

MESSAGE NO: 3226205 MESSAGE DATE: 08/14/2003
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-580-839

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2002 TO 04/30/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS IN CERTAIN POLYESTER STAPLE FIBER FROM KOREA (A-580-839)

MESSAGE NO: 3226205 DATE: 08 14 2003

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 580 - 839 - -

- - - -

- - - -

PERIOD COVERED: 05 01 2002 TO 04 30 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS IN CERTAIN POLYESTER STAPLE FIBER FROM KOREA (A-580-839)

1. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 351.213 OF THE COMMERCE DEPARTMENT REGULATIONS.

2. THE DEPARTMENT OF COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIODS AND ON THE MERCHANDISE LISTED BELOW, EXCEPT FOR THE FIRMS

NOTED. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF THE COMMERCE DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR

CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY. IN ADDITION, IN ACCORDANCE WITH A PRELIMINARY INJUNCTION ISSUED BY THE COURT OF INTERNATIONAL TRADE ON 10/23/2001 (SEE MESSAGE NO. 2168204, AS CORRECTED BY MESSAGE NO. 2232201), DO NOT LIQUIDATE ENTRIES OF ANY PRODUCERS OR EXPORTERS THAT WERE ENTERED BY, THROUGH, OR ON BEHALF OF STEIN FIBERS, LTD., A U.S. IMPORTER OF THE SUBJECT MERCHANDISE, AND WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER

11/08/1999.

CERTAIN POLYESTER STAPLE FIBER FROM KOREA (A-580-839)

PERIOD: 05/01/2002 - 04/30/2003

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

DAEHAN SYNTHETIC FIBER CO.	(A-580-839-011)
DAEYANG INDUSTRIAL CO., LTD.	(A-580-839-005)
EAST YOUNG CO., LTD.	(A-580-839-012)
ESTAL INDUSTRY CO., LTD.	(A-580-839-006)
GEUM POONG CORPORATION	(A-580-839-003)
HUVIS CORPORATION	(A-580-839-004)
KEON BAEK CO., LTD.	(A-580-839-007)
MIJUNG IND. CO., LTD.	(A-580-839-008)
SAEHAN INDUSTRIES, INC.	(A-580-839-013)
SAMHEUNG CO., LTD.	(A-580-839-014)
SAM YOUNG SYNTHETICS CO., LTD.	(A-580-839-002)
SUNGLIM CO., LTD.	(A-580-839-009)

3. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING REVIEW. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR PRODUCED BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR

CONSUMPTION DURING THIS PERIOD.

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE EXCEPT FOR THE EXCEPTED FIRMS AND STEIN FIBERS LTD. (SEE PARAGRAPH 2 ABOVE). FOR ALL OTHER SHIPMENTS OF CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF KOREA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS

OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES PLEASE
CONTACT ANDREW MCALLISTER, OFFICE OF AD/CVD ENFORCEMENT, IMPORT
ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S.
DEPARTMENT OF COMMERCE, AT (202) 482-1174 OR
ANDREWMCALLISTER@ITA.DOC.GOV

8. 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