

MESSAGE NO: 3147112 MESSAGE DATE: 05/27/1993

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: REV-Revocation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3060111  
MESSAGE #  
(s):

CASE #(s): A-570-205

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/05/1991 TO 11/21/1992

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: RETROACTIVE REVOCATION OF ANTIDUMPING DUTY ORDER, & TERMINATION OF ADMIN REVIEW FOR OSCILLATING FANS FROM THE PRC (A-570-205)

MESSAGE NO: 3147112

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CATEGORY: ADA

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CASES: A - 570 - 205

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PERIOD COVERED: 06 05 1991 TO 11 21 1992

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: RETROACTIVE REVOCATION OF ANTIDUMPING DUTY ORDER, &  
TERMINATION OF ADMIN REVIEW FOR OSCILLATING FANS FROM  
THE PRC (A-570-205)

1. THE DEPARTMENT OF COMMERCE ("THE DEPARTMENT") PUBLISHED IN THE FEDERAL REGISTER ON MAY 25, 1993, ITS NOTICE OF COURT DECISION, RETROACTIVE REVOCATION OF THE ANTIDUMPING ORDER AND TERMINATION OF

THE ADMINISTRATIVE REVIEW ON OSCILLATING FANS FROM THE PEOPLE'S REPUBLIC OF CHINA. (A-570-205)

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 MAY 12, 1993, THE UNITED STATES COURT OF INTERNATIONAL TRADE ORDERED THE DEPARTMENT TO INSTRUCT CUSTOMS TO LIQUIDATE ENTRIES OF

THE SUBJECT MERCHANDISE BACK TO JUNE 5, 1991, THE DATE OF THE DEPARTMENT'S PRELIMINARY DETERMINATION AND ORIGINAL SUSPENSION OF LIQUIDATION, WITHOUT REGARD TO ANTIDUMPING DUTIES. AS A RESULT OF THE COURT'S ORDER, THE DEPARTMENT IS REVOKING, RETROACTIVE TO JUNE 5, 1991, THE ANTIDUMPING DUTY ORDER ON ALL ENTRIES OF OSCILLATING FANS FROM THE PRC. IN ADDITION, AS THE RESULT OF THE COURT'S DECISION, WE HAVE TERMINATED THE ADMINISTRATIVE REVIEW ON OSCILLATING FANS INITIATED ON FEBRUARY 23, 1993, FOR THE PERIOD JUNE 5, 1991 THROUGH NOVEMBER 30, 1992.

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 A-570-205.

5. BASED ON THE RESULTS OF OUR RETROACTIVE REVOCATION, CUSTOMS SHOULD

LIQUIDATE ALL ENTRIES OF OSCILLATING FANS FROM THE PERIOD JUNE 5, 1991, (THE DATE OF THE DEPARTMENT'S PRELIMINARY DETERMINATION AND ORIGINAL SUSPENSION OF LIQUIDATION) TO NOVEMBER 21, 1992, WITHOUT REGARD TO ANTIDUMPING DUTIES. IN ADDITION, CUSTOMS SHOULD RELEASE ALL CASH DEPOSITS OR BONDS POSTED ON ENTRIES OF OSCILLATING FANS WHICH ENTERED THE UNITED STATES ON OR AFTER THE PERIOD JUNE 5, 1991 TO NOVEMBER 21, 1992. REFUND ALL CASH DEPOSITS, INCLUDING INTEREST COLLECTED ON THE PAYMENT OF ESTIMATED DUMPING DUTIES. CALCULATE THE

INTEREST PAYABLE FROM THE DATE OF PAYMENT OF ESTIMATED DUMPING DUTIES THROUGH MAY 22, 1993 (THE EFFECTIVE DATE OF THE COURT'S DECISION), USING THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE FOR SUCH PERIOD.

6. CUSTOMS OFFICIALS SHOULD NOTE THAT THE INSTRUCTIONS IN E-MAIL MESSAGE 3060111, DATED MARCH 1, 1993, INSTRUCTING CUSTOMS TO TERMINATE THE SUSPENSION OF LIQUIDATION AND PROCEED WITH THE LIQUIDATION OF OSCILLATING FANS FROM THE PRC FROM ALL MANUFACTURERS,

PRODUCERS OR EXPORTERS, WHICH ENTERED THE UNITED STATES ON OR AFTER NOVEMBER 22, 1992, WITHOUT REGARD TO DUMPING DUTIES, REMAINS IN EFFECT.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD CONTACT THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, VIA EMAIL BY USING 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.

8. 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