

MESSAGE NO: 3023302 MESSAGE DATE: 01/23/2013  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-351-841

EFFECTIVE DATE: 05/05/2008 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 01/23/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Antidumping duty scope determination on polyethylene terephthalate film, sheet, and strip from Brazil (A-351-841)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from Terphane Ltda., and Terphane Inc. Commerce issued a final scope determination on 01/07/2013 that Terphane Ltda., and Terphane Inc.'s 10.21/32, 10.21/40, 10.21/48, 10.21/92, 10.81/48, 10.91/48, 10.96/48 products, which Terphane Ltda. and Terphane Inc. export and/or import to the United States, are not within the scope of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from Brazil (A-351-841), provided the products have a measurable "COEX" surface layer which is found to be greater than 0.00001 inches in thickness, as determined by CBP.

2. Commerce determined that Terphane Ltda., and Terphane Inc.'s products, as described in paragraph 1, are outside the scope of the order, provided the products have a measurable "COEX" surface layer which is found to be greater than 0.00001 inches in thickness, as determined by CBP. Commerce has determined that the products are finished films, which have had at least one of their surfaces modified by the application of a performance-enhancing resinous layer. Such films are specifically excluded from the scope of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from Brazil, provided the products have a measurable "COEX" surface layer which is found to be greater than 0.00001 inches in thickness, as determined by CBP. Therefore, Terphane Ltda., and Terphane Inc.'s products, as described in this paragraph and paragraph 1, are not within the scope of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from Brazil, provided the products have a measurable "COEX" surface layer which is found to be greater than 0.00001 inches in thickness, as determined by CBP.

3. For all entries of Terphane Ltda., and Terphane Inc.'s products, as described in paragraph 1 and 2, which have a measurable "COEX" surface layer which is found to be greater than 0.00001 inches in thickness, as determined by CBP, that remain un-liquidated on or after 05/05/2008, CBP shall terminate suspension and liquidate entries of product not within scope which were entered,

or withdrawn from warehouse, for consumption.

4. Refund any cash deposits and release any bonds relating to Terphane Ltda., and Terphane Inc.'s products, as described in paragraph 1 and 2.

5. These instructions constitute notice of the lifting of suspension of liquidation of entries of Terphane Ltda., and Terphane Inc.'s products, as described in paragraph 1 and 2, entered, or withdrawn from warehouse, for consumption on or after 05/05/2008.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. 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 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.

7. Unless instructed otherwise, for all other shipments of polyethylene terephthalate film, sheet, and strip from Brazil not described by paragraph 1 and 2 above, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O7:TRW.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

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