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MESSAGE #
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CASE #(s): A-570-213, A-570-214

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/24/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: COURT ORDER ON DUCTILE IRON WATERWORKS FITTINGS AND GLANDS FROM
PEOPLE'S REPUBLIC OF CHINA (A-570-213 AND A-570-214)

MESSAGE NO: 5032111 DATE: 02 01 1995

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REFERENCE: REFERENCE DATE:

CASES: A - 570 - 213 A - 570 - 214

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PERIOD COVERED: 11 24 1994 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: COURT ORDER ON DUCTILE IRON WATERWORKS FITTINGS AND GLANDS
FROM PEOPLE'S REPUBLIC OF CHINA (A-570-213 AND A-570-214)

1. ON NOVEMBER 24, 1994, THE COURT OF INTERNATIONAL TRADE GRANTED A MOTION FOR INJUNCTION OF LIQUIDATION OF COMPACT DUCTILE IRON WATERWORKS (CDIW) FITTINGS AND GLANDS EXPORTED BY CHINA NATIONAL METAL PRODUCTS IMPORT AND EXPORT CORPORATION (CMP) THAT ARE SUBJECT TO THE ANTIDUMPING ORDER ON CERTAIN COMPACT DUCTILE IRON WATERWORKS FITTINGS AND GLANDS FROM THE PEOPLE'S REPUBLIC OF CHINA.

2. THE PRODUCTS SUBJECT TO THE ANTIDUMPING DUTY ORDER ARE (1)

CERTAIN COMPACT DUCTILE IRON WATERWORKS (CDIW) FITTINGS OF 3 TO 16 INCHES NOMINAL DIAMETER REGARDLESS OF SHAPE, INCLUDING BENDS, TEES, CROSSES, WYES, REDUCERS, ADAPTERS, AND OTHER SHAPES, WHETHER OR NOT CEMENT LINE, AND WHETHER OR NOT COVERED WITH BITUMEN OR SIMILAR SUBSTANCE, CONFORMING TO AMERICAN WATER WORKS

ASSOCIATION/AMERICAN NATIONAL STANDARDS INSTITUTE (AWWA/ANSI) SPECIFICATION C153/A21.53, AND RATED FOR WATER WORKING PRESSURE OF 350 PSI; AND (2) CERTAIN CDIW STANDARD DUCTILE IRON GLANDS FOR FITTINGS IN SIZES 3 TO 16 INCHES, CONFORMING TO AWWA/ANSI SPECIFICATION C111/A21.11, AND RATED FOR WATER WORKING PRESSURE OF 350 PSI; ALL ACCESSORY PACKS (INCLUDING ACCESSORY PACKS CONTAINING GLANDS), ARE EXCLUDED FROM THE SCOPE OF THE ORDER.

THE TYPES OF CDIW FITTINGS COVERED BY THE ORDER ARE COMPACT DUCTILE IRON MECHANICAL JOINT WATERWORKS FITTINGS AND COMPACT DUCTILE IRON PUSH-ON JOINT WATERWORKS FITTINGS, BOTH OF WHICH ARE USED FOR THE SAME APPLICATIONS. CDIW FITTINGS ARE USED TO JOIN WATER MAIN PRESSURE PIPES, VALVES, OR HYDRANTS IN STRAIGHT LINES, AND CHANGE, DIVERT, DIVIDE, OR DIRECT THE FLOW OF RAW AND/OR TREATED WATER IN PIPING SYSTEMS.

CDIW FITTINGS ATTACH TO THE PIPE, VALVE, OR HYDRANT AT A JOINT AND ARE USED PRINCIPALLY FOR MUNICIPAL WATER DISTRIBUTION SYSTEMS. CDIW GLANDS ARE USED TO JOIN MECHANICAL JOINT CDIW FITTINGS TO PIPES.

CDIW FITTINGS WITH NOMINAL DIAMETERS GREATER THAN 16 INCHES, ARE SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE ORDER. NONMALLEABLE CAST IRON FITTINGS (ALSO CALLED GRAY IRON FITTINGS) AND FULL BODIED DUCTILE FITTINGS ARE ALSO SPECIFICALLY EXCLUDED FROM THE SCOPE OF THE ORDER. NONMALLEABLE CAST IRON FITTINGS HAVE LITTLE DUCTILITY AND ARE GENERALLY RATED ONLY 150 TO 250 PSI.

FULL-BODIED DUCTILE FITTINGS HAVE A LONGER BODY DESIGN THAN A COMPACT FITTING BECAUSE IN THE COMPACT DESIGN THE STRAIGHT SECTION OF THE BODY IS OMITTED TO PROVIDE A MORE COMPACT AND LESS HEAVY FITTING WITHOUT REDUCING STRENGTH OR FLOW CHARACTERISTICS. IN ADDITION, THE FULL-BODIED DUCTILE FITTINGS ARE THICKER WALLED THAN THE COMPACT FITTINGS. FULL-BODIED FITTINGS ARE MADE OF

EITHER GRAY IRON OR DUCTILE IRON, IN SIZES OF 3 TO 48 INCHES, CONFORM TO AWWA/ANSI SPECIFICATION C110/C21.10, AND ARE RATED TO A MAXIMUM OF ONLY 250 PSI. IN ADDITION, COMPACT DUCTILE IRON FLANGED FITTINGS ARE EXCLUDED FROM THE SCOPE OF THE ORDER, AS THEY HAVE SIGNIFICANTLY DIFFERENT CHARACTERISTICS AND USES THAN CDIW FITTINGS.

CDIW FITTINGS ARE CLASSIFIABLE UNDER SUBHEADING 7307.19.30.00, OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). STANDARD DUCTILE IRON GLANDS ARE CLASSIFIABLE UNDER HTSUS SUBHEADING 7325.99.10.00. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THE ORDER IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS ANTIDUMPING DUTY CASE HAS BEEN ASSIGNED THE FOLLOWING CASE NUMBER: A-570-820.

THIS NUMBER SHOULD BE USED WHEN DEALING WITH THE DEPARTMENT OF COMMERCE ONLY. FOR CUSTOMS IDENTIFICATION PURPOSES THE FOLLOWING NUMBERS SHOULD BE USED: A-570-213 (FITTINGS), A-570-214 (GLANDS).

4. DUE TO A COURT RULING, CMP IS EXCLUDED FROM THE APPLICATION OF THE ANTIDUMPING DUTY ORDER ON THE SUBJECT MERCHANDISE FROM THE

PRC. ACCORDINGLY, THE CUSTOMS SERVICE SHALL TERMINATE SUSPENSION OF LIQUIDATION OF ALL ENTRIES OF SUBJECT MERCHANDISE FROM CMP, PRODUCED BY BIN HE FOUNDRY (GLANDS) OR SONG ZHUANG FOUNDRY (FITTINGS), ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION

ON OR AFTER FEBRUARY 18, 1993, AND PROCEED WITH LIQUIDATION OF SUCH ENTRIES WITHOUT REGARD TO ANTIDUMPING DUTIES.

ALL CASH AND BONDS SHOULD BE RELEASED AND ESTIMATED ANTIDUMPING DUTIES DEPOSITED SHOULD BE REFUNDED. ALL FITTINGS AND GLANDS EXPORTED BY CMP AND MANUFACTURED BY A PRODUCER OTHER THAN BIN HE

FOUNDRY OR SONG ZHUANG FOUNDRY ARE SUBJECT TO THE ALL OTHERS

RATE.

5. "THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, WHICH REQUIRE INTEREST ON OVERPAYMENTS OR UNDER PAYMENTS OF THE AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANITUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANITDUMPING 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. CUSTOMS SHALL CONTINUE SUSPENSION OF LIQUIDATION AND COLLECTION OF CASH DEPOSITS FOR ALL OTHER ENTRIES OF SUBJECT MERCHANDISE.

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 ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT JAMES TERPSTRA OR DOLORES PECK, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-3965 OR (202) 482-4929.

8. THERE ARE NO RESTRICTION 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