

MESSAGE NO: 4343204 MESSAGE DATE: 12/08/2004  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4280203  
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: LIQUIDATION INSTRUCTIONS FOR CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF KOREA (A-580-839)

MESSAGE NO: 4343204

DATE: 12 08 2004

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 4280203

REFERENCE DATE: 10 06 2004

CASES: A - 580 - 839

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PERIOD COVERED: 05 01 2002 TO 04 30 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF KOREA (A-580-839)

1. ON AUGUST 11, 2004, THE COURT OF INTERNATIONAL TRADE ("CIT") DISSOLVED THE PRELIMINARY INJUNCTION (CONSOLIDATED TEXTILES, INC. v. UNITED STATES: CIT CASE # 04-101) ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER OR FINDING ON CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF KOREA (A-580-839), ENTERED BY, THROUGH, OR ON BEHALF OF CONSOLIDATED TEXTILES, INC. ("CONSOLIDATED TEXTILES").

2. IN ACCORDANCE WITH MESSAGE NO. 4280203, FOR ENTRIES OF SUBJECT MERCHANDISE PRODUCED OR EXPORTED BY GEUM POONG CORPORATION WHICH WERE ENTERED BY, THROUGH, OR ON BEHALF OF CONSOLIDATED TEXTILES AND WHICH WERE ENTERED, OR WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 05/01/2002 TO 09/29/2002, LIQUIDATE AT THE CASH DEPOSIT RATE AT THE TIME OF ENTRY. FOR ENTRIES OF SUBJECT MERCHANDISE PRODUCED OR EXPORTED BY GEUM POONG WHICH WERE ENTERED BY, THROUGH, OR ON BEHALF OF CONSOLIDATED TEXTILES AND WHICH WERE ENTERED, OR WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 09/30/2002 TO 04/30/2003, LIQUIDATE WITHOUT REGARD TO ANTIDUMPING DUTIES.

3. AS A RESULT OF THE CIT'S DECISION CITED IN PARAGRAPH 1, LIQUIDATE ENTRIES OF SUBJECT MERCHANDISE WHICH WERE ENTERED BY, THROUGH, OR ON BEHALF OF CONSOLIDATED TEXTILES AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE

PERIOD 05/01/2002 THROUGH 04/30/2003, EXCEPT FOR ENTRIES OF SUBJECT MERCHANDISE PRODUCED OR EXPORTED BY THE FIRMS LISTED

BELOW. ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION BY CONSOLIDATED TEXTILES AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY. AS A RESULT OF THE DEPARTMENT OF COMMERCE'S ("COMMERCE") AMENDED FINAL DETERMINATION, FOR ENTRIES MADE FROM 09/30/2002 THROUGH 04/30/2003, THE ANTIDUMPING DUTY LIABILITY IS NOT TO EXCEED 7.91 PERCENT OF THE ENTERED VALUE (SEE MESSAGE NO. 4030208).

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

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

LIQUIDATE ENTRIES BY CONSOLIDATED TEXTILES FOR ALL FIRMS EXCEPT:

HUVIS CORPORATION

(A-580-839-004)

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KEON BAEK CO., LTD.

(A-580-839-007)

SAEHAN INDUSTRIES, INC.

(A-580-839-013)

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE IMPORTER, MERCHANDISE, AND PERIOD LISTED ABOVE EXCEPT FOR THE EXCEPTED FIRMS (SEE PARAGRAPH 3 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 U.S. CUSTOMS AND BORDER PROTECTION ("CBP") 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 CBP 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, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CBP 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, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES

DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY 01:AM).

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