

MESSAGE NO: 8324117 MESSAGE DATE: 11/20/1997
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-570-827

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 09/15/1997 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 ANTIUDMPING DUTY ORDER ON CERTAIN CASED PENCILS
FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-827)

MESSAGE NO: 8324117 DATE: 11 20 1997

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 827 - -

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PERIOD COVERED: 09 15 1997 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: SCOPE RULING ON ANTIUDMPING DUTY ORDER ON CERTAIN
CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-827)

1. ON SEPTEMBER 15, 1997 IN RESPONSE TO A REQUEST BY NADEL TRADING CORPORATION (NADEL), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT "BENSIA PENCILS" ARE OUTSIDE THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-827)
2. THE COMMERCE DEPARTMENT DETERMINED THAT "BENSIA PENCILS" ARE OUTSIDE THE SCOPE OF THE ANTIDUMPING ORDER BECAUSE THEIR LENGTH IS NOT REDUCED THROUGH SHARPENING, THE SHEATH IS NOT

BONDED (GLUED) TO THE WRITING CORE AND THEY ARE NOT RENDERED USABLE BY MEANS OF PARING AWAY THE RIGID BONDED SHEATH TO EXPOSE THE WRITING CORE. THEREFORE, "BENSIA PENCILS" ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE "BENSIA PENCILS."
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE "BENSIA PENCILS".
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. 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. 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. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF CASED PENCILS SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA.
7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E MAIL THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY, USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RON TRENTAM AT 202-482-4793, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

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

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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