

in the 2014 administrative review of the CVD order on OTR Tires from China.<sup>1</sup> The period of review is January 1, 2014 through December 31, 2014. In the *Final Results*, Commerce found, based on adverse facts available (AFA), that the mandatory respondents had used the Export Buyer's Credit Program (EBCP).<sup>2</sup>

On October 25, 2018, the Court remanded the *Final Results* to Commerce to reconsider its decision to apply AFA to the EBCP program.<sup>3</sup> Specifically, the Court held that "Commerce had a clear path to find non-use by either accepting the declarations submitted by {p}laintiffs and their U.S. Customers or by verifying these declarations," and ordered Commerce to reconsider the evidence of non-use by Government of China (GOC).<sup>4</sup>

On March 5, 2019, Commerce submitted its remand redetermination, in which it reconsidered its decision to apply AFA to the EBCP and provided extensive additional explanation in support of its treatment of the program.<sup>5</sup> Guizhou Tyre and Xuzhou Xugong continued to challenge Commerce's determination regarding the use of EBCP. Pursuant to the Court's remand order, Commerce had explained how the GOC's refusal to provide certain information concerning the operation of the program prevented a meaningful and accurate verification of the non-use claims of the respondents and their U.S. customers.<sup>6</sup>

On August 21, 2019, the Court again remanded the determination to Commerce, ordering Commerce to reconsider its application of AFA in light of the record evidence of non-use. The Court held that Commerce did not establish that there was a gap in the record that warranted the application of AFA with respect to the EBCP program.<sup>7</sup>

On November 19, 2019, Commerce filed its second remand redetermination with the Court reconsidering its decision to apply AFA in evaluating use

of the EBCP, in which it determined, under respectful protest, that the EBCP program was not used by the respondents based on the certifications submitted by Guizhou Tyre from its customers stating that they did not use program and the record statements by Xuzhou Xugong that none of its customers used the program.<sup>8</sup> Accordingly, Commerce assigned Guizhou Tyre, Xuzhou Xugong and other non-selected companies net subsidy rates of 19.78 percent, 46.31 percent, and 33.05 percent, respectively.<sup>9</sup>

On December 26, 2019, the Court sustained Commerce's *Second Remand Results* and entered final judgment.<sup>10</sup>

#### Timken Notice

In its decision in *Timken*,<sup>11</sup> as clarified by *Diamond Sawblades*,<sup>12</sup> the U.S. Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The Court's December 26, 2019 final judgment sustaining Commerce's *Second Remand Results* constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results*.<sup>13</sup> This notice is published in fulfillment of the *Timken* publication requirements.

#### Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* with respect to the CVD rates calculated for Guizhou Tyre and Xuzhou Xugong. Based on the *Second Remand Results*, as sustained by the Court, the revised CVD rates for Guizhou Tyre, Xuzhou Xugong, and non-selected companies, from January 1, 2014 through December 31, 2014, are 19.78 percent, 46.31 percent, and 33.05 percent, respectively.

In the event that the Court's ruling is not appealed, or, if appealed, is upheld by a final and conclusive court decision,

Commerce will instruct Customs and Border Protection to assess countervailing duties on unliquidated entries of subject merchandise based on the revised subsidy rates summarized above.

#### Notification to Interested Parties

This notice is issued and published in accordance with section 516A(e)(1), 781(d), and 777(i)(1) of the Act.

Dated: January 7, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020-00300 Filed 1-10-20; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-040]

#### Truck and Bus Tires From the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review

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

**SUMMARY:** On December 13, 2019, the Department of Commerce (Commerce) published a notice of initiation and preliminary results of a changed circumstances review (CCR) of the antidumping duty order on truck and bus tires from the People's Republic of China (China). For these final results, Commerce continues to find that Sailun Group Co., Ltd. (Sailun Group) is the successor-in-interest to Sailun Jinyu Group Co., Ltd. (Sailun Jinyu), and that Sailun (Shenyang) Tire Co., Ltd. (Sailun Shenyang) is the successor-in-interest to Shenyang Peace Radial Tyre Manufacturing Co., Ltd. (Shenyang Peace).

**DATES:** Applicable January 13, 2020.

**FOR FURTHER INFORMATION CONTACT:** Lochard Philozin, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4260.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 13, 2019, Commerce published a notice of initiation and preliminary results of a CCR of the antidumping duty order on truck and bus tires from China, in which we found that Sailun Jinyu changed its name to Sailun Group, effective October 22, 2018, and Shenyang Peace changed its

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Final Results of Countervailing Duty Administrative Review*; 2014, 82 FR 18285 (April 18, 2017) (*Final Results*), and the accompanying Issues and Decision Memorandum (IDM).

<sup>2</sup> See *Final Results* IDM.

<sup>3</sup> See *Guizhou Tyre Co., Ltd., et al. v. United States*, CIT Slip Op. 18-140, Consol. Ct. No. 17-00101 (October 17, 2018) (*First Remand Order*) at 25-26.

<sup>4</sup> See *First Remand Order* at 9 and 25.

<sup>5</sup> See Results of Redetermination Pursuant to Court Remand (March 5, 2018) (*First Remand Results*) at 5-17 and 24-33.

<sup>6</sup> See *First Remand Results* at 5-17.

<sup>7</sup> See *Guizhou Tyre Co., Ltd., et al. v. United States*, CIT Slip Op. 19-114, Consol. Ct. No. 17-00101 (August 21, 2019) (*Second Remand Order*) at 3-5 and 11.

<sup>8</sup> See Results of Redetermination Pursuant to Court Remand (November 19, 2019) (*Second Remand Results*) at 8-10.

<sup>9</sup> *Id.* at 9.

<sup>10</sup> See *Guizhou Tyre Co., Ltd.; Guizhou Tyre Import & Export Co., Ltd.; & Xuzhou Xugong Tyres Co. Ltd. v. United States*, CIT Slip Op. 19-171, Consol. Ct. No. 17-00101 (December 26, 2019).

<sup>11</sup> See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

<sup>12</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>13</sup> See *Final Results*.

name to Sailun Shenyang, effective December 3, 2018.<sup>1</sup> On October 25, 2019, Sailun Group requested that Commerce initiate an expedited CCR and determine Sailun Group is the successor-in-interest to Sailun Jinyu, and that Sailun Shenyang is the successor-in-interest to Shenyang Peace.<sup>2</sup>

Commerce preliminarily determined that Sailun Group is the successor-in-interest to Sailun Jinyu, and that Sailun Shenyang is the successor-in-interest to Shenyang Peace for purposes of determining antidumping duty liability.<sup>3</sup> In the *Initiation and Preliminary Results*, Commerce provided all interested parties with an opportunity to comment and request a public hearing regarding our preliminary results. On December 27, 2019, Sailun Group informed Commerce that it agrees with the preliminary results.<sup>4</sup> Commerce received no additional comments or requests for a public hearing.

### Scope of the Order

The scope of the order covers truck and bus tires. Truck and bus tires are new pneumatic tires, of rubber, with a truck or bus size designation. Truck and bus tires covered by this order may be tube-type, tubeless, radial, or non-radial.

Subject tires have, at the time of importation, the symbol “DOT” on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have one of the following suffixes in their tire size designation, which also appear on the sidewall of the tire:

TR—Identifies tires for service on trucks or buses to differentiate them from similarly sized passenger car and light truck tires; and

HC—Identifies a 17.5 inch rim diameter code for use on low platform trailers.

All tires with a “TR” or “HC” suffix in their size designations are covered by this order regardless of their intended use.

In addition, all tires that lack one of the above suffix markings are included in the scope, regardless of their

intended use, as long as the tire is of a size that is among the numerical size designations listed in the “Truck-Bus” section of the *Tire and Rim Association Year Book*, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Truck and bus tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes truck and bus tires produced in the subject country whether mounted on wheels or rims in the subject country or in a third country. Truck and bus tires are covered whether or not they are accompanied by other parts, e.g., a wheel, rim, axle parts, bolts, nuts, etc. Truck and bus tires that enter attached to a vehicle are not covered by the scope.

Specifically excluded from the scope of this order are the following types of tires: (1) Pneumatic tires, of rubber, that are not new, including recycled and retreaded tires; (2) non-pneumatic tires, such as solid rubber tires; and (3) tires that exhibit each of the following physical characteristics: (a) The designation “MH” is molded into the tire’s sidewall as part of the size designation; (b) the tire incorporates a warning, prominently molded on the sidewall, that the tire is for “Mobile Home Use Only;” and (c) the tire is of bias construction as evidenced by the fact that the construction code included in the size designation molded into the tire’s sidewall is not the letter “R.”

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1015 and 4011.20.5020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.69.0020, 4011.69.0090, 4011.70.00, 4011.90.80, 4011.99.4520, 4011.99.4590, 4011.99.8520, 4011.99.8590, 8708.70.4530, 8708.70.6030, 8708.70.6060, and 8716.90.5059.

While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

### Final Results of Changed Circumstances Review

For the reasons stated in the *Initiation and Preliminary Results*, and because we received no comments from interested parties to the contrary, Commerce continues to find that Sailun Group is the successor-in-interest to Sailun Jinyu, and that Sailun Shenyang is the successor-in-interest to Shenyang

Peace.<sup>5</sup> As a result of this determination, Commerce finds that subject merchandise produced and exported by Sailun Group to the United States should receive the same cash deposit rate as subject merchandise produced and exported by Sailun Jinyu to the United States; and subject merchandise produced by Sailun Shenyang and exported by Sailun Group to the United States should receive the same cash deposit rate as subject merchandise produced by Shenyang Peace and exported by Sailun Jinyu to the United States. Accordingly, Commerce will instruct U.S. Customs and Border Protection to suspend liquidation of all shipments of subject merchandise for these two successor-in-interest producer/exporter combinations at their predecessor-in-interest producer/exporter combinations’ cash deposit rate of 9.00 percent.<sup>6</sup> This cash deposit requirement will be effective upon the publication date of our final results for this CCR and shall remain in effect until further notice.

### Notification to Interested Parties

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 sanctionable violation.

This notice of final results is in accordance with sections 751(b)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216, 19 CFR 351.221(b)(5), and 19 CFR 351.221(c)(3).

Dated: January 7, 2020.

**Jeffrey I. Kessler,**  
Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2020-00301 Filed 1-10-20; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and

<sup>5</sup> *Initiation and Preliminary Results*, 84 FR 68118.

<sup>6</sup> *See Truck and Bus Tires from the People’s Republic of China: Antidumping Duty Order*, 84 FR 4436 (February 15, 2019).

<sup>1</sup> *See Truck and Bus Tires from the People’s Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 84 FR 68118 (December 13, 2019) (*Initiation and Preliminary Results*).

<sup>2</sup> *See Sailun Group’s Letter, “Sailun Request for a Changed Circumstances Review in Truck and Bus Tires From the People’s Republic of China, Case No. A-570-040,”* dated October 25, 2019.

<sup>3</sup> *See Initiation and Preliminary Results.*

<sup>4</sup> *See Sailun Group’s Letter, “Sailun Letter in Lieu of Brief: Changed Circumstances Review in Truck and Bus Tires From the People’s Republic of China, Case No. A-570-040,”* dated December 27, 2019.