

MESSAGE NO: 5018111 MESSAGE DATE: 01/18/1995  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: SCO-Scope PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/03/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULIN ON ANTIDUMPING ORDER ON PORTABLE CELLULAR TELEPHONES  
FROM JAPAN (A-588-405)

MESSAGE NO: 5018111 DATE: 01 18 1995

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 588 - 405 - -

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PERIOD COVERED: 01 03 1995 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: SCOPE RULIN ON ANTIDUMPING ORDER ON PORTABLE CELLULAR  
TELEPHONES FROM JAPAN (A-588-405)

1. ON JANUARY 3, 1995, IN RESPONSE TO A REQUEST BY NEC CORPORATION AND NEC AMERICA INC. (NEC), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT THE NEC MODELS MP5A1D1 AND MP5A1D2 PORTABLE CELLULAR TELEPHONE ARE NOT WITHIN THE SCOPE OF ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES (CMTS) AND SUBASSEMBLIES FROM JAPAN.

2. THE COMMERCE DEPARTMENT DETERMINED THAT THE NEC MODELS

MP5A1D1 AND MP5A1D2 COMBINATION UNITS SATISFY ALL OF THE CRITERIA ESTABLISHED FOR DETERMINING WHETHER MERCHANDISE IS "POCKET-SIZE AND SELF-CONTAINED" AND, FURTHER, THAT THE NEC MODELS MP5A1D1 AND MP5A1D2 ARE INTENDED PRIMARILY FOR PORTABLE, HAND-HELD USE AND THAT THERE ARE NOTHING ON THE RECORD THAT INDICATES THAT THE UNITS IS NOT PRIMARILY PORTABLE CELLULAR TELEPHONES. THEREFORE, THE NEC MODELS MP5A1D1 AND MP5A1D2 ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CMTS AND SUBASSEMBLIES FROM JAPAN.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE NEC MP5A1D1 AND MP5A1D2 PORTABLE CELLULAR TELEPHONES FROM JAPAN.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE NEC MP5A1D1 AND MP5A1D2 PORTABLE CELLULAR TELEPHONES.
5. THE REFUND OF CASH DEPOSITS BY THE CUSTOMS SERVICE ON 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. 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. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF CELLULAR MOBILE TELEPHONES THAT HAVE NO EXCLUSIONARY CHARACTERISTICS AND ALL OTHER ENTRIES OF CELLULAR MOBILE TELEPHONES SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES FROM JAPAN.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR TO THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH USING ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RONALD TRENTHAM AT 202-482-3931, OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.

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

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## Company Details

\*Party Indicator Value:

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