

MESSAGE NO: 5235115 MESSAGE DATE: 08/23/1995  
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: 08/23/1995 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 CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES &  
CHANGE IN NOMENCLATURE OF PERVIOUSLY EXCLUDED MERCHANDISE FROM JAPAN (A-  
588-405)

MESSAGE NO: 5235115 DATE: 08 23 1995

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 588 - 405 - -

- - - -

- - - -

PERIOD COVERED: 08 23 1995 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TECHNICAL PROGRAMS

RE: SCOPE RULING ON CELLULAR MOBILE TELEPHONES AND  
SUBASSEMBLIES & CHANGE IN NOMENCLATURE OF PERVIOUSLY  
EXCLUDED MERCHANDISE FROM JAPAN (A-588-405)

1. ON MAY 15, 1995, IN RESPONSE TO A REQUEST BY JRC INTERNATIONAL (JRC), THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) DETERMINED THAT JRC'S PORTABLE CELLULAR TELEPHONE (PCT) MODEL PTR-850 (850-A) AND THE PRIVATE LABEL UNIT MANUFACTURED FOR AT&T (MODEL #3630), WITH FCC IDENTIFIER BFCTTR-850, ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CELLULAR MOBILE TELEPHONES

AND SUBASSEMBLIES FROM JAPAN (A-588-405).

2. ON SEPTEMBER 21, 1992, THE DEPARTMENT ISSUED A FINAL SCOPE RULING ON A REQUEST FROM NOVATEL COMMUNICATIONS LTD. ASKING THE DEPARTMENT TO DETERMINE THAT NOVATEL'S MODEL PTR-850 PCT, WHICH IS MARKETED AS THE AVANTI 7000 IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON CMT'S FROM JAPAN. THE RULING CONCLUDED THAT BECAUSE "NOVATEL'S MODEL PCT-850 {SIC} MEETS THE CRITERIA ESTABLISHED BY PREVIOUS SCOPE RULINGS AND QUALIFIES AS A PCT, THE DEPARTMENT DETERMINES THAT THE NOVATEL MODEL PCT-850 {SIC} IS NOT WITHIN THE SCOPE OF THE ORDER..."

3. ON JUNE 27, 1994, JRC FILED A REQUEST AND REPRESENTED THAT NOVATEL SOLD ITS MOBILE TELEPHONE SUBSCRIBER BUSINESS TO JRC AND THAT JRC'S RELATED SUPPLIER, JAPAN RADIO CORPORATION, LTD., WAS AND CONTINUES TO BE THE MANUFACTURER AND EXPORTER OF THE PTR-850. JRC ALSO REPRESENTED THAT THE PTR-850 WILL BE REDESIGNATED AS THE JRC MODEL PTR-850 (850-A)", AND THAT AN IDENTICAL PRIVATE LABEL UNIT MANUFACTURED FOR AT&T WILL BE DESIGNATED MODEL #3630. JRC FURTHER REPRESENTED THAT THE MERCHANDISE WILL OTHERWISE REMAIN UNCHANGED AND THAT NOVATEL WILL NO LONGER APPEAR ON THE UNIT, BUT THAT IT WILL CONTINUE TO BE IDENTIFIED BY ITS "AVANTI" TRADE NAME.

4. BECAUSE THIS IS MERELY A CHANGE IN NOMENCLATURE AND DOES NOT INVOLVE CHANGES IN THE PHYSICAL OR MATERIAL CHARACTERISTICS OF THE MERCHANDISE, AND DOES NOT OTHERWISE INVOLVE ISSUES CONCERNING THE PROPER SCOPE OF THE ORDER, THE DEPARTMENT'S SEPTEMBER 21, 1992 FINAL SCOPE RULING COVERS THE MERCHANDISE IN ITS REDESIGNATED MANNER (THE "JRC MODEL PTR-850 (850-A), AND IS, THEREFORE, OUTSIDE THE SCOPE OF THE ORDER ON CMTS FROM JAPAN. THIS INCLUDES THE IDENTICAL PRIVATE LABEL UNIT MANUFACTURED FOR AT&T WHICH WILL BE DESIGNATED MODEL #3630.

5. EFFECTIVE 05/15/95, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE

MERCHANDISE DESCRIBED ABOVE.

6. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE MERCHANDISE DESCRIBED ABOVE.
7. 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.
8. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES FROM JAPAN SUBJECT TO THE ANTIDUMPING DUTY ORDER CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES FROM JAPAN.
9. 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 THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT THOMAS O. BARLOW ON 202-482-0410, OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.
10. 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