

MESSAGE NO: 4052325 MESSAGE DATE: 02/21/2014
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-929

EFFECTIVE DATE: 02/18/2014 COURT CASE #: 13-00337
PERIOD OF REVIEW: 02/01/2011 TO 01/31/2012
PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 02/21/2014

TO: { Directors Of Field Operations, Port Directors }

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

RE: Liquidation instructions for small diameter graphite electrodes from the PRC exported by Xinghe County Muzi Carbon Co., Ltd. for the period 02/01/2011 through 01/31/2012 (A-570-929)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 02/18/2014, the U.S. Court of International Trade dismissed the case of SGL Carbon LLC and Superior Graphite Co.v. United States (Court No. 13-00337). As a result, the injunction to which message 3294301 refers enjoining liquidation of entries which are subject to the antidumping duty order on small diameter graphite electrodes from the People's Republic of China for the period 02/01/2011 through 01/31/2012 exported by Xinghe County Muzi Carbon Co., Ltd. (also known as Xinghe County Muzi Carbon Plant), dissolved on 02/18/2014.

2. For all shipments of small diameter graphite electrodes from the People's Republic of China exported by Xinghe County Muzi Carbon Co., Ltd. (also known as Xinghe County Muzi Carbon Plant) (A-570-929-034), and which were entered, or withdrawn from warehouse, for consumption during the period 02/01/2011 through 01/31/2012, liquidate all entries without regard to antidumping duties. Entries may have been made under A-570-929-012.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of small diameter graphite electrodes from the People's Republic of China you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

4. There are no injunctions applicable to the entries covered by this instruction.

5. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP 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. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, 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 OI:DV.)

8. 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