

**FOR FURTHER INFORMATION CONTACT:** Bob Palmer or Catherine Bertrand, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-9068 and (202) 482-3207, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 22, 2010, the Department published the *Natural Bristle Paint Brushes and Brush Heads from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 75 FR 13489 (March 22, 2010).

On May 7, 2010, the Department received a request, pursuant to sections 751(d)(1) and 782(h)(2) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.222(g), to revoke the *Order* based on an expression of no interest from the Paint Applicators Trade Action Coalition ("PATAC"), an *ad hoc* coalition of producers of the domestic like product, and the Paint Applicator Division of the American Brush Manufacturers Association ("ABMA"), a trade association (collectively the "Paint Applicators"). On May 17, 2010, the Department requested that the Paint Applicators demonstrate that they account for substantially all of the U.S. production of the domestic like product for the period of April 1, 2009, through March 31, 2010. On May 24, 2010, the Paint Applicators responded to the Department's request and indicated that, to the best of their knowledge, they represented at least 85 percent of the production of domestic like product during the period identified by the Department.

**Scope of the Order**

The merchandise covered by the scope of the Order are natural bristle paintbrushes and brush heads from the PRC. Excluded from the scope of the Order are paint brushes and brush heads with a blend of 40 percent natural bristles and 60 percent synthetic filaments. The merchandise under review is currently classifiable under item 9603.40.40.40 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, the Department's written description of the scope of the merchandise is dispositive.

**Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke the Order**

At the request of the Paint Applicators, and in accordance with

sections 751(d)(1) and 751(b)(1) of the Act and 19 CFR 351.216, the Department is initiating a changed circumstances review to determine whether the revocation of the *Order* is warranted. Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that the Department may revoke an order (in whole or in part) if it determines that producers accounting for substantially all (*i.e.*, at least 85 percent)<sup>1</sup> of the production of the domestic like product have expressed no further interest in the order. In addition, in the event the Department determines that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

In accordance with section 751(b) of the Act, and 19 CFR 351.222(g) and 351.216(b), we are initiating this changed circumstances review and have determined that, pursuant to 19 CFR 351.221(c)(3)(ii), expedited action is warranted. We find that the Paint Applicators' affirmative statement of no interest, and its statement that it produced substantially all of the domestic like product during the period identified by the Department, provides a reasonable basis for the Department's determination to conduct an expedited review. Based on the expression of no interest and claims of accounting for substantially all of the domestic production of the domestic like product by the Paint Applicators, and absent any objection by any other domestic interested parties or any evidence to the contrary, we have also preliminarily determined that substantially all of the domestic producers of the domestic like product have no interest in the continued application of the *Order*. Therefore, we are notifying the public of our intent to revoke the *Order*. If we make a final determination to revoke the *Order*, this determination will apply to all unliquidated entries of subject merchandise covered by the *Order* which are entered, or withdrawn from warehouse, for consumption on or after the date determined by the Department. See section 751(d)(3) of the Act. Suspension of liquidation is considered removed upon publication of the final results in the **Federal Register** and the Department will instruct U.S. Customs

<sup>1</sup>The Department has defined "substantially all" to mean accounting for over 85% of the total production of the domestic like product. See *Certain Orange Juice from Brazil: Preliminary Results of Antidumping Duty Changed Circumstances Review and Intent Not to Revoke*, In Part, 73 FR 60214 (October 10, 2008), unchanged in *Certain Orange Juice From Brazil: Final Results of Antidumping Duty Changed Circumstances Review*, 74 FR 4733 (January 27, 2009).

and Border Protection to liquidate without regard to antidumping duties and to refund any estimated antidumping duties collected. See 19 CFR 351.222(g)(4). The current requirement for a cash deposit of estimated antidumping duties on subject merchandise covered by the *Order* will continue unless, and until, we publish a final determination to revoke.

**Public Comment**

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument. Any interested party may request a hearing within 10 days of the date of publication of this notice. Any hearing, if requested, will be held no later than 25 days after the date of publication of this notice, or the first workday thereafter. Case briefs may be submitted by interested parties not later than 21 days after the date of publication of this notice. Rebuttal briefs, limited to the issues raised in the case briefs, may be filed not later than 5 days after the due date for case briefs. All written comments shall be submitted in accordance with 19 CFR 351.303. Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments.

The preliminary results of this review and notice are in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.221(b)(1).

Dated: June 9, 2010.

**Ronald K. Lorentzen**,  
Deputy Assistant Secretary for Import Administration.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-912]

**Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Initiation of Changed Circumstances Review**

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

**SUMMARY:** The Department of Commerce ("the Department") has received

information sufficient to warrant initiation of a changed circumstances review of the antidumping duty order on certain new pneumatic off-the-road tires (“OTR tires”) from the People’s Republic of China (“PRC”). Specifically, based upon a request filed by LingLong North America LLC, d/b/a Atlas Tire (“Atlas Tire”), an affiliated importer of record, the Department is initiating a changed circumstances review to determine whether Shandong Linglong Tyre Co., Ltd. (“Shandong Linglong”) is the successor-in-interest to Zhaoyuan Leo Rubber Co., Ltd. (“Leo Rubber”), a separate-rate respondent in the original investigation.

**EFFECTIVE DATE:** June 16, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Raquel Silva or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-6475 or 202-482-0650, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 4, 2008, the Department published in the **Federal Register** an antidumping duty order on OTR tires from the PRC. 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) (“Order”). As part of that order, Leo Rubber received the separate-rate respondent amended rate of 12.91 percent. Id. at 51627. On April 21, 2010, Atlas Tire filed a submission requesting that the Department conduct a changed circumstances review of the Order to confirm that Shandong Linglong is the successor-in-interest to Leo Rubber. In its submission, Atlas Tire provided an Enterprise Changing List, an Ownership Declaration, and business licenses for Leo Rubber and Shandong Linglong demonstrating that Leo Rubber has changed its name to Shandong Linglong. See Letter from Atlas Tire to the Department regarding Certain New Pneumatic Off-The-Road Tires from the People’s Republic of China, Request for Changed Circumstances Review (Case No. A-570-912) (April 21, 2010).

**Scope of the Order**

The products covered by the order are new pneumatic tires designed for off-the-road (OTR) and off-highway use, subject to exceptions identified below. Certain OTR tires are generally

designed, manufactured and offered for sale for use on off-road or off-highway surfaces, including but not limited to, agricultural fields, forests, construction sites, factory and warehouse interiors, airport tarmacs, ports and harbors, mines, quarries, gravel yards, and steel mills. The vehicles and equipment for which certain OTR tires are designed for use include, but are not limited to: (1) agricultural and forestry vehicles and equipment, including agricultural tractors,<sup>1</sup> combine harvesters,<sup>2</sup> agricultural high clearance sprayers,<sup>3</sup> industrial tractors,<sup>4</sup> log-skidders,<sup>5</sup> agricultural implements, highway-towed implements, agricultural logging, and agricultural, industrial, skid-steers/mini-loaders;<sup>6</sup> (2) construction vehicles and equipment, including earthmover articulated dump products, rigid frame haul trucks,<sup>7</sup> front end loaders,<sup>8</sup> dozers,<sup>9</sup> lift trucks, straddle carriers,<sup>10</sup> graders,<sup>11</sup> mobile cranes,<sup>12</sup> compactors; and (3) industrial vehicles and equipment, including smooth floor, industrial, mining, counterbalanced lift trucks, industrial and mining vehicles other

<sup>1</sup> Agricultural tractors are dual-axle vehicles that typically are designed to pull farming equipment in the field and that may have front tires of a different size than the rear tires.

<sup>2</sup> Combine harvesters are used to harvest crops such as corn or wheat.

<sup>3</sup> Agricultural sprayers are used to irrigate agricultural fields.

<sup>4</sup> Industrial tractors are dual-axle vehicles that typically are designed to pull industrial equipment and that may have front tires of a different size than the rear tires.

<sup>5</sup> A log-skidder has a grappling lift arm that is used to grasp, lift and move trees that have been cut down to a truck or trailer for transport to a mill or other destination.

<sup>6</sup> Skid-steer loaders are four-wheel drive vehicles with the left-side drive wheels independent of the right-side drive wheels and lift arms that lie alongside the driver with the major pivot points behind the driver’s shoulders. Skid-steer loaders are used in agricultural, construction and industrial settings.

<sup>7</sup> Haul trucks, which may be either rigid frame or articulated (*i.e.*, able to bend in the middle) are typically used in mines, quarries and construction sites to haul soil, aggregate, mined ore, or debris.

<sup>8</sup> Front loaders have lift arms in front of the vehicle. They can scrape material from one location to another, carry material in their buckets, or load material into a truck or trailer.

<sup>9</sup> A dozer is a large four-wheeled vehicle with a dozer blade that is used to push large quantities of soil, sand, rubble, etc., typically around construction sites. They can also be used to perform “rough grading” in road construction.

<sup>10</sup> A straddle carrier is a rigid frame, engine-powered machine that is used to load and offload containers from container vessels and load them onto (or off of) tractor trailers.

<sup>11</sup> A grader is a vehicle with a large blade used to create a flat surface. Graders are typically used to perform “finish grading.” Graders are commonly used in maintenance of unpaved roads and road construction to prepare the base course onto which asphalt or other paving material will be laid.

<sup>12</sup> *i.e.*, “on-site” mobile cranes designed for off-highway use.

than smooth floor, skid-steers/mini-loaders, and smooth floor off-the-road counterbalanced lift trucks.<sup>13</sup> The foregoing list of vehicles and equipment generally have in common that they are used for hauling, towing, lifting, and/or loading a wide variety of equipment and materials in agricultural, construction and industrial settings. Such vehicles and equipment, and the descriptions contained in the footnotes are illustrative of the types of vehicles and equipment that use certain OTR tires, but are not necessarily all-inclusive. While the physical characteristics of certain OTR tires will vary depending on the specific applications and conditions for which the tires are designed (*e.g.*, tread pattern and depth), all of the tires within the scope have in common that they are designed for off-road and off-highway use. Except as discussed below, OTR tires included in the scope of the order range in size (rim diameter) generally but not exclusively from 8 inches to 54 inches. The tires may be either tube-type<sup>14</sup> or tubeless, radial or non-radial, and intended for sale either to original equipment manufacturers or the replacement market. 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. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Specifically excluded from the scope are new pneumatic tires designed, manufactured and offered for sale primarily for on-highway or on-road use, including passenger cars, race cars, station wagons, sport utility vehicles, minivans, mobile homes, motorcycles, bicycles, on-road or on-highway trailers, light trucks, and trucks and buses. Such tires generally have in

<sup>13</sup> A counterbalanced lift truck is a rigid framed, engine-powered machine with lift arms that has additional weight incorporated into the back of the machine to offset or counterbalance the weight of loads that it lifts so as to prevent the vehicle from overturning. An example of a counterbalanced lift truck is a counterbalanced fork lift truck. Counterbalanced lift trucks may be designed for use on smooth floor surfaces, such as a factory or warehouse, or other surfaces, such as construction sites, mines, etc.

<sup>14</sup> While tube-type tires are subject to the scope of this proceeding, tubes and flaps are not subject merchandise and therefore are not covered by the scope of this proceeding, regardless of the manner in which they are sold (*e.g.*, sold with or separately from subject merchandise).

common that the symbol "DOT" must appear on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Such excluded tires may also have the following designations that are used by the Tire and Rim Association:

**Prefix letter designations:**

- P - Identifies a tire intended primarily for service on passenger cars;
- LT - Identifies a tire intended primarily for service on light trucks; and,
- ST - Identifies a special tire for trailers in highway service.

**Suffix letter designations:**

- TR - Identifies a tire for service on trucks, buses, and other vehicles with rims having specified rim diameter of nominal plus 0.156" or plus 0.250"
- MH - Identifies tires for Mobile Homes;
- HC - Identifies a heavy duty tire designated for use on "HC" 15" tapered rims used on trucks, buses, and other vehicles. This suffix is intended to differentiate among tires for light trucks, and other vehicles or other services, which use a similar designation.
- Example: 8R17.5 LT, 8R17.5 HC;
- LT - Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service; and
- MC - Identifies tires and rims for motorcycles.

The following types of tires are also excluded from the scope: pneumatic tires that are not new, including recycled or retreaded tires and used tires; non-pneumatic tires, including solid rubber tires; tires of a kind designed for use on aircraft, all-terrain vehicles, and vehicles for turf, lawn and garden, golf and trailer applications. Also excluded from the scope are radial and bias tires of a kind designed for use in mining and construction vehicles and equipment that have a rim diameter equal to or exceeding 39 inches. Such tires may be distinguished from other tires of similar size by the number of plies that the construction and mining tires contain (minimum of 16) and the weight of such tires (minimum 1500 pounds).

**Initiation of Changed Circumstances Review**

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended ("Act"), the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from, an interested party for a review of an antidumping duty order which

shows changed circumstances sufficient to warrant a review of the order.

In accordance with 19 CFR 351.216(d), the Department has determined that the information submitted by Atlas Tire constitutes sufficient evidence to conduct a changed circumstances review. In an antidumping duty changed circumstances review involving a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See, e.g., Certain Activated Carbon From the People's Republic of China: Notice of Initiation of Changed Circumstances Review*, 74 FR 19934, 19935 (April 30, 2009). While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor if the resulting operations are essentially the same as those of the predecessor company. *See, e.g., Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India*, 71 FR 327 (January 4, 2006). Thus, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor. *See, e.g., Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999).

Based on the information provided in its submission, Atlas Tire has provided sufficient evidence to warrant a review to determine if Shandong Linglong is the successor-in-interest to Leo Rubber. Therefore, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d), we are initiating a changed circumstances review.

The Department will issue questionnaires requesting additional information for the review and will publish in the **Federal Register** a notice of the preliminary results of the antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(2) and (4), and 19 CFR 351.221(c)(3)(i). That notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an

opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of its antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216.

Dated: June 7, 2010.

**John M. Andersen,**

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

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-848]

**Freshwater Crawfish Tail Meat From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative and New-Shipper Reviews**

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

**SUMMARY:** In response to timely requests, the Department of Commerce (the Department) is conducting an administrative review and a new-shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). The period of review (POR) is September 1, 2008, through August 31, 2009.

With respect to the administrative review, we have preliminarily determined that sales have been made below normal value by Xiping Opeck Food Co., Ltd., Shanghai Ocean Flavor International Trading Co., Ltd., China Kingdom (Beijing) Import & Export Co., Ltd., and Xuzhou Jinjiang Foodstuffs Co., Ltd.

With respect to the new-shipper review, we have preliminarily determined that Nanjing Gemsen International Co., Ltd., has made sales in the United States at prices below normal value.

We invite interested parties to comment on these preliminary results. Parties who submit comments in this review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

**DATES:** *Effective Date:* June 16, 2010.