

General updates are as follows. Abundance estimates were updated for 41 stocks, and these updates did not change the status of most stocks. The new abundance for short-finned pilot whales increased the PBR so that the status of this stock was changed from strategic to non-strategic. Information updates for longline fisheries in the Pacific Islands region are also included in a fishery description appendix. Where available, information on subspecies designations has been included in these reports to reflect local taxonomic and conservation issues (Perrin *et al.* 2009).

The former Hawaii stock of spinner dolphin was renamed as the Hawaii pelagic stock, and five new near-shore stocks of spinner dolphins were identified in the Hawaiian Exclusive Economic Zone (EEZ). These new spinner dolphin stocks are the Hawaii (Island) stock, Oahu, Four Islands (Maui, Molokai, Lanai, and Kahoolawe) stock, Niihau stock, Kure-Midway stock, and the Pearl and Hermes stock.

The SAR for the Hawaii stock of bottlenose dolphin was renamed the Hawaii pelagic stock, and four new near-shore stocks were identified. The new bottlenose dolphin stocks are the Kauai-Niihau stock, Oahu stock, Four Islands stock, and the Hawaii (Island) stock.

Three new reports are added for dolphin stocks incidentally taken in longline fisheries or identified during nearshore surveys around American Samoa. American Samoa stocks are added for spinner dolphins, false killer whales, and rough-tooth dolphins. Estimates of mortality and serious injury are provided for false killer whales and rough-toothed dolphins, but there are no abundance estimates for the new American Samoa stocks. Accordingly, the status of each of the three new American Samoa stocks is unknown.

There is a substantial revision of the SAR for the Pacific Islands Stock Complex of false killer whales. Key revisions include stock identity and range, a newly recognized fishery, proration of incidental mortality and serious injury among stocks and fisheries, and abundance estimates for animals south of the U.S. EEZ around Hawaii. Revisions related to stock identity and geographic range include evidence that there is overlap in the ranges of the HI insular and pelagic stocks, both of which are exposed to commercial fishing operations of the Hawaii-based longline fisheries. The identity of the pelagic stock was revised to clarify that the stock occupies international waters as well as the U.S. EEZ around Hawaii; however, the

geographic limits of the stock's range are unknown. The SAR also describes a new commercial fishery, the HI shortline fishery, for which there are anecdotal reports of interactions with false killer whales. Mortality and serious injury of false killer whales incidental to longline fishing are allocated among false killer whale stocks and fisheries by a statistical algorithm, as recommended by the Pacific SRG. The revised SAR also includes an abundance estimate (and PBR) calculated from a 2005 survey south of the HI EEZ, including international waters and the U.S. EEZ surrounding Johnston Atoll.

Dated: July 29, 2010.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

## 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 Changed Circumstances Review**

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

**SUMMARY:** On June 8, 2010, the Department of Commerce ("the Department") published a notice of preliminary results 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").<sup>1</sup> In the *Preliminary Results*, the Department preliminarily found that Mai Shandong Radial Tyre Co., Ltd. ("Mai Shandong") is not the successor-in-interest to Shandong Jinyu Tyre Co., Ltd. ("Shandong Jinyu") for the purposes of determining the antidumping duty cash deposit rate for Mai Shandong. For the final results, the Department continues to find that Mai Shandong is not the successor-in-interest to Shandong Jinyu.

**DATES:** *Effective Date:* August 4, 2010.

**FOR FURTHER INFORMATION CONTACT:** Raquel Silva or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Preliminary Results of Changed Circumstances Review*, 75 FR 32376 (June 8, 2010) ("Preliminary Results").

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.<sup>2</sup> As part of the *Order*, Shandong Jinyu received the amended separate-rate respondent rate of 12.91 percent.<sup>3</sup> On September 14, 2009, Mai Shandong filed a submission requesting that the Department conduct a changed circumstances review of the *Order* to confirm that it is the successor-in-interest to Shandong Jinyu.<sup>4</sup> As part of its September 14, 2009, submission, Mai Shandong requested that the Department conduct an expedited review.

In response to the request, the Department initiated a changed circumstances review of Mai Shandong on November 10, 2009.<sup>5</sup> However, the Department found conclusive evidence lacking and, therefore, determined an expedited preliminary result was not appropriate.<sup>6</sup> Subsequent to initiation, the Department issued, and Mai Shandong responded to, an original and several supplemental questionnaires requesting additional information.

On June 8, 2010, the Department published preliminary results of the changed circumstances review, finding Mai Shandong not to be the successor-in-interest to Shandong Jinyu, and invited interested parties to comment.<sup>7</sup> We received no comments or requests for a hearing from interested parties.

##### **Scope of the Order**

The products covered by the order are new pneumatic tires designed for off-the-road 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

<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) ("Order").

<sup>3</sup> See *Id.* at 51627.

<sup>4</sup> See Letter from Mai Shandong 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) (September 14, 2009).

<sup>5</sup> See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Initiation of Changed Circumstances Review*, 74 FR 57999 (November 10, 2009).

<sup>6</sup> See *Id.* at 58001.

<sup>7</sup> See *Preliminary Results*.

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>8</sup> combine harvesters,<sup>9</sup> agricultural high clearance sprayers,<sup>10</sup> industrial tractors,<sup>11</sup> log-skidders,<sup>12</sup> agricultural implements, highway-towed implements, agricultural logging, and agricultural, industrial, skid-steers/mini-loaders;<sup>13</sup> (2) construction vehicles and equipment, including earthmover articulated dump products, rigid frame haul trucks,<sup>14</sup> front end loaders,<sup>15</sup> dozers,<sup>16</sup> lift trucks, straddle carriers,<sup>17</sup> graders,<sup>18</sup> mobile cranes,<sup>19</sup> compactors; and (3) industrial vehicles and equipment, including smooth floor, industrial, mining, counterbalanced lift trucks, industrial and mining vehicles other than smooth floor, skid-steers/mini-loaders, and smooth floor off-the-

road counterbalanced lift trucks.<sup>20</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>21</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 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).

#### Final Results of the Review

In the *Preliminary Results*, the Department found that Mai International’s acquisition of approximately 90 percent equity in Shandong Jinyu’s OTR tires business resulted in a joint venture that is majority owned and operated by a new, foreign entity, with a new corporate structure, changed management, and significantly altered sales and marketing

<sup>8</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>9</sup> Combine harvesters are used to harvest crops such as corn or wheat.

<sup>10</sup> Agricultural sprayers are used to irrigate agricultural fields.

<sup>11</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>12</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>13</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>14</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>15</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>16</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>17</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>18</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 on to which asphalt or other paving material will be laid.

<sup>19</sup> I.e., “on-site” mobile cranes designed for off-highway use.

<sup>20</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>21</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).

operations.<sup>22</sup> As a result, the Department preliminarily determined that Mai Shandong is a new entity that operates in a significantly different manner from Shandong Jinyu. The Department did not receive any comments on the preliminary results of this review. For the same reasons stated in the preliminary results, the Department continues to find that Mai Shandong is not the successor-in-interest to Shandong Jinyu for the purposes of the antidumping duty proceeding.<sup>23</sup> Accordingly, Mai Shandong remains subject to the PRC-wide entity rate.

#### Notification

The Department will instruct U.S. Customs and Border Protection that the determination from this changed circumstances review will apply to all shipments of the subject merchandise produced and exported by Mai Shandong entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed circumstances review. This cash deposit rate shall remain in effect until publication of the final results of the next administrative review in which Mai Shandong participates.

This notice also serves as a final reminder to parties subject to administrative protective orders (“APOs”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. 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 is published in accordance with sections 751(b)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216.

Dated: July 28, 2010.

#### Paul Piquado,

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-19196 Filed 8-3-10; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

#### Proposal for Minor Adjustments to Optional Alternative Site Framework

The Foreign-Trade Zones (FTZ) Board is inviting public comment on a staff proposal to make minor adjustments to the Board’s practice regarding the alternative site framework (ASF) adopted by the Board in December 2008 (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09) as an option for grantees to designate and manage their general-purpose FTZ sites. The proposed adjustments focus on eliminating the current requirement for “activation limits” on a site-specific basis and on allowing more flexibility regarding letters from jurisdictions within a grantee’s proposed “service area.”

The first modification now proposed for the ASF is to eliminate the current requirement that each site of a participating zone be assigned a specific limit on the amount of space that can be activated with U.S. Customs and Border protection at that site. The original intent of site-specific activation limits was to help ensure compliance with the overall 2,000-acre activation limit for each general-purpose zone project. However, feedback from grantees indicates that the site-specific activation limits are cumbersome in practice. This is particularly true because a grantee could face the burden of requesting changes to site-specific activation limits based on unforeseen circumstances in the future.

In the period since the adoption of the ASF proposal, the FTZ Board staff has been developing a system (the Online FTZ Information System—OFIS) to make available via the internet a range of information about every FTZ site. OFIS will include user accounts for grantees so that a grantee will be able to update the information regarding the amount of space activated at its sites as new activations (or deactivations) occur. Given that the OFIS functionality to display FTZ site information on the internet should be available for general use within a few months, the Board staff is now proposing that the tracking of activated acreage via OFIS be adopted as a substitute for the site-specific activation limits. For any zone already approved under the ASF or with a pending application, the site-specific activation limits contained in the grantee’s application to reorganize under the ASF would simply no longer apply (with only the standard 2,000-acre activation limit for each general-purpose

zone continuing to govern overall activation within the zone).

The second modification proposed by the FTZ Board staff is to allow more flexibility regarding application requirements for letters from jurisdictions (ordinarily counties) within the proposed service area. The Board staff recognizes the challenge that certain grantees have faced in obtaining “support” letters from jurisdictions, particularly given the standard language for such letters initially developed by the staff as part of the implementation of the ASF. As a result, the Board staff proposes to allow the submission in ASF reorganization applications of letters from the jurisdictions which simply (1) acknowledge that the appropriate official(s) of the jurisdiction is aware of the proposal to include the jurisdiction in the service area of the zone in question and (2) present any views of the official(s) of the jurisdiction on the proposal. This proposed modification also recognizes that the regulatory standard (15 CFR 400.23(a)) applicable to the review of such applications includes a range of criteria, one of which is the “views of State and local public officials.”

Public comment on these proposed adjustments to the FTZ Board’s practice regarding the ASF is invited from interested parties. We ask that parties submit their comments electronically to [ftz@trade.gov](mailto:ftz@trade.gov) or fax a copy of their comments, addressed to the Board’s Executive Secretary, to (202) 482-0002. We also ask that parties submit the original of their comments to the Board’s Executive Secretary at the following address: U.S. Department of Commerce, Room 2111, 1401 Constitution Ave. NW., Washington, DC 20230. The closing period for the receipt of public comments is September 3, 2010. Any questions about this request for comments may be directed to the FTZ Board staff at (202) 482-2862.

Dated: July 30, 2010.

#### Andrew McGilvray,

*Executive Secretary.*

[FR Doc. 2010-19139 Filed 8-3-10; 8:45 am]

**BILLING CODE P**

<sup>22</sup> See *Preliminary Results*, 75 FR at 32377-78.

<sup>23</sup> See *Id.*