

MESSAGE NO: 3060111 MESSAGE DATE: 03/01/1993
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-205

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/29/1993 TO

Notice of Lifting of Suspension Date: 11/22/1992

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION - NOTICE OF COURT DECISION AND REVOCATION OF
ANTIDUMPING ORDER ON OSCILATING FANS FROM THE PEOPLE'S REPUBLIC OF CHINA
(012993 IS DATE OF FED REG PUBLICATION)

MESSAGE NO: 3060111 DATE: 03 01 1993

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 205 - -

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PERIOD COVERED: 01 29 1993 TO

LIQ SUSPENSION DATE: 11 22 1992

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: LIQUIDATION - NOTICE OF COURT DECISION AND REVOCATION
OF ANTIDUMPING ORDER ON OSCILATING FANS FROM THE PEOPLE'S
REPUBLIC OF CHINA (012993 IS DATE OF FED REG PUBLICATION)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON
JANUARY 29, 1993, ITS NOTICE OF COURT DECISION AND REVOCATION OF THE
ANTIDUMPING ORDER REGARDING OSCILLATING FANS FROM THE PEOPLE'S
REPUBLIC OF CHINA.

2. THE PRODUCTS COVERED BY THIS ORDER ARE OSCILLATING FANS FROM THE
PRC. OSCILLATING FANS ARE ELECTRIC FANS THAT DIRECT A FLOW OF AIR
USING A FAN BLADE/MOTOR UNIT THAT PIVOTS BACK AND FORTH ON A

STATIONARY BASE ("OSCILLATES"). OSCILLATING FANS INCORPORATE A SELF-CONTAINED ELECTRIC MOTOR OF AN OUTPUT NOT EXCEEDING 125 WATTS. OSCILLATING FANS ARE PROVIDED FOR UNDER HTS SUBHEADING 8414.51.0090. THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES. OUR WRITTEN DESCRIPTION OF THE SCOPE OF THIS PROCEEDING IS DISPOSITIVE.

3. ON NOVEMBER 12, 1992, THE UNITED STATES COURT OF INTERNATIONAL TRADE AFFIRMED THE DEPARTMENT OF COMMERCE'S REMAND DETERMINATION REGARDING HOLMES PRODUCTS CORP. THE REMAND RESULTED IN A FINDING OF 0.48 PERCENT, (DE MINIMIS) MARGIN AND A NEGATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE FOR THE OSCILLATING FAN INVESTIGATION.

4. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-807. THIS NUMBER SHOULD BE USED WHEN DEALING WITH THE DEPARTMENT OF COMMERCE ONLY. THE CUSTOMS IDENTIFICATION NUMBER IS TO BE USED FOR CUSTOMS IDENTIFICATION PURPOSES AND BLUE LINE REPORTS.

5. BASED ON THE REMAND RESULTS, THE U.S. CUSTOMS SERVICE SHOULD TERMINATE THE SUSPENSION OF LIQUIDATION AND PROCEED WITH LIQUIDATION OF THE MERCHANDISE FROM ALL MANUFACTURERS, PRODUCERS OR EXPORTERS, WHICH ENTERED THE UNITED STATES AFTER NOVEMBER 22, 1992, WITHOUT REGARD TO DUMPING DUTIES. IN ADDITION, YOU SHOULD RELEASE ALL CASH DEPOSITS OR BONDS POSTED ON ENTRIES OF OSCILLATING FANS WHICH ENTERED THE UNITED STATES AFTER NOVEMBER 22, 1992.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, WHICH REQUIRES INTEREST TO BE PAID ON OVERPAYMENTS AND UNDERPAYMENTS OF AMOUNTS DEPOSITED AS ESTIMATED DUMPING DUTIES. CALCULATE INTEREST

FROM THE DATE OF PAYMENT OF ESTIMATED DUMPING DUTIES THROUGH THE

DATE

OF LIQUIDATION, USING THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE FOR SUCH PERIOD.

7. THE U.S. CUSTOMS SERVICE SHOULD CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES THAT WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER OCTOBER 25, 1991, THROUGH NOVEMBER 22, 1992. THE ESTIMATED AMENDED FINAL MARGIN PERCENTAGES APPLICABLE DURING THIS PERIOD SHALL REMAIN 0.79 PERCENT.

MANUFACTURER/PRODUCER	CUSTOMS ID	MARGIN PERCENTAGES
EXPORTER	NUMBER	10/25/91- AFTER
	11/22/92	11/22/92

OSCILLATING FANS:

ESTEEM INDUSTRIES, LTD.	A570-205-001	0.79	0.48
	DE MINIMIS		
HASM MANUFACTURING CO.,LTD	A-570-205-002	0.79	0.48
	DE MINIMIS		
HOLMES PRODS (FAR EAST) LTD.	A-570-205-003	0.79	0.48
	DE MINIMIS		
SUPER ELECTRIC MOTOR LTD.	A-570-205-004	0.79	0.48
	DE MINIMIS		
ASCO GENERAL SUPPLIES			
(FAR EAST) LTD.	A-570-205-005	0.79	0.48
	DE MINIMIS		
ALL OTHERS	A-570-205-000	0.79	0.48
	DE MINIMIS		

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH BY EMAIL ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT MARK WELLS, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL

TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE AT (202) 482-3003.

9.THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

Nancy McTiernan

Company Details

*Party Indicator Value:

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