish the notice of initiation of a new shipper review no later than the last day of the month following the anniversary month or semiannual anniversary month of the order. Thus, the deadline for publishing this notice of initiation is April 30, 2010.

The Department intends to issue the preliminary results of this review no later than 180 days after the date of initiation, and the final results of this review no later than 90 days after the date on which the preliminary results are issued. See 19 CFR 351.214(i).

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject merchandise from Jingzhou Meihou in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Jingzhou Meihou certified that it both produces and exports the subject merchandise, the sales of which form the basis for its new shipper review request, we will instruct CBP to permit the use of a bond only for entries of subject merchandise which the respondent both produced and exported.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in

accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: April 22, 2010.

**Edward C. Yang,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-912]

#### New Pneumatic Off-the-Road Tires From the People's Republic of China: Rescission of New Shipper Review

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

**EFFECTIVE DATE:** April 30, 2010.

**SUMMARY:** In response to a request from Yituo Orient Good Friend Tyre Co., Ltd., ("OGF"), the Department of Commerce (the "Department") published on November 2, 2009, a **Federal Register** notice announcing the initiation of a new shipper review of the antidumping duty order on new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC") for the period February 20, 2008, through August 31, 2009. On March 22, 2010, OGF withdrew its request for a new shipper review. Therefore, we are rescinding this new shipper review with respect to OGF.

**FOR FURTHER INFORMATION CONTACT:** John Hollwitz 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) 482-2336 and (202) 482-0650, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 30, 2009, the Department received a timely request from OGF in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.214(c), for a new shipper review of the antidumping duty order on OTR tires from the PRC. On November 2, 2009, the Department found that the request for review with respect to OGF met all of the regulatory requirements set forth in 19 CFR 351.214(b) and

initiated an antidumping duty new shipper review. *See New Pneumatic Off-the-Road Tires from the People's Republic of China: Initiation of New Shipper Review*, 74 FR 56575 ("Initiation Notice"). On March 22, 2009, OGF withdrew its request for a new shipper review. On April 12, 2010, we placed on the record and served to parties a memo stating that the Department intended to rescind the above-referenced new shipper review. We allowed parties to comment on the intended rescission by no later than April 19, 2010. *See Memorandum of Request for NSR from OGF*, dated April 12, 2010. On April 14, 2010, the Department received a letter from Titan Tire Corporation ("Titan") stating that Titan had no objection to the Department's intended rescission of the new shipper review. *See Letter from Titan regarding: Comments on Proposed Rescission of New Shipper Review*, dated April 14, 2010.

#### Rescission of New Shipper Review

19 CFR 351.214(f)(1) provides that the Department may rescind a new shipper review if the party that requested the review withdraws its request for review within 60 days of the date of publication of the notice of initiation of the requested review. Although OGF withdrew its request after the 60-day deadline, we find it reasonable to extend the deadline because we have not yet committed significant resources to the OGF new shipper review (*e.g.*, we have not issued our preliminary results). Further, in this instance, no other company would be affected by a rescission, and we have received no objections from any party to OGF's withdrawal of its request for this new shipper review. Based upon the above, we are rescinding the new shipper review of the antidumping duty order on OTR tires from the PRC with respect to OGF. *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Notice of Rescission of Antidumping Duty New Shipper Review*, 74 FR 31911 (July 6, 2009) (rescinding new shipper review after 60-day deadline on same grounds). As the Department is rescinding this new shipper review, we are not calculating a company-specific rate for OGF, and OGF will remain part of the PRC entity.

#### Notifications

Because OGF remains part of the PRC entity, its entries may be under review in the ongoing administrative review. Accordingly, the Department will not order liquidation of entries for OGF. The Department intends to issue liquidation

instructions for the PRC entity, which will cover any entries by OGF, 15 days after publication of the final results of the ongoing administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destructions of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the return/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 violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with section 777(i) of the Act and 19 CFR 351.214(f)(3).

Dated: April 26, 2010.

**Edward C. Yang,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Subsidy Programs Provided by Countries Exporting Softwood Lumber and Softwood Lumber Products to the United States; Request for Comment

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

**SUMMARY:** The Department of Commerce (Department) seeks public comment on any subsidies, including stumpage subsidies, provided by certain countries exporting softwood lumber or softwood lumber products to the United States during the period July 1 through December 31, 2009.

**DATES:** Comments must be submitted within thirty days after publication of this notice.

**ADDRESSES:** Written comments (original and six copies) should be sent to the

Secretary of Commerce, Attn: James Terpstra, Import Administration, APO/ Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Ave., NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** James Terpstra, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3965.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 18, 2008, Section 805 of Title VIII of the Tariff Act of 1930 (the Softwood Lumber Act of 2008) was enacted into law. Under this provision, the Secretary of Commerce is mandated to submit to the appropriate Congressional committees a report every 180 days on any subsidies provided by countries exporting softwood lumber or softwood lumber products to the United States, including stumpage subsidies.

The Department submitted its last subsidy report on December 15, 2009. As part of its newest report, the Department intends to include a list of subsidy programs identified with sufficient clarity by the public in response to this notice.

##### Request for Comment

Given the large number of countries that export softwood lumber and softwood lumber products to the United States, we are soliciting public comment only on subsidies provided by countries whose exports accounted for at least one percent of total U.S. imports of softwood lumber by quantity, as classified under Harmonized Tariff Schedule code 4407.1001 (which accounts for the vast majority of imports), during the period July 1 through December 31, 2009. Official U.S. import data published by the United States International Trade Commission Tariff and Trade DataWeb indicate that exports of softwood lumber from Canada and Chile each account for at least one percent of U.S. imports of softwood lumber products during that time period. We intend to rely on similar previous six-month periods to identify the countries subject to future reports on softwood lumber subsidies. For example, we will rely on U.S. imports of softwood lumber and softwood lumber products during the period January 1 through June 30, 2010, to select the countries subject to the next report.

Under U.S. trade law, a subsidy exists where a government authority: (i) provides a financial contribution; (ii) provides any form of income or price