

MESSAGE NO: 5178112 MESSAGE DATE: 07/06/1995
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: 05/30/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULING CELLULAR MOBILE TELEPHONES & SUBASSEMBLIES FROM
JAPAN (A-588-405) FUJITSU LIMITED

MESSAGE NO: 5178112 DATE: 07 06 1995

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 588 - 405 - -

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PERIOD COVERED: 05 30 1995 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TECHNICAL PROGRAMS

RE: SCOPE RULING CELLULAR MOBILE TELEPHONES & SUBASSEMBLIES
FROM JAPAN (A-588-405) FUJITSU LIMITED

1. ON MAY 30, 1995, IN RESPONSE TO A REQUEST BY FUJITSU LTD.,
FUJITSU AMERICA, INC., AND FUJITSU NETWORK TRANSMISSION
SYSTEMS INC., (FUJITSU), THE DEPARTMENT OF COMMERCE (THE
DEPARTMENT) ISSUED A FINAL SCOPE RULING THAT FUJITSU MODELS
F80P-173, 3625, AND 3635 PORTABLE CELLULAR TELEPHONES (PCTS)

AND THE BATTERY PACKS FOR FUJITSU MODELS F80-173, 3625, AND

3635 PCTS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY

ORDER COVERING CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES

FROM JAPAN (A-588-405).

2. THE DEPARTMENT DETERMINED THAT FUJITSU MODELS F80P-173, 3625, AND 3635 PCTS ARE POCKET-SIZE SELF-CONTAINED PCTS AND THEREFORE, NOT WITHIN THE SCOPE OF THE ORDER ON CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES FROM JAPAN. FURTHER, THE DEPARTMENT DETERMINED THAT THE BATTERY PACKS FOR THE FUJITSU MODELS F80P-173, 3625, AND 3635 ARE NOT WITHIN THE SCOPE OF THE ORDER ON CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES FROM JAPAN BECAUSE THESE BATTERY PACKS ARE NOT CMTS, CMT EQUIPMENT, CMT TRANSCEIVERS OR CONTROL UNITS, OR SUBASSEMBLIES THEREOF.

3. EFFECTIVE MAY 30, 1995, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF FUJITSU MODELS F80P-173, 3625, AND 3635 PCTS AND BATTERY PACKS FOR THE FUJITSU MODELS F80P-173, 3625, AND 3635 PCTS.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE FUJITSU MODELS F80P-173, 3625 AND 3635 PCTS AND THE BATTERY PACKS FOR THE FUJITSU MODELS F80P-173, 3625, AND 3635 PCTS.

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 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.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES FROM JAPAN.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, TECHNICAL PROGRAMS ANTIDUMPING/COUNTERVAILING DUTY USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RON TRENTHAM ON 202-482-4793, 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.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

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