

MESSAGE NO: 1361303 MESSAGE DATE: 12/27/2011
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-891

EFFECTIVE DATE: 12/01/2004 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 12/27/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: Antidumping duty scope determination on Hand Trucks and Certain Parts Thereof from the People's Republic of China (A-570-891).

NOTICE OF THE LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE OF THESE INSTRUCTIONS. SEE PARAGRAPH 5 BELOW.

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM CABELA'S INC. ("CABELA"). COMMERCE ISSUED A FINAL SCOPE DETERMINATION ON 01/10/2005 THAT CABELA'S DELUXE LOG CARRIER WHICH CABELA IMPORTS IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON HAND TRUCKS AND CERTAIN PARTS THEREOF ("HAND TRUCKS") FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-891).

2. COMMERCE DETERMINED THAT CABELA'S DELUXE LOG CARRIER IS OUTSIDE THE SCOPE OF THE ORDER BECAUSE THE DEPARTMENT FOUND THAT THE LOG CARRIER DOES NOT EXHIBIT KEY PHYSICAL CHARACTERISTICS PRESENT IN THE SUBJECT HAND TRUCKS. SPECIFICALLY, CABELA'S DELUXE LOG CARRIER DOES NOT HAVE A PROJECTING EDGE(S), OR A TOE PLATE THAT ENABLES IT TO SLIDE UNDER A LOAD FOR PURPOSES OF LIFTING AND/OR MOVING A LOAD. THEREFORE, CABELA'S DELUXE LOG CARRIER IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON HAND TRUCKS FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE 12/01/2004, CBP SHALL TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF CABELA'S DELUXE LOG CARRIER DESCRIBED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION.

4. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO CABELA'S DELUXE LOG CARRIER DESCRIBED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF CABELA'S DELUXE LOG CARRIER ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/01/2004.

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. UNLESS INSTRUCTED OTHERWISE, FOR ALL OTHER SHIPMENTS OF HAND TRUCKS FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH 2 ABOVE, YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM 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 O1:MJK).

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