

MESSAGE NO: 3165304 MESSAGE DATE: 06/14/2013
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 0250302, 1137303, 1200302,
MESSAGE # 1321314, 2047308
(s):

CASE #(s): C-570-913

EFFECTIVE DATE: 06/14/2013 COURT CASE #: 11-00166

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/14/2013

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for certain new pneumatic off-the-road tires from China imported by OTR Wheel Engineering, Inc. (C-570-913), Court # 11-00166

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 03/22/2013, the U.S. Court of International Trade issued a final decision in the case of OTR Wheel Engineering, Inc. v. United States (Court no. 11-00166). As a result of this decision, the injunction to which message 1277303 refers enjoining liquidation of entries which are subject to the countervailing duty order on certain new pneumatic off-the-road tires from China (C-570-913) that (1) were imported by OTR Wheel Engineering, Inc.; (2) were subject to the April 26, 2011, scope ruling regarding the countervailing duty order on certain new pneumatic off-the-road tires from the People's Republic of China (see message 1137303, dated 05/17/2011); (3) consist of Trac Master and Traction Master Tires as described in that scope ruling; and (4) remain unliquidated as of 5 P.M. on 09/30/2011, dissolved on 05/21/2013.

2. For all shipments of certain new pneumatic off-the-road tires from China that (1) were imported by OTR Wheel Engineering, Inc.; (2) were subject to the April 26, 2011, scope ruling regarding the countervailing duty order on certain new pneumatic off-the-road tires from the People's Republic of China (see message 1137303, dated 05/17/2011); (3) consist of Trac Master and Traction Master Tires as described in that scope ruling; and (4) remained unliquidated as of 5 P.M. on 09/30/2011, assess countervailing duties equal to the applicable rate in effect corresponding to the date of entry as referenced in the messages below:

Msg. 1321314, dated 11/17/2011;

Msg. 2047308, dated 02/16/2012.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 1 and 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of certain new pneumatic off-the-road tires from the People's Republic of China, including OTR Wheel Engineering Inc.'s Trac Master and Traction Master tires referenced

above, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

4. The injunctions with court numbers 08-00285 discussed in message number 0229303, dated 8/17/2010 (corrected by message number 0250302, dated 09/07/2010), and 11-00129 discussed in message number 1131301, dated 05/11/2011 (corrected by message number 1200302, dated 07/19/2011), are applicable to the entries exported by Tianjin United Tire & Rubber International Co., Ltd. (Tutric) and which were entered, or withdrawn from warehouse, for consumption beginning 12/17/2007, and to the entries of subject merchandise which were manufactured and exported by Hebei Starbright Tire Co., Ltd., and which were entered, or withdrawn from warehouse, for consumption during the period 12/17/2007 through 12/31/2008. Accordingly, continue to suspend liquidation of such entries until liquidation instructions are issued.

5. The assessment of countervailing duties by U.S. Customs and Border Protection (CBP) on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O6:GC.)

7. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party