

MESSAGE NO: 5325114 MESSAGE DATE: 11/21/1994
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: 01/28/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULING & LIQ INSTRUCTIONS FOR CMTS FM JAPAN (A-588-405) - SONY

MESSAGE NO: 5325114

DATE: 11 21 1994

CATEGORY: ADA

TYPE: SCO

REFERENCE:

REFERENCE DATE:

CASES: A - 588 - 405

- -

- -

- -

- -

- -

PERIOD COVERED: 01 28 1994 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: SCOPE RULING & LIQ INSTRUCTIONS FOR CMTS FM JAPAN
(A-588-405) - SONY

1. ON JANUARY 28, 1994, IN RESPONSE TO A REQUEST BY SONY CORPORATION AND SONY ELECTRONICS INC. (SONY), THE DEPARTMENT OF COMMERCE (DOC) ISSUED A FINAL SCOPE RULING FINDING THE SONY MODEL CM-H333 AND THE SUBASSEMBLIES THEREFORE, AS WELL AS CERTAIN ACCESSORIES FOR THE CM-H333, TO BE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES FROM JAPAN.

2. DOC DETERMINED THAT BASED ON A COMPARISON OF THE CHARACTERISTICS OF THE CM-H333 UNIT TO THE DESCRIPTIONS OF

COVERED AND EXCLUDED MERCHANDISE, AND BECAUSE THE CM-H333 MODEL SATISFIES ALL OF THE CRITERIA ESTABLISHED FOR DETERMINING WHETHER MERCHANIDSE IS "POCKET-SIZE AND SELF-CONTAINED", AND NOTHING ON THE RECORD INDICATED THAT THE UNIT IS NOT A PCT, DOC DETERMINED THAT THE CM-H333 MODEL IS A PCT AND NOT WITHIN THE SCOPE OF THE ORDER.

3. FURTHER, DOC DETERMINED THAT BECAUSE THE FOLLOWING SUBASSEMBLIES OF THE CM-H333 PCT ARE DEDICATED FOR USE EXCLUSIVELY IN THE CM-H333 THEY ARE OUTSIDE THE SCOPE OF THE ORDER.

SUB-ASSEMBLIES FOR CM-H333 HAND-HELD PCT:

X-3366-374-1 CABINET FRONT ASSY.
X-3366-374-1 CABINET REAR ASSY.
X-3366-539-1 RECEIVER
A-3615-632-A LOGIC MOUNT ASSY.
A-3615-633-A RF MOUNT ASSY.
3-907-765-01 LOADING ASSY.
1-501-641-11 ANTENNA
X-3367-582-1 LCD ASSY.
1-467-457-11 AC ADAPTOR
1-528-439-11 BATTERY CHARGER
1-528-513-11 BATTERY PACK
1-239-808-11 BAND PASS FILTER (RX)
1-239-809-11 BAND PASS FILTER (TX)
1-239-810-11 DUPLEXER
1-801-399-11 PA MODULE
1-760-155-11 TXCO
1-760-156-11 CRYSTAL FILTER
1-760-157-11 CERAMIC FILTER
1-760-153-11 X'TAL (44.545 MHz)
8-759-171-01 IC MB1511-PF-G BND-EF
8-759-249-09 IC AN85865H

8-759-171-07 IC KL1021A
1-504-267-11 SPEAKER
1-750-571-11 UDC CONNECTOR
8-759-171-09 IC UPD78234GC2093B9
8-759-171-10 IC N29F512-150
8-759-171-11 IC KE5C233A
8-759-171-13 IC RS5VE003A-E1
8-759-171-20 IC HK3081B

4. IN ADDITION, DOC FOUND THE FOLLOWING MERCHANDISE INCLUDED IN THE CM-H333 TELEPHONE KIT TO BE OUTSIDE THE SCOPE OF THE ORDER. THE BATTERY PACK FOR THE CM-H333 IS OUTSIDE THE SCOPE OF THE ORDER BECAUSE IT IS A NECESSARY OPERATIONAL PART OF THE EXCLUDED 0.6 WATT PRODUCT. THE BATTERY CHARGER AND ITS AC ADAPTOR, AS WELL AS THE HANDSTRAP FOR THE CM-H333 ARE ALL ACCESSORIES FOR THE INDIVIDUAL PCT UNIT AND ARE NOT CMTS, CMT EQUIPMENT, CMT TRANSCEIVERS OR CONTROL UNITS, OR SUBASSEMBLIES THEREOF.

5. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE MERCHANDISE LISTED ABOVE.

6. 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 UNDERPAYMENTS OF THE 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 ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIAMTED 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.

7. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO THE MERCHANDISE LISTED ABOVE. WHERE DOC HAS NOT INSTRUCTED OTHERWISE, CONTINUE TO SUSPEND LIQUIDATION ON ALL OTHER ENTRIES OF CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES THEREOF FROM JAPAN.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE FORWARDED 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 202-482-5256, OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

9. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

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