

For more information, contact Yvette Springer on 202-482-2813.

Dated: November 17, 2013.

**Kevin J. Wolf,**

*Assistant Secretary for Export Administration.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Emerging Technology and Research Advisory Committee; Notice of Open Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on December 19, 2013, 8:30 a.m., Room 3884, at the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

#### Agenda

*Thursday, December 19*

#### Open Session

1. Opening Remarks and Comments
2. Discussion on status of the Export Control Reform Initiative
3. Emerging Technology Issues
  - Harmonization of definitions: ITAR and EAR
  - Massive On-Line Instruction
  - OY521 and Emerging Technology
  - Exceptions: GOV and Technology Software Unrestricted (TSU)
4. Guest Speaker—National Academies
5. Guest Speaker—National Institutes of Health—Export Controls and Medical Research
6. Public Comments, Suggestions

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov), no later than December 12, 2013.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation

materials prior to the meeting to Ms. Springer via email.

For more information, call Yvette Springer at (202) 482-2813.

Dated: November 20, 2013.

**Yvette Springer,**

*Committee Liaison Officer.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-913]

#### Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony and Notice of Amended Final Determination

**AGENCY:** Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On October 30, 2013, the United States Court of International Trade (CIT) entered final judgment sustaining a remand redetermination of the Department of Commerce (Department) relating to the countervailing duty (CVD) investigation on certain new pneumatic off-the-road tires (OTR tires) from the People's Republic of China.<sup>1</sup> Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final CIT judgment in this case is not in harmony with the Department's final affirmative determination in the CVD investigation of OTR tires from the PRC and is amending its final determination with respect to the total net countervailable subsidy rate calculated for Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC).

**DATES:** *Effective Date:* November 9, 2013.

**FOR FURTHER INFORMATION CONTACT:** Jun Jack Zhao, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-1396.

<sup>1</sup> See *GPX Int'l Tire Corp. v. United States*, Consol. Ct. No. 08-00285, Slip Op. 13-132 (Ct. Int'l Trade Oct. 30, 2013) (*GPX VIII*).

**SUPPLEMENTARY INFORMATION:** In July 2008, the Department published a final determination in which it found that countervailable subsidies are being provided to producers/exporters of OTR tires from the PRC.<sup>2</sup> As part of the *Final Determination*, the Department calculated a CVD rate for TUTRIC of 6.85 percent.<sup>3</sup> A summary of that determination and resulting domestic litigation can be found in *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony*, 75 FR 62505 (October 12, 2010) (2010 *Timken Notice*).

In May 2012, the CAFC vacated and remanded the earlier final judgment of the CIT referenced in the 2010 *Timken Notice*.<sup>4</sup> The CIT subsequently ordered the Department to reconsider several methodological and calculation issues from the *Final Determination*.<sup>5</sup> On remand, the Department recalculated the subsidy rate for TUTRIC's debt forgiveness as well as its total countervailable subsidy rate.<sup>6</sup> The CIT sustained the Department's Remand Redetermination in *GPX VIII*.

#### Timken Notice

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(c) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's October 30, 2013, judgment in *GPX VIII* constitutes a final decision of that court that is not in harmony with the Department's final determination. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. Since the *Final Determination*, the Department has established a new cash deposit rate

<sup>2</sup> See *Certain New Pneumatic Off-The-Road-Tires From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Negative Determination of Critical Circumstances*, 73 FR 40480 (July 15, 2008) (*Final Determination*).

<sup>3</sup> *Id.*, 73 FR 40483.

<sup>4</sup> See *GPX Int'l Tire Corp. v. United States*, 678 F.3d 1308 (Fed. Cir. 2012).

<sup>5</sup> See *GPX Int'l Tire Corp. v. United States*, 893 F. Supp. 2d 1296 (Ct. Int'l Trade 2013).

<sup>6</sup> See Final Results of Redetermination Pursuant to Remand, CIT Consol. Court No. 08-00285 (April 16, 2013) (Remand Redetermination).