

MESSAGE NO: 1223302 MESSAGE DATE: 08/11/2011
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: REV-Revocation

FR CITE: 76 FR 44574 FR CITE DATE: 07/26/2001

REFERENCE MESSAGE #
(s): 6055202, 7128201

CASE #(s): A-122-847

EFFECTIVE DATE: 01/02/2006 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/08/2003 TO 01/01/2006

Notice of Lifting of Suspension Date: 07/26/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: AMENDED REVOCATION INSTRUCTIONS FOR THE ANTIDUMPING DUTY ORDER ON HARD RED SPRING WHEAT FROM CANADA (A-122-847)

1. EFFECTIVE 01/02/2006 (71FR 8275, DATED 02/16/2006), COMMERCE REVOKED THE ANTIDUMPING (AD) AND COUNTERVAILING DUTY (CVD) ORDERS OF HARD RED SPRING WHEAT FROM CANADA. IN MESSAGE 6055202, DATED 02/24/2006, COMMERCE INFORMED CBP THAT IT HAD REVOKED THE AD AND CVD ORDERS AND INSTRUCTED CBP TO LIQUIDATE ALL ENTRIES SUSPENDED ON OR AFTER 01/02/2006 WITHOUT REGARD TO AD AND CVD DUTIES. FURTHER, COMMERCE INSTRUCTED CBP TO CONTINUE TO SUSPEND LIQUIDATION FOR ALL ENTRIES MADE BEFORE 01/02/2006.

2. SUBSEQUENTLY, COMMERCE'S DETERMINATION THAT ITS REVOCATION DID NOT APPLY TO PRE 01/02/2006 ENTRIES WAS CHALLENGED AT THE COURT OF INTERNATIONAL TRADE (CIT). ON 09/01/2009, THE CIT ISSUED A DECISION IN THE CASE OF CANADIAN WHEAT BOARD V. UNITED STATES, COURT CASE NUMBER 07-00058. THE CIT DECISION WAS APPEALED TO THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC), AND ON 04/19/2011 THE CAFC REACHED THE SAME CONCLUSION AS THE CIT. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 7128201 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE AD ORDER OF HARD RED SPRING WHEAT FROM CANADA FOR PERIOD 05/08/2003 THROUGH 01/01/2006, DISSOLVED ON 07/18/2011.

3. AS A RESULT OF THE COURT'S DECISION, COMMERCE HAS NOW AMENDED THE REVOCATION OF THE AD AND CVD ORDERS ON HARD RED SPRING WHEAT FROM CANADA, AND PUBLISHED THE AMENDED REVOCATION IN THE FEDERAL REGISTER ON 07/26/2011 (76 FR 44574).

4. THEREFORE, CBP IS DIRECTED TO LIQUIDATE ALL UNLIQUIDATED ENTRIES OF HARD RED SPRING WHEAT FROM CANADA (A-122-847). ALL ENTRIES OF THE SUBJECT PRODUCT SHOULD BE LIQUIDATED WITHOUT REGARD TO ANTIDUMPING DUTIES (I.E., RELEASE ALL BONDS AND REFUND ALL CASH DEPOSITS). A SEPARATE INSTRUCTION WILL BE ISSUED TO COVER THE LIQUIDATION OF CVD ENTRIES.

5. NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 05/08/2003 THROUGH 01/01/2006 OCCURRED WITH THE PUBLICATION OF THE AMENDED REVOCATION OF THE AD AND CVD ORDER ON HARD RED SPRING WHEAT FROM CANADA (76 FR 44547, DATED 07/26/2011).

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. 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. 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 OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482 0984 OR (202) 482 3577 RESPECTIVELY (GENERATED BY O1:AJM).

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