

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Larry Hall, BIS ICB Liaison, (202) 482-4895, [Lawrence.Hall@bis.doc.gov](mailto:Lawrence.Hall@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The information collected from defense contractors and suppliers on Form BIS-999, Request for Special Priorities Assistance, is required for the enforcement and administration of special priorities assistance under the Defense Production Act, the Selective Service Act and the Defense Priorities and Allocation System regulation.

Although the DPAS is designed to be largely self-executing, agency assistance may be needed to resolve certain problems. Such problems include assistance in obtaining timely deliveries of items needed to satisfy defense requirements, locating a supplier, resolving production or delivery conflicts between multiple rated orders, verifying the urgency and determining the validity of rated orders, or authorizing the use of the DPAS authority on contracts or purchase orders to obtain items not automatically included under the DPAS. SPA can be provided for any reason in support of the DPAS.

Use of Form BIS-999 serves to structure the information concerning DPAS problems so that it can be presented in writing to the appropriate agency and official for assistance and resolution.

**II. Method of Collection**

Submitted electronically or on paper.

**III. Data**

*OMB Control Number:* 0694-0057.  
*Form Number(s):* BIS-999.

*Type of Review:* Regular submission (extension of a currently approved collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 1,200.

*Estimated Time per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* 600.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 10, 2013.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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**BILLING CODE 3510-33-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-912]

**Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part; 2010-2011**

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

**SUMMARY:** On October 9, 2012, the Department of Commerce ("Department") published the preliminary results of the 2010-2011 administrative review of the antidumping duty order on certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC").<sup>1</sup> The period of review ("POR") is September 1, 2010, through August 31, 2011. This review covers one exporter: Hangzhou Zhongce Rubber Co., Ltd. ("Zhongce").

We invited interested parties to comment on our *Preliminary Results*. Based on our analysis of the comments received, we made certain changes to our margin calculations for Zhongce.

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Antidumping Duty Administrative Review; 2010-2011*, 77 FR 61387 (October 9, 2012) ("*Preliminary Results*").

The final dumping margin for this review is listed in the "Final Results Margin" section below.

**DATES:** *Effective Date:* April 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Andrew Medley or Eugene Degnan, 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) 482-4987 and (202) 482-0414, respectively.

**Background**

On October 9, 2012, the Department published its *Preliminary Results* of the antidumping duty administrative review of OTR tires from the PRC. Zhongce submitted publicly available information regarding surrogate values on November 7, 2012. Petitioner and Zhongce submitted case briefs on November 19, 2012, and rebuttal briefs on December 3, 2012.

**Scope of the Order**

The merchandise covered by this order includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. 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. The HTSUS subheadings are provided for convenience and customs purposes only. A full description of the scope of the order is contained in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, titled, "Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2010-2011 Administrative Review of the Antidumping Duty Order," dated April 9, 2013 ("Issues and Decision Memorandum"). The written product description of the scope of the order is dispositive.<sup>2</sup>

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs filed by parties in this

<sup>2</sup> See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 73 FR 51624 (September 4, 2008).

review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). Access to IA ACCESS is available in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

**Final Rescission, in Part, of the Administrative Review**

In the *Preliminary Results*, the Department stated its intent to rescind the review with respect to 78 companies that are part of the PRC-wide entity, and for which a review request was withdrawn.<sup>3</sup> The Department did not receive any comments from interested parties with respect to rescinding the review for these companies. As such, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review with respect to these 78 companies.

**Separate Rates**

In proceedings involving non-market economy ("NME") countries, the Department maintains a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of subject merchandise in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.<sup>4</sup>

In the *Preliminary Results*, we found that Zhongce demonstrated its eligibility for separate-rate status.<sup>5</sup> No party has placed any evidence on the record of this review to contradict that finding. Therefore, we continue to find that

Zhongce is eligible for separate-rate status.

**Changes Since the Preliminary Results**

Based on an analysis of the comments received, for the final results, the Department made the following change to Zhongce's margin calculation:

- *Surrogate Financial Ratios:* We have used the 2011 financial statements for Hwa Fong Rubber (Thailand) Public Company Limited and the 2010 financial statements for Goodyear (Thailand) Public Company Limited to calculate average surrogate financial ratios.<sup>6</sup>

- *Carbon Black:* We have used the Thai import data for "Rubber Grade Carbon Black" to value all carbon black inputs.<sup>7</sup>

**Final Results**

We determine that the following weighted-average dumping margin exists for the period September 1, 2010, through August 31, 2011:

**OTR TIRES FROM THE PRC**

Exporter	Weighted-average margin percent
Hangzhou Zhongce Rubber Co., Ltd. ....	112.41

**Assessment Rates**

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific (or customer) per unit duty assessment rates based on the ratio of the total amount of the dumping

<sup>6</sup> See Memorandum to the File from Andrew Medley, titled "Final Results of the 2010–2011 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic off-The-Road Tires from the People's Republic of China: Surrogate Value Memorandum," dated April 9, 2013 ("Surrogate Value Memorandum"), and Memorandum to the File from Andrew Medley, titled "2010–2011 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Analysis of the Final Results Margin Calculation for Zhongce," dated April 9, 2013 ("Zhongce Final Analysis Memorandum"); see also Issues and Decision Memorandum at Comment 6.

<sup>7</sup> See Surrogate Value Memorandum and Zhongce Final Analysis Memorandum; see also Issues and Decision Memorandum at Comment 5A.

margins calculated for the examined sales to the total sales quantity of those same sales.<sup>8</sup> In accordance with 19 CFR 351.106(c)(2), we will instruct CBP to liquidate, without regard to antidumping duties, all entries of subject merchandise during the POR for which the importer-specific assessment rate is zero or *de minimis*.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For Zhongce, the cash deposit rate will be the margin listed above; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 210.48 percent determined in the less-than-fair-value investigation; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

**Notification to Importers**

This notice also 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 POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Notification to Interested Parties**

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or

<sup>8</sup> In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>3</sup> See *Preliminary Results*, 77 FR at 61387 and 61389, Appendix III.

<sup>4</sup> See *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994); see also 19 CFR 351.107(d).

<sup>5</sup> See *Preliminary Results*, and accompanying Preliminary Decision Memorandum at 7.

destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. 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.

#### Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding, in accordance with 19 CFR 351.224(b).

We are issuing and publishing the final results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 9, 2013.

#### Paul Piquado,

*Assistant Secretary for Import Administration.*

#### Appendix

- Comment 1: Whether to Apply Facts Available to Zhongce's Labor Hours  
 Comment 2: Whether to Apply Facts Available to Zhongce's Factory Overhead  
 Comment 3: Whether to Deduct VAT from Export Price  
 Comment 4: Selection of the Primary Surrogate Country  
 Comment 5: Selection of Surrogate Values for Certain Material Inputs  
 A. Carbon Black  
 B. Bead Wire  
 C. Nylon Tire Cord  
 D. Natural Rubber  
 E. Gap-filling with Data from Another Country  
 Comment 6: Selection of Surrogate Financial Statements

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-838]

#### Seamless Refined Copper Pipe and Tube From Mexico: Rescission, in Part, of Antidumping Duty Administrative Review

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

**DATES:** *Effective Date:* April 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood or David Crespo, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3874 or (202) 482-3693, respectively.

#### Background:

On November 5, 2012, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico covering the period November 1, 2011, through October 31, 2012.<sup>1</sup> The Department received a timely request for an antidumping duty administrative review from the petitioners (*i.e.*, Cerro Flow Products, LLC; Wieland Copper Products, LLC; Mueller Copper Tube Products, Inc.; and Mueller Copper Tube Company, Inc.) for the following companies: 1) GD Affiliates S. de R.L. de C.V. (Golden Dragon); 2) IUSA, S.A. de C.V. (IUSA); 3) Luvata Juarez S. de R.L. de C.V. (Luvata Juarez); 4) Luvata Monterrey S. de R.L. de C.V. (Luvata Monterrey); and 5) Nacional de Cobre, S.A. de C.V. (Nacobre). The Department also received timely requests for an antidumping duty administrative review from the following interested parties as defined by section 771(9)(A) of the Tariff Act of 1930, as amended (the Act): (1) Golden Dragon; (2) Luvata Monterrey; and (3) Nacobre. On December 31, 2012, the Department published a notice of initiation of administrative review with respect to these companies.<sup>2</sup> On January 14, 2013, the petitioners withdrew their request for an administrative review for IUSA, Luvata Juarez, and Luvata Monterrey. On March 5, 2013, Luvata Monterrey withdrew its own request for an administrative review.

#### Rescission, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The petitioners' and Luvata Monterrey's requests were submitted within the 90-day period and, thus, are timely. Since these withdrawals of request for an antidumping duty administrative review are timely and because no other party requested a review of these companies,

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 77 FR 66437 (Nov. 5, 2012).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 77 FR 77017 (Dec. 31, 2012).

in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review with respect to IUSA, Luvata Juarez, and Luvata Monterrey. We note that we are continuing the administrative review with respect to Golden Dragon and Nacobre.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

#### Notification to Importers

This notice serves as a 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 doubled antidumping duties.

#### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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.

This notice is issued and published in accordance with section 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: April 9, 2013.

#### Christian Marsh,

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

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