

subsidies contingent on export performance or use of domestic over imported goods (*i.e.*, those prohibited under Article 3 of the Subsidies Agreement).¹⁵

Section 351.206(h)(1) of the Department's regulations provides that, in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, the Department will not consider imports to be massive unless imports during the "relatively short period" ("comparison period") have increased by at least 15 percent compared to imports during an "immediately preceding period of comparable duration" ("base period"). See 19 CFR 351.206(h)(2).

Section 351.206(i) of the Department's regulations defines "relatively short period" as normally being the period beginning on the date the proceeding commences (*i.e.*, the date the petition is filed) and ending at least three months later. However, if the Department finds that importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, then the Department may consider a period of not less than three months from that earlier time. See 19 CFR 351.206(i).

In our preliminary determination, the subsidies found countervailable were not determined to be contingent on export performance or import substitution.¹⁶ See *Preliminary Determination*. Thus, pursuant to section 703(e)(1)(A) of the Act, the first requirement needed to affirmatively find critical circumstances has not been met, and the Department need not reach the issue of massive imports.

However, at the time of the preliminary determination, there were four programs for which additional information was required before the Department could make any finding

regarding their countervailability. These programs do not appear to be contingent on export performance or import substitution. However, if in the final determination the Department finds that any of these four programs, or any of the previously alleged subsidy programs, are countervailable and are contingent on export performance or import substitution, the Department will revisit the issue of massive imports as necessary.

In the event that the Department needs to determine whether there have been massive imports, we have collected the following information: (1) The evidence presented in the Petitioners' March 11, 2008 submission; (2) Respondents' monthly shipment data for November 2006 to November 2007; and (3) U.S. import data for the subject merchandise for 2004–2007, as reported by the International Trade Commission (ITC) (<http://dataweb.usitc.gov>). The ITC data relied on in this analysis do not necessarily exclude those products not falling within the scope of this proceeding (*i.e.*, OTR tires for light and medium trucks/buses or with a rim diameter equal to or exceeding 39 inches).

Conclusion

Given the analysis above, we preliminarily determine critical circumstances do not exist for imports of OTR tires from the PRC. We will make a final determination concerning critical circumstances for OTR tires from the PRC when we make our final countervailable subsidy determination in this investigation, no later than July 7, 2008.

International Trade Commission Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. This determination is issued and published pursuant to sections 703(f) and 777(i)(1) of the Act.

Dated: April 11, 2008.

David M. Spooner,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 070927542–8456–02]

Voting Equipment Evaluations Phase II

AGENCY: National Institute of Standards and Technology, United States Department of Commerce.

ACTION: Notice; Reopening of submission period.

SUMMARY: The National Institute of Standards and Technology (NIST), United States Department of Commerce, is reopening for 30 days the period for submitting requests and executed letters of understanding from voting equipment manufacturers. NIST is reopening this submission period based on requests received from the manufacturers for an extension of the submission period.

DATE: Submissions must be received no later than May 22, 2008. Submissions received between March 18, 2008 and the date of publication of this notice are deemed to be timely.

ADDRESSES: Requests to participate and executed letters of understanding must be submitted to Mr. Allan Eustis, Information Technology Laboratory, National Institute of Standards and Technology, Mail Stop 8970, Gaithersburg, MD 20899–8970; telephone number (301) 975–5099.

FOR FURTHER INFORMATION CONTACT: Mr. Allan Eustis, Information Technology Laboratory, National Institute of Standards and Technology, Mail Stop 2970, Gaithersburg, MD 20899–2970; telephone number (301) 975–5099.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of November 19, 2007 (72 FR 65012), NIST solicited interest in Phase II of the benchmark research for voting equipment certified or submitted for certification to the 2005 Voluntary Voting System Guidelines. Interested parties were given until March 18, 2007 to submit executed letters of understanding.

A manufacturer of voting systems submitted a written request for extension due to the current workload for all election manufacturers in the 2008 state primary season leading up to the Presidential election. There was not sufficient time to ascertain details of the Phase II research and respond to the request for an executed letter of understanding. To be responsive to these concerns, and to ensure that the voting system manufacturers have sufficient time to respond to the request, NIST is allowing submission for an additional 30 days.

¹⁵ See, e.g., *Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination Carbon and Certain Alloy Steel Wire Rod from Germany*, 67 FR 55808, 55809 (August 30, 2002).

¹⁶ The programs preliminarily determined to provide a countervailable benefit are *Government Policy Lending, Provision of Land for Less Than Adequate Remuneration to SOEs, Tax Subsidies to FIEs in Specifically Designated Geographic Areas, Local Income Tax Exemption and Reduction Programs for "Productive" PIEs, VAT and Tariff Exemptions for FIEs and Certain Domestic Enterprises Using Imported Equipment in Encouraged Industries, the State Key Technologies Renovation Project Fund, and Provision of Natural and Synthetic Rubber by SOEs for Less Than Adequate Remuneration*.

Dated: April 16, 2008.

James M. Turner,

Deputy Director.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XH27

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Applications for scientific research permits, permit modifications, and renewals.

SUMMARY: Notice is hereby given that NMFS has received 15 scientific research permit application requests relating to Pacific salmon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts.

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on May 22, 2008.

ADDRESSES: Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232-1274. Comments may also be sent via fax to 503-230-5441 or by e-mail to resapps.nwr@NOAA.gov.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Portland, OR (ph.: 503-231-2005, Fax: 503-230-5441, e-mail: Garth.Griffin@noaa.gov). Permit application instructions are available from the address above.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened lower Columbia River (LCR), threatened upper Willamette River (UWR), endangered upper Columbia River (UCR), threatened Snake River (SR) spring/summer (spr/sum), threatened SR fall, threatened Puget Sound (PS).

Chum salmon (*O. keta*): threatened Columbia River (CR), threatened Hood Canal summer (HCS).

Steelhead (*O. mykiss*): threatened LCR, threatened UWR, threatened middle Columbia River (MCR), threatened SR, endangered UCR, threatened PS.

Coho salmon (*O. kisutch*): threatened LCR, threatened Southern Oregon Northern California Coasts (SONCC), threatened Oregon Coast (OC).

Sockeye salmon (*O. nerka*): endangered SR.

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222-226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1114 – Renewal

The Washington Department of Fish and Wildlife (WDFW) is seeking to renew permit 1114 for a period of five years. The original permit was in place for five years (63 FR 20169) with three modifications (63 FR 43381, 65 FR 15314, 66 FR 38641); it expired on December 31, 2002. The next Permit 1114 was also in place for five years and expired on December 31, 2007. Under the new Permit, the WDFW would conduct a study that would annually take juvenile, endangered UCR spring Chinook salmon; and juvenile and adult endangered UCR steelhead in the State of Washington. Under this permit, the WDFW would capture juvenile UCR spring Chinook salmon and steelhead as part of a long-term, ongoing smolt monitoring program at Rock Island Dam on the Columbia River. Under the new permit (as with the old) the captured smolts would be held for as long as 24 hours and all would be anesthetized, sampled for data relating to their species, size, origin (hatchery or

natural), and examined for the presence of a coded wire tag (CWT) or passive integrated transponder (PIT) tag. Some of the captured fish would be examined for evidence of gas bubble trauma (GBT) and others would be implanted with a PIT tag. All captured fish would be allowed to recover before being released in the dam's tailrace. The WDFW also expects to capture a few downstream-migrating steelhead kelts during the course of the trapping operation. These fish would simply be anesthetized and immediately moved to the lower sections of the adult fishway where they could recover on their own and continue their migration. The WDFW does not intend to kill any of the fish being captured, but a small percentage may die as a result of the research activities.

The purpose of the research is to provide important information regarding what effects the annual mid- and upper (Columbia) river water allocation budget has on listed salmonids. The data being collected would be used to assess the effects of the water allocation plan and thereby improve smolt migration conditions (e.g., through releasing adequate amounts of upstream water during the migration period) and increase listed spring Chinook and steelhead survival rates. Another important objective of the program is to help resource managers develop the Basin-wide database for PIT-tagged salmonids and thus increase what is known about smolt migration timing and behavior in the Columbia River system.

Permit 1134 – Renewal

The Columbia River Inter-Tribal Fish Commission (CRITFC) is seeking to renew Permit 1134, under which they have been conducting research for more than ten years. The original permit was in place for five years (63 FR 30199) with one amendment (67 FR 43909); it expired on December 31, 2002. The next permit was also in place for five years expiring on December 31, 2007. The CRITFC is now requesting a new five-year permit to continue covering five study projects that, among them, would annually take adult and juvenile threatened SR fall Chinook salmon; adult and juvenile threatened SR spring/summer Chinook salmon; and adult and juvenile threatened SR steelhead in the Snake River basin. There have been some changes in the research over the last ten years and these changes are reflected in this application, nonetheless, the projects proposed are largely continuations of ongoing research. They are: Project 1 – Adult Spring/summer and Fall Chinook