

MESSAGE NO: 2046305 MESSAGE DATE: 02/15/2012
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: ALIWE-Auto Liq Exception

FR CITE: 77 FR 4759 FR CITE DATE: 01/31/2012

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-891

EFFECTIVE DATE: 01/31/2012 COURT CASE #:

PERIOD OF REVIEW: 12/01/2010 TO 11/30/2011

PERIOD COVERED: 12/01/2010 TO 11/30/2011

Notice of Lifting of Suspension Date: 01/31/2012

TO: { Directors Of Field Operations, Port Directors }

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

RE: Non-review liquidation instruction for Hand Trucks and Parts Thereof from the People's Republic of China for the period 12/01/2010 through 11/30/2011 (A-570-891)

1. COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED PURSUANT TO SECTION 751(A)(1) OF THE TARIFF ACT OF 1930, AS AMENDED, AND IN ACCORDANCE WITH 19 CFR 351.213.

2. COMMERCE WILL NOT REVISE THE ASSESSMENT RATES FOR FIRMS WITH A NON-MARKET ECONOMY SEPARATE RATE FOR WHICH AN ANTIDUMPING ADMINISTRATIVE REVIEW WAS NOT REQUESTED FOR THIS PERIOD. THE FIRMS LISTED BELOW HAVE A NON-MARKET ECONOMY SEPARATE RATE AND ARE NOT SUBJECT TO THE REVIEW FOR THE PERIOD 12/01/2010 THROUGH 11/30/2011. THEREFORE, IN ACCORDANCE WITH 19 CFR 351.212(C), YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION FOR THE FIRMS LISTED BELOW AT THE CASH-DEPOSIT OR BONDING RATE IN EFFECT AT THE TIME OF ENTRY.

PRODUCT: HAND TRUCKS AND PARTS THEREOF

COUNTRY: THE PEOPLE'S REPUBLIC OF CHINA

CASE NUMBER: A-570-891

PERIOD: 12/01/2010 THROUGH 11/30/2011

LIQUIDATE ALL ENTRIES FOR THE FOLLOWING FIRMS:

COMPANY: TRUE POTENTIAL CO., LTD.

CASE NUMBER: A-570-891-003

COMPANY: QINGDAO HUATIAN HAND TRUCK CO., LTD.

CASE NUMBER: A-570-891-005

COMPANY: QINGDAO XINGHUA GROUP CO., LTD.

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CASE NUMBER: A-570-891-006

COMPANY: MANUFACTURER: FORMOST PLASTICS & METALWORKS (JIAXING) CO., LTD.

EXPORTER: FORECARRY CORP.

CASE NUMBER: A-570-891-008

COMPANY: SINCE HARDWARE (GUANGZHOU) CO., LTD.

CASE NUMBER: A-570-891-010

3. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

4. ENTRIES OF MERCHANDISE OF FIRMS NOT LISTED IN PARAGRAPH 2 SHOULD NOT BE LIQUIDATED UNTIL THE ISSUANCE OF SPECIFIC INSTRUCTIONS AFTER COMPLETION OF THE ADMINISTRATIVE REVIEW FOR THE PERIOD 12/01/2010 THROUGH 11/30/2011. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE THAT WERE EXPORTED BY FIRMS NOT LISTED IN PARAGRAPH 2 AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE COVERED BY PARAGRAPH 2 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW FOR THE 12/2011 ANNIVERSARY MONTH (77 FR 4759, 01/31/2012). UNLESS INSTRUCTED OTHERWISE, FOR ALL OTHER SHIPMENTS OF HAND TRUCKS AND PARTS THEREOF 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.

6. 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.

7. 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 MANUFACTURER, 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. FOR AD CASES WITH CORRESPONDING CVD CASES USE LANGUAGE IN PARAGRAPH B UNDER NOTES BELOW.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O7:SB).

9. 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