

MESSAGE NO: 1347304 MESSAGE DATE: 12/13/2011
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: 75 FR 54302 FR CITE DATE: 09/07/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 09/07/2010 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 12/13/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: Countervailing Duty Scope Determination on Aluminum Extrusions from the People's Republic of China (PRC) (C-570-968).

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 IAP ENCLOSURE SYSTEMS, LLC (IAP ENCLOSURES). COMMERCE ISSUED A FINAL SCOPE DETERMINATION ON 12/06/2011 THAT IAP ENCLOSURES' CERTAIN FINISHED WINDOW KITS WHICH IT IMPORTS ARE NOT WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC (C-570-968).

2. COMMERCE DETERMINED THAT IAP ENCLOSURES' CERTAIN FINISHED WINDOW KITS ARE OUTSIDE THE SCOPE OF THE ORDER BECAUSE THE SCOPE OF THE ORDER EXPLICITLY EXCLUDES FINISHED GOODS KITS, WHICH ARE DEFINED AS "A PACKAGED COMBINATION OF PARTS THAT CONTAINS, AT THE TIME OF IMPORTATION, ALL OF THE NECESSARY PARTS TO FULLY ASSEMBLE A FINAL FINISHED GOOD AND REQUIRES NO FURTHER FINISHING OR FABRICATION, SUCH AS CUTTING OR PUNCHING, AND IS ASSEMBLED 'AS IS' INTO A FINISHED PRODUCT." IAP ENCLOSURES' PRODUCT KITS CONTAIN ALL OF THE NECESSARY PARTS, INCLUDING GLASS PANELS, AND, AS SUCH, CONSTITUTE "FINISHED GOODS KITS" THAT ARE EXCLUDED FROM THE ORDER. THEREFORE, IAP ENCLOSURES' CERTAIN FINISHED WINDOW KITS ARE NOT WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC.

3. EFFECTIVE 09/07/2010, CBP SHALL TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF CERTAIN FINISHED WINDOW KITS DESCRIBED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION.

4. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO CERTAIN FINISHED WINDOW KITS DESCRIBED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF CERTAIN FINISHED WINDOW KITS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 09/07/2010.

6. THE ASSESSMENT OF COUNTERVAILING 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 COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING 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 ALUMINUM EXTRUSIONS FROM THE PRC NOT COVERED BY PARAGRAPH 2 ABOVE, YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED COUNTERVAILING 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 O3:KJ).

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