

MESSAGE NO: 3164304 MESSAGE DATE: 06/13/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1137302, 1277303, 2088302,
MESSAGE # 3127301
(s):

CASE #(s): A-570-912

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

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 06/13/2013

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. (A-570-912), 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 antidumping duty order on certain new pneumatic off-the-road tires from China (A-570-912) that (1) were imported by OTR Wheel Engineering, Inc.; (2) were subject to the April 26, 2011, scope ruling regarding the antidumping duty order on certain new pneumatic off-the-road tires from the People's Republic of China (see message 1137302, 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 antidumping duty order on certain new pneumatic off-the-road tires from the People's Republic of China (see message 1137302, 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 an antidumping liability equal to the applicable rate corresponding to the date of entry as referenced in the messages below:

Msg. 2088302, dated 03/28/2012;

Msg. 2088303, dated 03/28/2012;

Msg. 3127301, dated 05/07/2013.

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 antidumping duties for the merchandise at the current rates.

4. There are no injunctions applicable to the entries covered by this instruction.

5. The assessment of antidumping 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 antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping 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. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duty and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

7. 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.)

8. 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