

MESSAGE NO: 3118206 MESSAGE DATE: 04/28/2003
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-570-877

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/04/2002 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: FINAL DETERMINATION IN THE INVESTIGATION OF FENCE POSTS FROM CHINA
(A-570-877)

MESSAGE NO: 3118206 DATE: 04 28 2003

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 877 - -

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PERIOD COVERED: 12 04 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: FINAL DETERMINATION IN THE INVESTIGATION OF FENCE POSTS
FROM CHINA (A-570-877)

1. ON APRIL 25, 2003, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF LAWN AND GARDEN STEEL FENCE POSTS FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC).

2. FOR PURPOSES OF THIS INVESTIGATION, THE PRODUCTS COVERED CONSIST OF ALL "U" SHAPED OR "HAT" SHAPED LAWN AND GARDEN FENCE

POSTS MADE OF STEEL AND/OR ANY OTHER METAL, WEIGHING 1 POUND OR LESS PER FOOT, AND PRODUCED IN THE PRC. THE FENCE POSTS INCLUDED WITHIN THE SCOPE OF THIS INVESTIGATION WEIGH UP TO 1 POUND PER FOOT AND ARE MADE OF STEEL AND/OR ANY OTHER METAL. IMPORTS OF THESE PRODUCTS ARE CLASSIFIED UNDER THE FOLLOWING CATEGORIES: FENCE POSTS, STUDDED WITH CORRUGATIONS, KNOBS, STUDS, NOTCHES OR SIMILAR PROTRUSIONS WITH OR WITHOUT ANCHOR POSTS AND EXCLUDE ROUND OR SQUARE TUBING OR PIPES. THESE POSTS ARE NORMALLY MADE IN TWO DIFFERENT CLASSES, LIGHT AND HEAVY DUTY. LIGHT DUTY LAWN AND GARDEN FENCE POSTS ARE NORMALLY MADE OF 14 GAUGE STEEL (0.068 INCHES - 0.082 INCHES THICK), 1.75 INCHES WIDE, IN 3, 4, 5, OR 6 FOOT LENGTHS. THESE POSTS NORMALLY WEIGH APPROXIMATELY 0.45 POUNDS PER FOOT AND ARE PACKAGED IN MINI-BUNDLES OF 10 POSTS AND MASTER BUNDLES OF 400 POSTS. HEAVY DUTY LAWN AND GARDEN STEEL FENCE POSTS ARE NORMALLY MADE OF 13 GAUGE STEEL (0.082 INCHES - 0.095 INCHES THICK), 3 INCHES WIDE, IN 5, 6, 7, AND 8 FOOT LENGTHS. HEAVY DUTY POSTS NORMALLY WEIGH APPROXIMATELY 0.90 POUNDS PER FOOT AND ARE PACKAGED IN MINI-BUNDLES OF 5 AND MASTER BUNDLES OF 200. BOTH LIGHT DUTY AND HEAVY DUTY POSTS ARE INCLUDED WITHIN THE SCOPE OF THE INVESTIGATION.

IMPORTS OF THESE PRODUCTS ARE CLASSIFIED UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) SUBHEADING 7326.90.85.35. FENCE POSTS CLASSIFIED UNDER SUBHEADING 7308.90 ARE ALSO INCLUDED WITHIN THE SCOPE OF THE INVESTIGATION IF THE FENCE POSTS ARE MADE OF STEEL AND/OR METAL.

SPECIFICALLY EXCLUDED FROM THE SCOPE ARE OTHER POSTS MADE OF STEEL AND/OR OTHER METAL INCLUDING "TEE" POSTS, FARM POSTS, AND SIGN POSTS, REGARDLESS OF WEIGHT. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND U.S. CUSTOMS SERVICE (CUSTOMS) PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-877.

4. FOR IMPORTS OF LAWN AND GARDEN STEEL FENCE POSTS FROM THE PRC, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATIONS OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, WITH THE

EXCEPTION OF MERCHANDISE EXPORTED BY SHANGHAI BAOSTEEL INTERNATIONAL ECONOMIC AND TRADING CO., LTD. WHICH WAS PRODUCED BY HANGZHOU HONGYUAN SPORTING GOODS COMPANY, LTD., FOR CONSUMPTION ON OR AFTER DECEMBER 4, 2002. EFFECTIVE APRIL 25, 2003, CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

MANUFACTURERS/PRODUCERS	CUSTOMS ID NUMBER	MARGIN (PERCENTAGE)
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HEBEI METALS AND MINERALS IMPORTS AND EXPORT CORPORATION	A-570-877-002	6.60
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PRC-WIDE RATE	A-570-877-000	15.61
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5. THE DEPARTMENT OF COMMERCE FOUND THAT A DE MINIMIS MARGIN OF 1.42 EXISTS WITH RESPECT TO CHINA NANYANG IMPORT EXPORT CORPORATION (CUSTOMS ID NUMBER A-570-877-003). ACCORDINGLY, CUSTOMS IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR SHIPMENTS OF LAWN AND GARDEN STEEL FENCE POSTS FROM THE PRC ENTERED, OR WITHDRAWN FROM WAREHOUSE BY CHINA NANYANG IMPORT

EXPORT CORPORATION, WHICH WAS PRODUCED BY TIANJIN SHENYUAN STEEL COMPANY, LTD. OR TIANJIN SUNNY STEEL PRODUCTS COMPANY, LTD., FOR CONSUMPTION ON OR AFTER DECEMBER 4, 2002, AND TO RELEASE ANY BOND OR OTHER SECURITY, AND REFUND ANY CASH DEPOSIT.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT SALIM BHABHRAWALA, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-1784.

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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