

MESSAGE NO: 4140202 MESSAGE DATE: 05/19/2004  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3183201  
MESSAGE #  
(s):  
CASE #(s): A-557-809

EFFECTIVE DATE: COURT CASE #:  
PERIOD OF REVIEW: TO  
PERIOD COVERED: 02/01/2002 TO 01/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR STAINLESS STEEL BUTT-WELD FITTINGS  
FROM MALAYSIA PRODUCED BY KANZEN TETSU SDN. BHD.(A-557-809-001)

MESSAGE NO: 4140202

DATE: 05 19 2004

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 3183201

REFERENCE DATE: 07 02 2003

CASES: A - 557 - 809

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PERIOD COVERED: 02 01 2002 TO 01 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR STAINLESS STEEL BUTT-WELD  
FITTINGS FROM MALAYSIA PRODUCED BY KANZEN TETSU SDN.  
BHD.(A-557-809-001)

1. FOR ALL SHIPMENTS OF STAINLESS STEEL BUTT-WELD PIPE FITTINGS  
FROM MALAYSIA PRODUCED OR EXPORTED BY KANZEN TETSU SDN. BHD., AND  
ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE

PERIOD FEBRUARY 1, 2002, THROUGH JANUARY 31, 2003, ASSESS AN  
ANTIDUMPING LIABILITY AT THE CASH DEPOSIT RATE IN EFFECT ON THE  
DATE OF ENTRY.

2. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF

SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. NOTE THAT ALL OTHER SHIPMENTS OF STAINLESS STEEL BUTT-WELD PIPE FITTINGS FROM MALAYSIA FOR THE PERIOD FEBRUARY 1, 2002 THROUGH JANUARY 31, 2003 WERE ORDERED LIQUIDATED PURSUANT TO MESSAGE NUMBER 3106204 ON APRIL 16, 2003, AND MESSAGE NUMBER 3183201 ON JULY 2, 2003. YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

3. THE ASSESSMENT OF ANTIDUMPING DUTIES BY U.S. CUSTOMS AND BORDER PROTECTION ("CBP") ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND 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 PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED 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.

4. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP 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 CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

5. LIQUIDATION OF ENTRIES FOR KANZEN TETSU SDN. BHD. WERE SUBJECT TO A PRELIMINARY INJUNCTION AS EXPLAINED IN MESSAGE NUMBER 2284205 DATED OCTOBER 11, 2002. ON JUNE 27, 2003, THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT DENIED KANZEN TETSU SDN. BHD.'S APPEAL OF THE UNITED STATES COURT OF INTERNATIONAL TRADE'S AFFIRMATION OF THE DEPARTMENT'S FINAL DETERMINATION. ON DECEMBER 11, 2003, THE TIME EXPIRED FOR KANZEN TETSU SDN. BHD. TO REQUEST AN APPEAL AT THE UNITED STATES SUPREME COURT. THEREFORE, AS OF THAT DATE, THE LITIGATION WAS CONCLUDED, THE FINAL DETERMINATION BECAME FINAL AND CONCLUSIVE. ACCORDINGLY THE PRELIMINARY INJUNCTION WAS LIFTED, PERMITTING ISSUANCE OF THESE LIQUIDATION INSTRUCTIONS.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G3O9:JD).

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