

MESSAGE NO: 1139304 MESSAGE DATE: 05/19/2011
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-570-954, C-570-955

EFFECTIVE DATE: 05/19/2011 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/12/2010 TO 05/13/2011

Notice of Lifting of Suspension Date: 05/19/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING AND COUNTERVAILING DUTY SCOPE RULING ON CERTAIN MAGNESIA CARBON BRICKS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-954 AND C-570-955)

NOTE: 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 VESUVIUS USA CORPORATION. COMMERCE ISSUED A FINAL SCOPE RULING ON 05/03/2011, THAT TAP HOLE SLEEVE SYSTEMS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING AND COUNTERVAILING DUTY ORDERS COVERING CERTAIN MAGNESIA CARBON BRICKS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-954 AND C-570-955).
2. COMMERCE DETERMINED THAT VESUVIUS USA CORPORATION'S TAP HOLE SLEEVE SYSTEMS DO NOT MEET THE PHYSICAL DESCRIPTION OF MERCHANDISE SUBJECT TO THE SCOPE OF THE ORDERS. THEREFORE, VESUVIUS USA CORPORATION'S TAP HOLE SLEEVE SYSTEMS, WHETHER ASSEMBLED OR DISASSEMBLED, AND SOLD AND ENTERED AS A COMPLETE SET, ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING AND COUNTERVAILING DUTY ORDERS COVERING CERTAIN MAGNESIA CARBON BRICKS FROM THE PEOPLE'S REPUBLIC OF CHINA. A TAP HOLE SLEEVE SYSTEM IS COMPOSED OF THE FOLLOWING PARTS: (A) THE TAP HOLE SLEEVE UNIT, WHICH MAY BE ONE PIECE OR SEGMENTED, (B) TAP HOLE SURROUND BLOCKS AND, (C) TAP HOLE END BLOCKS. COMMERCE NOTES THAT ANY COMPONENT PARTS OF THE TAP HOLE SLEEVE SYSTEM, SUCH AS END BLOCKS OR SURROUND BLOCKS, WHICH MEET THE PHYSICAL DEFINITION OF THE SCOPE, IF SHIPPED SEPARATELY, WOULD BE COVERED BY THE SCOPE.
3. EFFECTIVE 3/12/2010, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF TAP HOLE SLEEVE SYSTEMS LISTED ABOVE.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING

TO THE TAP HOLE SLEEVE SYSTEMS LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF TAP HOLE SLEEVE SYSTEMS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 3/12/2010.

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 CERTAIN MAGNESIA CARBON BRICKS 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 TRENTHAM 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: PW).

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