

MESSAGE NO: 1322304 MESSAGE DATE: 11/18/2011
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE 1321306
MESSAGE #
(s):

CASE #(s): C-570-968

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

PERIOD OF REVIEW: 01/01/2009 TO 12/31/2009

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 11/17/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: Countervailing (CVD) duty scope determination on aluminum extrusions from the People's Republic of China (PRC) C-570-968.

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM MOSS HOLDING COMPANY D/B/A MOSS INC. (MOSS). COMMERCE ISSUED A FINAL SCOPE DETERMINATION ON 11/9/2011 THAT MOSS' EZ FABRIC WALL SYSTEMS WHICH IT IMPORTS ARE NOT WITHIN THE SCOPE OF THE CVD DUTY ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC C-570-968.

2. COMMERCE DETERMINED THAT MOSS' EZ FABRIC WALL SYSTEMS ARE OUTSIDE THE SCOPE OF THE ORDER BECAUSE THE DEPARTMENT FOUND THAT THE PRODUCTS AT ISSUE CONTAINED ALL OF THE PARTS REQUIRED TO ASSEMBLE A COMPLETED EXHIBITION FRAME ON WHICH READILY INTERCHANGEABLE FABRIC COVERS WITH GRAPHICS MAY BE ATTACHED. THUS, WE FOUND THAT THEY MET THE EXCLUSION CRITERIA THAT ARE WITHIN THE SCOPE OF THE CVD DUTY ORDER ON ALUMINUM EXTRUSIONS FROM THE PRC FOR A "FINISHED GOODS KITS."

3. EFFECTIVE 09/07/2010, CBP SHALL TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF EZ FABRIC WALL SYSTEMS THAT ARE NOT WITHIN THE SCOPE DESCRIBED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION.

4. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO EZ FABRIC WALL SYSTEMS NOT WITHIN THE SCOPE AS DESCRIBED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF EZ FABRIC WALL SYSTEMS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 09/07/2010.

6. THE ASSESSMENT OF CVD 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 CVD DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED CVD DUTIES BEFORE THE DATE OF PUBLICATION OF THE CVD DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED CVD DUTIES ARE 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 EZ FABRIC WALL SYSTEMS FROM THE PRC NOT COVERED BY PARAGRAPH 2 ABOVE, YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED CVD 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:JSC).

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