

Dated: May 19, 2022.

**James Maeder,**

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

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-533-870]

**Certain New Pneumatic Off-the-Road Tires From India: Final Results of Expedited First Sunset Review of the Countervailing Duty Order**

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

**SUMMARY:** As a result of this expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain pneumatic off-the-road tires (off-road tires) from India would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

**DATES:** Applicable May 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Daniel Alexander, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4313.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 6, 2017, Commerce published the CVD order on off-road tires from India.<sup>1</sup> On February 1, 2022, Commerce published the notice of initiation of the first sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> Commerce received a timely notice of intent to participate from Titan Tire Corporation (Titan Tire), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>3</sup> Titan Tire claimed interested party status under section

771(9)(C) of the Act, as a manufacturer of the domestic like product in the United States.

Commerce received a substantive response from the domestic interested party<sup>4</sup> within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). Commerce also received a substantive response from the Government of India (GOI).<sup>5</sup> We received no substantive response from any other domestic or interested parties in this proceeding, nor was a hearing requested.

On March 22, 2022, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.<sup>6</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order*.

**Scope of the Order**

The products covered by the scope of the *Order* are off-road tires. Certain off-road tires are tires with an off-road tire size designation. The tires included in the scope may be either tube-type or tubeless, radial, or non-radial, regardless of whether for original equipment manufacturers or the replacement market. Certain off-road 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. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1025, 4011.20.1035, 4011.20.5030, 4011.20.5050, 4011.61.0000, 4011.62.0000, 4011.63.0000, 4011.69.0050, 4011.92.0000, 4011.93.4000, 4011.93.8000, 4011.94.4000, 4011.94.8000, 8431.49.9038, 8431.49.9090, 8709.90.0020, and 8716.90.1020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.4550, 4011.99.8550, 8424.90.9080, 8431.20.0000, 8431.39.0010, 8431.49.1090, 8431.49.9030, 8432.90.0005, 8432.90.0015,

8432.90.0030, 8432.90.0080, 8433.90.5010, 8503.00.9520, 8503.00.9560, 8708.70.0500, 8708.70.2500, 8708.70.4530, 8716.90.5035, 8716.90.5055, 8716.90.5056 and 8716.90.5059. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.<sup>7</sup>

**Analysis of Comments Received**

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Final Results of Sunset Review**

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the CVD order on off-road tires from India would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Producer/exporter	Net countervailable subsidy rate (percent)
Balkrishna Industries Limited .....	5.36
ATC Tires Private Limited .....	4.72
All Others .....	4.94

**Administrative Protective Order (APO)**

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from India and Sri Lanka: Amended Final Affirmative Countervailing Duty Determination for India and Countervailing Duty Orders*, 82 FR 12556 (March 6, 2017) (*Order*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 87 FR 5467 (February 1, 2022).

<sup>3</sup> See Titan Tire’s Letter, “Certain New Pneumatic Off-the-Road Tires from India: Notice of Intent to Participate in Sunset Review,” dated February 16, 2022.

<sup>4</sup> See Titan Tire’s Letter, “Certain New Pneumatic Off-the-Road Tires from India: Substantive Response to Notice of Initiation,” dated March 3, 2022.

<sup>5</sup> See GOI’s Letter, “Institution of First Five-Year (“Sunset”) Review of Countervailing Duty Order on New Pneumatic Off-The-Road Tires from India: Government of India’s Substantive Response to the Institution of Initiation and Intent to Participate in the Investigation,” dated March 3, 2022.

<sup>6</sup> See Commerce’s Letter, “Sunset Reviews Initiated on February 1, 2022—Amended Notification,” dated March 22, 2022.

<sup>7</sup> See Memorandum, “Issues and Decision Memorandum for the Expedited First Sunset Review of the Countervailing Duty Order on Certain New Pneumatic Off-the-Road Tires from India,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

APO is a violation which is subject to sanction.

### Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: May 18, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO–C–2022–0013]

### Patent and Trademark Public Advisory Committees

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Request for nominations for the Patent and Trademark Public Advisory Committees.

**SUMMARY:** The United States Patent and Trademark Office (USPTO)—America’s Innovation Agency—is seeking nominations for up to three members of its Patent Public Advisory Committee (PPAC) to advise the Director of the USPTO on patent policy and for up to three members of its Trademark Public Advisory Committee (TPAC) to advise the Director on trademark policy. Each new member, who can serve remotely, will serve a three-year term. The members represent the interests of the public and the stakeholders of the USPTO.

**DATES:** Nominations must be electronically transmitted on or before July 1, 2022.

**ADDRESSES:** Persons wishing to submit nominations will be required to electronically complete the appropriate

Public Advisory Committee application form by entering detailed information and qualifications at: <https://tinyurl.com/ynae4a67> for the Patent Public Advisory Committee, and <https://tinyurl.com/hcux6462> for the Trademark Public Advisory Committee.

**FOR FURTHER INFORMATION CONTACT:** Cordelia Zecher, Acting Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, at 571–272–8600.

**SUPPLEMENTARY INFORMATION:** On November 29, 1999, the President signed into law the Patent and Trademark Office Efficiency Act (Act). The Act established two Public Advisory Committees—the PPAC and TPAC—to review the policies, goals, performance, budget, and user fees of the USPTO. The America Invents Act Technical Corrections set staggered terms for members of the Advisory Committees, with each term starting and ending on December 1.

The PPAC and TPAC members shall:

- Advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on matters relating to policies, goals, performance, budget, and user fees of the USPTO relating to patents and trademarks, respectively (35 U.S.C. 5); and
- Within 60 days after the end of each fiscal year: (1) Prepare an annual report on matters listed above; (2) transmit the report to the Secretary of Commerce (Secretary), the President, and the Committees on the Judiciary of the Senate and the House of Representatives; and (3) publish the report in the Official Gazette of the USPTO. *Id.*

### Public Advisory Committees

The Public Advisory Committees are each composed of nine voting members who are appointed by the Secretary and serve at the pleasure of the Secretary for three-year terms. Members are eligible for reappointment for a second consecutive three-year term. The Public Advisory Committee members must be citizens of the United States. Members must also certify that they are not required to register with the Department of Justice as a foreign agent under the Foreign Agents Registration Act of 1938, as amended, and that they are not a federally-registered lobbyist. Members are chosen to represent the interests of diverse users of the USPTO and must represent small and large entity applicants located in the United States in proportion to the number of applications filed by such applicants. In no case, however, shall members who

represent small entity patent applicants, including small business concerns, independent inventors, and nonprofit organizations, constitute less than 25 percent of the members of the Patent Public Advisory Committee. There must at least one independent inventor on the Patent Public Advisory Committee. The Committees must include individuals with a “substantial background and achievement in finance, management, labor relations, science, technology, and office automation.” 35 U.S.C. 5(b)(3). Each of the Public Advisory Committees also includes three non-voting members representing each labor organization recognized by the USPTO.

### Procedures and Guidelines of the PPAC and TPAC

Each newly appointed member of the PPAC and TPAC will serve for a three-year term that begins on December 1, 2022, and ends on December 1, 2025. As required by the 1999 Act, members of the PPAC and TPAC will receive compensation for each day (including travel time) they attend meetings or engage in the business of their Advisory Committee. The enabling statute states that members are to be compensated at the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under 5 U.S.C. 5314. Committee members are compensated on an hourly basis, calculated at the daily rate. While away from home or their regular place of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703.

### Applicability of Certain Ethics Laws

Public Advisory Committee members are Special Government Employees within the meaning of 18 U.S.C. 202. The following additional information includes several, but not all, of the ethics rules that apply to members, and assumes that members are not engaged in Public Advisory Committee business more than 60 days during any period of 365 consecutive days.

- Each member will be required to file a confidential financial disclosure form within 30 days of appointment. 5 CFR 2634.202(c), 2634.204, 2634.903, and 2634.904(b).
- Each member will be subject to many of the public integrity laws, including criminal bars against representing a party in a particular matter that comes before the member’s committee and that involves at least one specific party. 18 U.S.C. 205(c); *see also* 18 U.S.C. 207 for post-membership bars. Also, a member must not act on a matter in which the member (or any of certain