

MESSAGE NO: 3127301 MESSAGE DATE: 05/07/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: ADRV-Administrative Review

FR CITE: 78 FR 22513 FR CITE DATE: 04/16/2013

REFERENCE 1277303
MESSAGE #
(s):

CASE #(s): A-570-912

EFFECTIVE DATE: 04/16/2013 COURT CASE #: 11-00166

PERIOD OF REVIEW: 09/01/2010 TO 08/31/2011

PERIOD COVERED: 09/01/2010 TO 08/31/2011

Notice of Lifting of Suspension Date: 04/16/2013

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 the Peoples Republic of China exported by the PRC-wide entity for the period 09/01/2010 through 08/31/2011 (A-570-912)

1. For all shipments of certain new pneumatic off-the-road tires from the People's Republic of China exported by the PRC-wide entity (A-570-912-000) entered, or withdrawn from warehouse, for consumption during the period 09/01/2010 through 08/31/2011, assess an antidumping liability equal to 210.48 percent of the entered value.
2. The notice of lifting of suspension of liquidation for entries of subject merchandise covered by paragraph 1 occurred with the publication of the final results of administrative review (78 FR 22513, 04/16/2013). Unless instructed otherwise, for all other shipments of certain new pneumatic off-the-road tires from the People's Republic of China, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current cash deposit rates or per-unit amounts.
3. The injunction with court number 11-00166 in message number 1277303 dated 10/04/2011 is applicable to the entries imported by OTR Wheel Engineering, Inc. during the period 9/01/2010 through 08/31/2011. Accordingly, until further notice continue to suspend liquidation of these entries until liquidation instructions are issued.
4. The assessment of antidumping duties by 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

Message Date: 05/07/2013

Message Number: 3127301

Page 2 of 4

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 manufacturer, 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 08:AM.)

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