

MESSAGE NO: 5043309 MESSAGE DATE: 02/12/2015

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE: AFF-Affirmative

FR CITE: 79 FR 71093 FR CITE DATE: 12/01/2014

REFERENCE 4365301
MESSAGE #
(s):

CASE #(s): C-570-017

EFFECTIVE DATE: 12/01/2014 COURT CASE #:

PERIOD OF REVIEW: 01/01/2013 TO 12/31/2013

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: Notice of affirmative preliminary determination and critical circumstances in the countervailing duty investigation of certain passenger vehicle and light truck tires from the PRC (C-570-017)

1. On 12/01/2014, Commerce published in the Federal Register its preliminary affirmative determination and alignment of its final determination in the countervailing duty investigation of certain passenger vehicle and light truck tires from the People's Republic of China from 02/05/2015 until no later than 04/06/2015, thereby aligning it with the due date for the final determination in the antidumping duty investigation of certain passenger vehicle and light truck tires from the People's Republic of China (79 FR 71093).
2. On 12/31/2014, Commerce issued instructions stating that it had issued a notice of the amended affirmative preliminary determination and critical circumstances in the countervailing duty investigation of certain passenger vehicle and light truck tires from the People's Republic of China. See message 4365301 dated 12/31/2014. Message 4365301 supersedes these instructions.
3. The scope of the investigation is 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 investigation 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:

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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 this investigation 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 this investigation 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 physical characteristics:
 - (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) the tire’s speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by TRA, and the rated speed does not exceed 81 MPH or an “M” rating;
- (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 investigation 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.

4. This investigation has been assigned investigation number C-570-017.

5. Because Commerce determined that critical circumstances exist for imports of certain passenger vehicle and light truck tires from the People’s Republic of China from the producers and/or exporters listed below, CBP shall suspend liquidation of all appropriate entries of certain passenger vehicle and light truck tires from the People’s Republic of China that are entered, or withdrawn from warehouse, for consumption on or after 09/02/2014 which is 90 days before the date of publication of the preliminary determination in the Federal Register. Effective 09/02/2014, for entries of certain passenger vehicle and light truck tires from the People’s Republic of China from the producers and/or exporters listed below, CBP shall require a cash deposit equal to the following subsidy rates:

All Others

Case number: C-570-017-000

Subsidy rate: 15.69%

Producer and/or Exporter: Shandong Yongsheng Rubber Group Co., Ltd.

Case number: C-570-017-003

Subsidy rate: 81.29%

6. Commerce found that critical circumstances do not exist for imports of certain passenger vehicle and light truck tires from the People's Republic of China from the producers and/or exporters listed below. For imports of certain passenger vehicle and light truck tires from the People's Republic of China from the producers and/or exporters listed below CBP shall suspend liquidation of such entries which were entered, or withdrawn from warehouse, for consumption on or after 12/01/2014. Effective 12/01/2014, for entries of certain passenger vehicle and light truck tires from the People's Republic of China from the producers and/or exporters listed below, CBP shall require a cash deposit equal to the following subsidy rates:

Producer and/or Exporter: GITI Tire (Fujian) Co., Ltd

Case number: C-570-017-001

Subsidy rate: 17.69%

Note: This rate also applies to the following companies: GITI Tire (China) Investment Company Ltd., GITI Radial Tire (Anhui) Company Ltd., GITI Tire (Hualin) Company Ltd., GITI Steel Cord (Hubei) Company Ltd., and Anhui Prime Cord Fabrics Company Ltd.

Producer and/or Exporter: Cooper Kunshan Tire Co., Ltd.

Case number: C-570-017-002

Subsidy rate: 12.50%

Note: This rate also applies to the following company: Cooper Chengshan (Shandong) Tire Co., Ltd.

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, Enforcement and Compliance, 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 OVII:EH.)

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