

MESSAGE NO: 1187302 MESSAGE DATE: 07/06/2011
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-202

EFFECTIVE DATE: 10/19/1990 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 07/06/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING DUTY SCOPE RULING ON HEAVY FORGED HAND TOOLS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-202)

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

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM LUCKY DISTRIBUTING, INC. COMMERCE ISSUED A FINAL SCOPE RULING ON JUNE 6, 2011, THAT LUCKY DISTRIBUTING, INC.'S SMART SPLITTER WHICH IS MADE UP OF: (1) A CAST STEEL SPLITTING PART, WHICH INCLUDES A WEDGE, HANDLE, AND SPLITTING EDGE, CAST TOGETHER AS ONE PIECE USING AN "INVESTMENT CASTING" PROCESS; (2) A STEEL TUBE THAT IS WELDED TO THE CAST WEDGE PART; (3) A MOVEABLE STEEL ROD THAT IS INSERTED INTO THE TUBE TO ALLOW THE WEDGE TO MOVE UP AND DOWN; (4) A STEEL, MACHINE MANUFACTURED STRIKING WEIGHT; (5) A STEEL ROD THAT IS ATTACHED TO THE WEDGE PART TO ALLOW THE STRIKING WEIGHT TO MOVE UP AND DOWN; (6) NYLON WASHERS TO REDUCE THE IMPACT BETWEEN THE STRIKING WEIGHT AND SPLITTING WEDGE; AND, (7) A STOP NUT, IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER/FINDING COVERING HEAVY FORGED HAND TOOLS (BARS AND WEDGES) FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-202).

2. COMMERCE DETERMINED THAT LUCKY DISTRIBUTING, INC.'S SMART SPLITTER, HAVING THE SPECIFICATIONS DESCRIBED ABOVE, IS EXCLUDED ON THE MERIT THAT THE CAST STEEL SPLITTING PART IS CAST AND NOT FORGED. AS DETAILED IN THE SCOPE OF THE ORDER, HEAVY FORGED HAND TOOLS ARE MANUFACTURED THROUGH A HOT FORGE OPERATION IN WHICH STEEL IS SHEARED TO THE REQUIRED LENGTH, HEATED TO FORGING TEMPERATURE AND FORMED TO THE FINAL SHAPE ON FORGING EQUIPMENT USING DIES SPECIFIC TO THE DESIRED PRODUCT SHAPE AND SIZE. THEREFORE, LUCKY DISTRIBUTING, INC.'S SMART SPLITTER, WHERE THE CAST STEEL SPLITTING PART IS PRODUCED THROUGH A CASTING PROCESS, IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING HEAVY FORGED HAND TOOLS (BARS AND WEDGES) FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE 10/19/1990, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF LUCKY DISTRIBUTING, INC.'S SMART SPLITTER LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO LUCKY DISTRIBUTING, INC.'S SMART SPLITTER LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF LUCKY DISTRIBUTING, INC.'S SMART SPLITTER ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 10/19/1990.

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. FOR ALL OTHER SHIPMENTS OF HEAVY FORGED HAND TOOLS (BARS AND WEDGES) FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, 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 O9:JB).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

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Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party