

MESSAGE NO: 5024114 MESSAGE DATE: 01/24/1995
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 RULING ON ANTIDUMPING ORDER ON PORTABLE CELLULAR
TELEPHONES FROM JAPAN (A-588-405) FOR JRC INTERNATIONAL

MESSAGE NO: 5024114 DATE: 01 24 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 RULING ON ANTIDUMPING ORDER ON PORTABLE CELLULAR
TELEPHONES FROM JAPAN (A-588-405) FOR JRC INTERNATIONAL

1. ON JANUARY 3, 1995 IN RESPONSE TO A REQUEST BY JRC INTERNATIONAL (JRC), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT THE JRC MODEL PTR-829 PORTABLE CELLULAR TELEPHONE IS NOT WITHIN THE SCOPE OF ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES (CMTS) AND SUBASSEMBLIES FROM JAPAN.

2. THE COMMERCE DEPARTMENT DETERMINED THAT THE JRC MODEL PTR-829

COMBINATION UNIT SATISFIES ALL OF THE CRITERIA ESTABLISHED FOR DETERMINING WHETHER MERCHANDISE IS "POCKET-SIZE AND SELF-CONTAINED" AND, FURTHER, THAT THE JRC MODEL PTR-829 IS INTENDED PRIMARILY FOR PORTABLE, HAND-HELD USE AND THAT THERE IS NOTHING ON THE RECORD THAT INDICATES THAT THE UNIT IS NOT PRIMARILY A PORTABLE CELLULAR TELEPHONE. THEREFORE, THE JRC MODEL PTR-829 IS 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 JRC MODEL PTR-829 PORTABLE CELLULAR TELEPHONE FROM JAPAN.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE JRC MODEL PTR-829 PORTABLE CELLULAR TELEPHONE.
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 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. CONTINUE TO SUSPEND LIQUIDATION ON 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, THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH USING THE 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