

MESSAGE NO: 2285304 MESSAGE DATE: 10/11/2012
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: OTH-Other PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-982

EFFECTIVE DATE: 10/04/2012 COURT CASE #:

PERIOD OF REVIEW: 01/01/2011 TO 12/31/2011

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: Termination of Suspension of Liquidation in the Countervailing Duty Investigation of Utility Scale Wind Towers from the People's Republic of China (C-570-982)

1. In keeping with the World Trade Organization agreement on subsidies and countervailing measures, Commerce is instructing CBP to discontinue the suspension of liquidation of entries concerning the countervailing duty investigation of utility scale wind towers from the People's Republic of China (C-570-982) effective 10/04/2012, which is 120 days after the date of publication of Commerce's preliminary determination.

2. The merchandise covered by this investigation are certain wind towers, whether or not tapered, and sections thereof. Certain wind towers are designed to support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (i.e., where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (e.g., flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with nonsubject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof.

Merchandise covered by this investigation are currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 7308.20.0020 or 8502.31.0000. Prior to 2011,

merchandise covered by this investigation was classified in the HTSUS under subheading 7308.20.0000 and may continue to be to some degree. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

FOOTNOTES:

(A) Wind towers are classified under HTSUS 7308.20.0020 when imported as a tower or tower section(s) alone.

(B) Wind towers may also be classified under HTSUS 8502.31.0000 when imported as part of a wind turbine (i.e., accompanying nacelles and/or rotor blades).

3. This investigation has been assigned investigation number C-570-982.

4. CBP shall discontinue the suspension of liquidation for countervailing duty purposes on all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after 10/04/2012. The suspension of liquidation will not be resumed unless and until the final determination on this case is published in the Federal Register by the ITC. CBP shall continue to suspend liquidation on all shipments entered, or withdrawn from warehouse, for consumption made during the period 06/06/2012 through 10/03/2012, until the conclusion of the countervailing duty investigation.

5. These discontinuation instructions do not affect the requirements of a cash deposit or bond on entries subject to the suspension of liquidation announced in Commerce's preliminary determination in the companion antidumping duty investigation of utility scale wind towers from the People's Republic of China.

6. 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 O3:KJ)

7. 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