



C-570-017

Administrative Review

POR: 01/01/2018-12/31/2018

**Public Document**

E&C/OI: MJK

April 16, 2021

**MEMORANDUM TO:** Christian Marsh  
Acting Assistant Secretary  
for Enforcement and Compliance

**FROM:** James Maeder  
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations

**SUBJECT:** Issue and Decision Memorandum for the Final Results and Partial  
Rescission of the 2018 Administrative Review of the  
Countervailing Duty Order of Passenger Vehicle and Light Truck  
Tires from the People's Republic of China

---

## I. SUMMARY

The Department of Commerce (Commerce) completed its administrative review of the countervailing duty (CVD) order on passenger vehicle and light truck tires (PVLTV) from the People's Republic of China (China) covering the period of review (POR) January 1, 2018, through December 31, 2018.<sup>1</sup> After analyzing the comments raised by the interested parties in their case and rebuttal briefs, we have made no changes to the calculations from the *Preliminary Results*. However, in the *Preliminary Results*, we incorrectly stated that we were rescinding the review with respect to Qingdao Fullrun Tyre Tech Corp., Ltd (Fullrun Tyre).<sup>2</sup> We are not rescinding the review with respect to this company, because we never initiated a review under this company name.<sup>3</sup> We are, however, rescinding the review with respect to Qingdao Fullrun Tech Tyre Corp., Ltd. (Fullrun Tech), a company for which a review request was submitted, and

---

<sup>1</sup> See *Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 80 FR 47902 (August 10, 2015) (*Order*).

<sup>2</sup> See *Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Intent to Rescind in Part*, 2018, 85 FR 82437 (December 18, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM). The company names Qingdao Fullrun Tech Tyre Corp., Ltd and Qingdao Fullrun Tyre Tech Corp. Ltd. are similar in nature except for word order. Hereafter, we refer to Qingdao Fullrun Tech Tyre Corp. as "Fullrun Tech." and Qingdao Fullrun Tyre Tech Corp. as "Fullrun Tyre." The abbreviations will be used throughout for clarity.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 53411 (October 7, 2019) (*Initiation Notice*).



upon which we initiated an administrative review.<sup>4</sup> For further information regarding Fullrun Tech and Fullrun Tyre, *see* Comment 2 below.

Below is a complete list of the issues in this review for which we received comments from parties:

Comment 1: Whether the Application of Adverse Facts Available to Triangle Tyre Co., Ltd. Was Lawful

Comment 2: Whether Commerce Should Rescind the Review with Respect to Qingdao Fullrun Tyre Tech Corp., Ltd.

## **II. BACKGROUND**

### **A. Case History**

On December 18, 2020, Commerce published the *Preliminary Results* of this administrative review.<sup>5</sup> The mandatory respondents are Shandong Duratti Rubber Corporation Co. Ltd. (Duratti), Shandong Longyue Rubber Co. Ltd. (Longyue), Shandong Anchi Tyres Co., Ltd. (Shandong Anchi), and Triangle Tyre Co. Ltd. (Triangle Tyre). None of the four respondents submitted a response to the CVD questionnaire,<sup>6</sup> or requested an extension to withdraw their request for review. Rather, each informed Commerce that it did not intend to participate in the administrative review.<sup>7</sup>

Additionally, in the *Preliminary Results*, Commerce stated that Qingdao Fullrun Tech Tyre Corp., Ltd., (Fullrun Tech)<sup>8</sup> was an incorrect form of the company name Qingdao Fullrun Tyre Tech Corp., Ltd. (Fullrun Tyre) and that we intended to rescind the review with respect to Fullrun Tyre because U.S. Customs and Border Patrol (CBP) data showed no entries for Fullrun Tyre.

On January 19, 2021, we received a case brief and a letter in lieu of a case brief from Triangle Tyre and Fullrun Tyre, respectively.<sup>9</sup> On January 29, 2021, the petitioner<sup>10</sup> submitted its rebuttal brief.<sup>11</sup>

### **B. Period of Review**

---

<sup>4</sup> *Id.*

<sup>5</sup> *See Preliminary Results.*

<sup>6</sup> *See Preliminary Results* PDM at 2-3.

<sup>7</sup> *Id.*

<sup>8</sup>

<sup>9</sup> *See* Triangle Tyre's Letter, "Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Case Brief of Triangle Tyre Co., Ltd.," dated January 19, 2021 (Triangle Tyre's Case Brief); *see also* Fullrun Tyre's Letter, "Passenger Vehicle and Light Truck Tires from China-Letter in Lieu of Case Brief," dated January 19, 2021 (Fullrun Tyre's Letter).

<sup>10</sup> The petitioner is the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers Union, AFL-CIO.

<sup>11</sup> *See* Petitioner's Letter, "Administrative Review of the Countervailing Duty Order on Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Petitioner's Rebuttal Brief," dated January 29, 2021 (Petitioner's Rebuttal Brief).

The POR is January 1, 2018, through December 31, 2018.

### **III. SCOPE OF THE *ORDER***

The scope of the *Order* covers passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by this order may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market.

Subject tires have, at the time of importation, the symbol “DOT” on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have the following prefixes or suffix in their tire size designation, which also appears on the sidewall of the tire:

Prefix designations:

P – Identifies a tire intended primarily for service on passenger cars

LT – Identifies a tire intended primarily for service on light trucks

Suffix letter designations:

LT – Identifies light truck tires for service on trucks, buses, trailers, and multipurpose passenger vehicles used in nominal highway service.

All tires with a “P” or “LT” prefix, and all tires with an “LT” suffix in their sidewall markings are covered by the *Order* regardless of their intended use.

In addition, all tires that lack a “P” or “LT” prefix or suffix in their sidewall markings, as well as all tires that include any other prefix or suffix in their sidewall markings, are included in the scope, regardless of their intended use, as long as the tire is of a size that is among the numerical size designations listed in the passenger car section or light truck section of the *Tire and Rim Association Year Book*, as updated annually, unless the tire falls within one of the specific exclusions set out below.

Passenger vehicle and light truck tires, whether or not attached to wheels or rims, are included in the scope. However, if a subject tire is imported attached to a wheel or rim, only the tire is covered by the scope.

Specifically excluded from the scope of the *Order* are the following types of tires:

(1) racing car tires; such tires do not bear the symbol “DOT” on the sidewall and may be marked with “ZR” in size designation;

(2) new pneumatic tires, of rubber, of a size that is not listed in the passenger car section or light truck section of the *Tire and Rim Association Year Book*;

(3) pneumatic tires, of rubber, that are not new, including recycled and retreaded tires;

(4) non-pneumatic tires, such as solid rubber tires;

(5) tires designed and marketed exclusively as temporary use spare tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:

(a) the size designation and load index combination molded on the tire's sidewall are listed in Table PCT-1B ("T" Type Spare Tires for Temporary Use on Passenger Vehicles) of the *Tire and Rim Association Year Book*,

(b) the designation "T" is molded into the tire's sidewall as part of the size designation, and,

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by *Tire and Rim Association Year Book*, and the rated speed is 81 MPH or a "M" rating;

(6) tires designed and marketed exclusively for specialty tire (ST) use which, in addition, exhibit each of the following conditions:

(a) the size designation molded on the tire's sidewall is listed in the ST sections of the *Tire and Rim Association Year Book*,

(b) the designation "ST" is molded into the tire's sidewall as part of the size designation,

(c) the tire incorporates a warning, prominently molded on the sidewall, that the tire is "For Trailer Service Only" or "For Trailer Use Only",

(d) the load index molded on the tire's sidewall meets or exceeds those load indexes listed in the *Tire and Rim Association Year Book* for the relevant ST tire size, and

(e) either

(i) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by *Tire and Rim Association Year Book*, and the rated speed does not exceed 81 MPH or an "M" rating; or;

(ii) the tire's speed rating molded on the sidewall is 87 MPH or an "N" rating, and in either case the tire's maximum pressure and maximum load limit are molded on the sidewall and either

(1) Both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the *Tire and Rim Association Year Book*; or

(2) If the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the *Tire and Rim Association Year Book*, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in either the passenger car or light truck section of the *Tire and Rim Association Year Book*;

(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:

(a) the size designation and load index combination molded on the tire's sidewall are listed in the off-the-road, agricultural, industrial or ATV section of the *Tire and Rim Association Year Book*,

(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is "Not For Highway Service" or "Not for Highway Use",

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the *Tire and Rim Association Year Book*, and the rated speed does not exceed 55 MPH or a "G" rating, and

(d) the tire features a recognizable off-road tread design.

The products covered by the *Order* are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.99.45.10, 4011.99.45.50, 4011.99.85.10, 4011.99.85.50, 8708.70.45.45, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

#### **IV. RESCISSION OF THE ADMINISTRATIVE REVIEW, IN PART**

In the *Preliminary Results*, we stated that Commerce intended to rescind the administrative review with respect to Hankook Tire China Co., Ltd., Fullrun Tyre, and Qingdao Powerich Tyre Co., Ltd., because there were no reviewable entries of subject merchandise during the POR. However, since the *Preliminary Results*, we have reconsidered our decision to rescind the review

with respect to Fullrun Tyre. Because Fullrun Tyre did not request a review and was not identified in the *Initiation Notice*, we cannot rescind the review with respect to that company. Commerce cannot modify the name of the company during the review, as changing the name of the company during the review amounts to adding a new company to the review for which a review was not requested. Because a review was never requested of Fullrun Tyre, we cannot rescind a review with respect to this company.

Rather, we are rescinding the review with respect to Fullrun Tech, the company that requested a review and was named in the *Initiation Notice*, and for which we found no reviewable entries. Therefore, we are rescinding the review solely with respect to Hankook Tire China Co., Ltd., Fullrun Tech, and Qingdao Powerich Tyre Co., Ltd.

## V. RATE FOR NON-SELECTED COMPANIES UNDER REVIEW

To determine the rate for companies not selected for individual examination, Commerce's practice is to weight average the net subsidy rates for the selected mandatory companies, excluding rates that are zero, *de minimis*, or based entirely on facts available. Section 705(c)(5)(A)(ii) of the Tariff Act of 1930, as amended (the Act) also provides that, where all rates are zero, *de minimis*, or based entirely on facts available, we may use "any reasonable method" for assigning the all-others rate.

In CVD administrative reviews, where the number of respondents being individually examined has been limited, Commerce has determined that a "reasonable method" to use to determine the rate applicable to companies that were not individually examined when all the rates of selected mandatory respondents are zero, *de minimis* or based entirely on facts available is to assign to the non-selected respondents the average of the most recently determined rates that are not zero, *de minimis*, or based entirely on facts available.<sup>12</sup> However, if a non-selected respondent has its own calculated rate that is contemporaneous with or more recent than such previous rates, Commerce has found it appropriate to apply that calculated rate to the non-selected respondent, even when that rate is zero or *de minimis*.<sup>13</sup>

In this review, the subsidy rates calculated for Longyue, Duratti, Shandong Anchi, and Triangle Tyre are based entirely on facts available. With regard to the remaining companies under review,<sup>14</sup> but not selected for individual examination, we are assigning the rate of 20.05 percent *ad valorem*, the average of the above-*de minimis* rates calculated in the last review<sup>15</sup>

---

<sup>12</sup> See, e.g., *Circular Welded Carbon Steel Pipes and Tubes from Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2012 and Rescission of Countervailing Duty Administrative Review, in Part*, 79 FR 51140 (August 27, 2014); see also *Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2012*, 79 FR 46770 (August 11, 2014), and accompanying Issues and Decision Memorandum at "Non-Selected Rate."

<sup>13</sup> *Id.*

<sup>14</sup> The respondents not selected for individual investigation are: Jiangsu Hankook Tire Co., Ltd.; Qingdao Fullrun Tyre Corp., Ltd.; and Shandong Province Sanli Tire Manufactured Co., Ltd.

<sup>15</sup> See *Countervailing Duty Order on Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2017*, 85 FR 22718 (April 23, 2020).

## **VI. USE OF FACTS OTHERWISE AVAILABLE AND APPLICATION OF ADVERSE INFERENCES**

There have been no changes to the methodology and calculations from the *Preliminary Results*. As discussed in the *Preliminary Results*, the GOC and mandatory respondents, Duratti, Longyue, Shandong Anchi, and Triangle Tyre, did not participate in this review or respond to Commerce's initial questionnaire. Between February 5, 2020, and March 11, 2020, Duratti, Longyue, Triangle Tyre, and Shandong Anchi informed Commerce that they did not intend to participate in the administrative review, and the GOC did not respond to any of the CVD questionnaires.<sup>16</sup> As a result of the GOC's and the mandatory company respondents' failure to participate in this review and respond to the initial questionnaire, necessary information is not on the record of this review.

To fill in the gap of information, we are basing our findings on facts otherwise available. We continue to determine that an adverse inference is warranted, pursuant to section 776(b) of the Act, because by not responding to the initial questionnaire, the GOC, Longyue, Duratti, Shandong Anchi, and Triangle Tyre did not cooperate to the best of their ability to comply with Commerce's request for information in this review. As a result of the GOC's and the respondents' non-cooperation, we find, as adverse facts available (AFA), that each of the subsidy programs in this administrative review constituted financial contributions under sections 771(5)(B) and (D) of the Act and are specific under section 771(5A) of the Act. We find that Longyue, Duratti, Shandong Anchi, and Triangle Tyre used and benefitted from each program being examined during the POR, and we selected program-specific AFA rates pursuant to Commerce's CVD AFA hierarchy for administrative reviews.

## **VII. ANALYSIS OF COMMENTS**

### **Comment 1: Whether the Application of Adverse Facts Available to Triangle Tyre Co., Ltd. Was Lawful**

*Triangle Tyre Co., Ltd.'s Comments:*

- On October 7, 2019, Commerce published the Initiation Notice.<sup>17</sup> In the notice, Commerce stated that, “{p}ursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review.” The deadline for withdrawal was January 5, 2020.<sup>18</sup>

---

<sup>16</sup> See Duratti's Letter, “Passenger Vehicle and Light Truck Tires from the People's Republic of China-Duratti Notice of Intent Not to Participate,” dated February 5, 2020; see also Longyue's Letter, “Passenger Vehicle and Light Truck Tires from the People's Republic of China-Longyue Notice of Intent Not to Participate,” dated February 5, 2020; Triangle Tyre's Letter, “Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China-Withdrawal from Participation as a Mandatory Respondent, Triangle Tyre Co., Ltd.,” dated March 10, 2020; and Shangdaong Anchi's Letter, “Passenger Vehicle and Light Truck Tires from the People's Republic of China-Shandong Anchi Notice of Intent Not to Participate,” dated March 11, 2020,

<sup>17</sup> See *Initiation Notice*.

<sup>18</sup> See Triangle Tyre's Case Brief at 2.

- Commerce did not choose Triangle Tyre as a mandatory respondent until February 24, 2020, which was 50 days later than the deadline for withdrawal, depriving Triangle Tyre the right to decide whether to participate or withdraw within 90 days of the date of publication.<sup>19</sup>
- Commerce far exceeded the deadline to choose Triangle Tyre as a mandatory respondent. Therefore, Commerce should not apply adverse facts available to Triangle Tyre in the final results.<sup>20</sup>

### *Petitioner's Comments*

- In the *Preliminary Results*, Commerce selected Triangle Tyre as a mandatory respondent after other selected mandatory respondents refused to cooperate. Once selected, Triangle Tyre informed Commerce that it refused to cooperate in this review. As a result, Commerce determined that Triangle Tyre failed to cooperate and withheld information, and so applied total AFA in determining the rate for Triangle Tyre.<sup>21</sup>
- Triangle Tyre's argument that Commerce is treating it unfairly because Commerce has not allowed Triangle Tyre to withdraw from participating in this review, despite the fact that the deadline had already passed, is nonsensical and contrary to clear precedent.<sup>22</sup>
- Section 351.213(d)(1) of Commerce's regulations requires that a party withdraw its request for review within 90 days of the notice of initiation. The Court of International Trade (CIT) has upheld Commerce's authority to reject untimely request withdrawals as the CIT explained in *YC Rubber*. Commerce should reject Triangle Tyre's unsupported arguments.<sup>23</sup>
- Triangle Tyre has never withdrawn its request to be reviewed for this POR. Triangle Tyre has only provided a letter stating that "Triangle Tyre withdraws from participation as a mandatory respondent, through responses to questionnaires." As held in *GODACO*, "Commerce should not be required to decide a request that was not made by a party."<sup>24</sup>

**Commerce's Position:** We agree with the petitioner and will continue to apply AFA to Triangle Tyre because it failed to participate in this administrative review. Commerce's regulations at section 351.213(d)(1) stipulates that Commerce will rescind an administrative review in whole, or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. However, between October 7, 2019, and January 5, 2020 (the deadline for filing a request for withdraw of review), Triangle Tyre did not withdraw its request for review or request that Commerce extend the deadline to withdraw review requests. Because Triangle Tyre failed to withdraw from the review appropriately and failed to respond to Commerce's questionnaires, Commerce resorted to applying facts available with an adverse inference to Triangle Tyre, a mandatory respondent.

---

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> See Petitioner's Rebuttal Brief at 1-2.

<sup>22</sup> *Id.* at 2.

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

<sup>24</sup> *Id.*



Commerce’s decision to require a company to participate after it failed to file a timely request to withdraw from an administrative review has been upheld at the CIT. Specifically, in *GODACO*, the court recently found that Commerce’s decision to reject Golden Quality’s rescission request from the administrative review was reasonable under the first clause of 19 CFR 351.213(d)(1), because the company “failed to request rescission within ninety days of the date the notice of initiation of the requested review was published.”<sup>25</sup> Likewise, in this administrative review, Triangle Tyre did not withdraw its review request within the 90 days of publication of the initiation notice. Triangle Tyre also failed to make a proper request for such an extension of the deadline. Instead, Triangle Tyre merely stated that it “withdraws from participation as a mandatory respondent, through responses to questionnaires, in the above-referenced review” and did not explicitly state that it wished to withdraw from the administrative review itself. If Triangle Tyre wished to withdraw from the review, it needed to explicitly state that it wished to withdraw its request to be reviewed in accordance with 19 CFR 351.213(d)(1).<sup>26</sup> Triangle Tyre failed to do so.

Because Triangle Tyre failed to respond to the initial questionnaire after it was selected as a mandatory respondent, it withheld information that was requested of it and significantly impeded this proceeding. Thus, pursuant to sections 776(a)(1) and (a)(2)(A) through (C) of the Act, we have based our findings regarding each program on the facts otherwise available due to the absence of necessary information on the record. Moreover, Triangle Tyre failed to cooperate by not acting to the best of its ability and, therefore, Commerce is applying facts available with an adverse inference, pursuant to section 776(b) of the Act.

## **Comment 2: Whether Commerce Should Rescind the Review with Respect to Qingdao Fullrun Tyre Tech Corp., Ltd.**

### *Fullrun Tyre’s Comments*

- In the *Preliminary Results*, Commerce rescinded the review with respect to Fullrun Tyre, stating that the company did not have reviewable and suspended entries of subject merchandise.<sup>27</sup>
- However, Fullrun Tyre did have reviewable entries during the POR. In the accompanying AD administrative review, the company submitted a Separate Rate Application with a sample sale that entered during the POR, and Commerce preliminarily granted Fullrun Tyre a separate rate.<sup>28</sup>

### *Petitioner’s Comments:*

---

<sup>25</sup> See *GODACO Seafood Joint Stock Company and Can Tho Import-Export Joint Stock Company et al. v. United States and Catfish Farmers of America et al.*, Consol. Court No. 18-00063, Slip Op. 20-42 (April 1, 2020) (*GODACO*) at 25-26.

<sup>26</sup> See Triangle Tyre’s Letter, “Certain Passenger Vehicle and Light Truck Tires from the People’s Republic of China-Withdrawal from Participation as a Mandatory Respondent, Triangle Tyre Co., Ltd.,” dated March 10, 2020.

<sup>27</sup> See Fullrun Tyre’s Letter at 1.

<sup>28</sup> *Id.*

- In the *Preliminary Results*, Commerce found that three respondents, including Fullrun Tyre, did not have reviewable entries during the POR. As a result, Commerce stated that it intended to rescind the review with respect to those three companies. The company did not point to any evidence on the record that would call that fact into question.<sup>29</sup>
- Fullrun Tyre’s argument is without merit because it ignores the fact that the periods covered by the CVD review and the AD review are not the same. This review covers entries made from January 1, 2018, through December 31, 2018, whereas the AD review covers entries from August 1, 2018, through July 31, 2019.<sup>30</sup>
- Fullrun Tyre’s sample sale that entered during 2018 appears nowhere on the record of this review. Further, Fullrun Tyre made no mention of this unsubstantiated claim during this review before raising it in its case brief. The burden of creating an adequate review lies with the respondent.<sup>31</sup>
- The fact that a respondent had reviewable entries in another review that only partially overlaps with this POR fails to establish that the respondent had reviewable entries during this review period. There is no evidence on the record of this review to demonstrate that Fullrun Tyre had reviewable entries. Commerce cannot ignore that evidence and lack of any contrary information on the record.<sup>32</sup>

**Commerce’s Position:** We agree with the petitioner and are rescinding the review only for the company name as listed in the *Initiation Notice*: Qingdao Fullrun Tech Tyre Corp. (which is identified herein as Fullrun Tech). As stated in the *Preliminary Results*, Commerce ran CBP data for the company names listed in the *Initiation Notice*.<sup>33</sup>

Counsel for Fullrun Tyre submitted a review request on behalf of two companies: Fullrun Tech and “Qingdao Fullrun Tyre Corp., Ltd.”<sup>34</sup> Fullrun Tyre’s review request did not list “Qingdao Fullrun Tyre Tech. Corp., Ltd.” as a company for which a review was being requested.<sup>35</sup> On November 1, 2019, Commerce placed the CBP data on the record and requested that parties provide comments on the data by November 8, 2019.<sup>36</sup> Fullrun Tyre did not comment on the data within the established deadline. Rather, it was not until May 5, 2020, approximately seven months after the review had been initiated, that it reported that the company name was spelled incorrectly in the *Initiation Notice*. Specifically, Fullrun Tyre claimed that the correct name of the company was Qingdao Fullrun Tyre Tech Corp., not Qingdao Fullrun Tech Tyre Corp. (emphasis added). Commerce initiated administrative reviews upon the companies for which review request were submitted. It had no reason to believe that the company inadvertently submitted a review request with the incorrect company name. No evidence, such as a CBP Form 7501 was provided indicating that entries had been made under the correct company name. Commerce ran the CBP data under the requested name at the time of initiation and was not

---

<sup>29</sup> See Petitioner’s Rebuttal Brief at 3.

<sup>30</sup> *Id.* at 4.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 5.

<sup>33</sup> See *Preliminary Results* PDM at 2.

<sup>34</sup> See Fullrun Tyre’s Letter, “Passenger Vehicle and Light Truck Tires from the People’s Republic of China: Request for Administrative Review,” dated September 3, 2019.

<sup>35</sup> *Id.*

<sup>36</sup> See CBP Entry Data.

alerted that it needed to run the data under the “correct” name by November 8, 2019, the deadline for submitting comments on CBP data.

Moreover, Commerce finds unpersuasive Fullrun Tyre’s argument that because Commerce found that it had reviewable entries in the 2018-2019 AD review, Commerce should find that it had entries in the 2018 CVD review. The Act and Commerce’s regulations require each proceeding to stand on the evidence developed in its own record. Commerce cannot make a finding in this review based on information contained in another proceeding. Similarly, the two proceedings cover different periods of review. Therefore, it is possible that an entry made in the AD POR would not have been recorded during the CVD POR. The CBP data indicated that Fullrun Tech, the company listed in the *Initiation Notice*, did not have any reviewable entries during the POR.<sup>37</sup> Therefore rescinding the review for Fullrun Tech is appropriate. For these reasons, Commerce is rescinding the review for the company only with respect to the name used for initiation, *i.e.*, Qingdao Fullrun Tech Tyre Corp., Ltd. (emphasis added).

## VIII. RECOMMENDATION

We recommend approving all of the above positions. If these positions are accepted, we will publish the final results in the *Federal Register*.

☒

☐

\_\_\_\_\_  
Agree

\_\_\_\_\_  
Disagree

4/16/2021

X



Signed by: CHRISTIAN MARSH

Christian Marsh  
Acting Assistant Secretary  
for Enforcement and Compliance

---

<sup>37</sup> *Id.*