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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE: REF-Refund

FR CITE: 76 FR 18519 FR CITE DATE: 04/04/2011

REFERENCE MESSAGE #
(s): 1055301, 1095307

CASE #(s): A-583-837

EFFECTIVE DATE: 04/04/2011 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/22/2011 TO 04/04/2011

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: REFUND OF ANTIDUMPING DUTY CASH DEPOSIT FOR POLYETHYLENE TEREPHTHALATE FILM, SHEET, AND STRIP FROM TAIWAN PURSUANT TO THE AMENDED FINAL RESULTS FOR THE PERIOD 07/01/2008 THROUGH 06/30/2009 (A-583-837)

1. ON 04/04/2011 (76 FR 18519), COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AMENDED FINAL RESULTS IN THE ANTIDUMPING DUTY REVIEW OF POLYETHYLENE TEREPHTHALATE FILM, SHEET, AND STRIP (PET FILM) FROM TAIWAN. SEE MESSAGE NUMBER 1095307, DATED 04/05/2011.

2. 19 U.S.C. SECTION 1520(A)(4) AUTHORIZES REFUNDS PRIOR TO LIQUIDATION WHENEVER AN IMPORTER OF RECORD DECLARES, OR IT IS ASCERTAINED, THAT EXCESS DUTIES, FEES, CHARGES, OR EXACTIONS HAVE BEEN DEPOSITED OR PAID. IN ACCORDANCE WITH 19 U.S.C. SECTION 1520(A)(4), U.S. CUSTOMS AND BORDER PROTECTION (CBP) IS AUTHORIZED TO GRANT A REFUND, IF REQUESTED BY THE IMPORTER, OF CASH DEPOSITS FOR ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 02/22/2011 TO 04/04/2011 OF PET FILM FROM TAIWAN PRODUCED AND/OR EXPORTED BY THE ENTITY LISTED IN PARAGRAPH 3 BELOW.

THE REFUND AMOUNT WILL BE CALCULATED BY DETERMINING THE DIFFERENCE BETWEEN THE AMOUNT OF CASH DEPOSIT(S) PAID AS A RESULT OF THE APPLICATION OF THE FINAL RESULTS RATE AND THE AMOUNT DUE AS A RESULT OF THE APPLICATION OF THE AMENDED FINAL RESULTS RATE.

3. LISTED BELOW IS THE DEPOSIT RATE THAT WAS ASSIGNED TO PRODUCER AND/OR EXPORTER, NAN YA PLASTICS CORPORATION, LTD., IN THE FINAL RESULTS (SEE MESSAGE 1055301, DATED 02/24/2011). IN ADDITION, LISTED BELOW IS THE AMENDED DEPOSIT RATE ASSIGNED IN THE AMENDED FINAL RESULTS (SEE MESSAGE NUMBER 1095307, DATED 04/05/2011).

CASE NUMBER: A-583-837-002

PRODUCER AND/OR EXPORTER: NAN YA PLASTICS CORPORATION, LTD.

ADMINISTRATIVE RESULTS FINAL RATE: 20.76 PERCENT

AMENDED ADMINISTRATIVE RESULTS FINAL RATE: 18.30 PERCENT

4. ENTRIES OF PET FILM FROM TAIWAN PRODUCED AND/OR EXPORTED BY THE ENTITY LISTED IN PARAGRAPH 3 ABOVE SHOULD NOT BE LIQUIDATED UNTIL LIQUIDATION INSTRUCTIONS ARE RECEIVED.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES UPON LIQUIDATION BY CBP ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1939. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES UPON LIQUIDATION ONLY. 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 THE ADMINISTRATIVE REFUND. INTEREST IS PAYABLE AT THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. 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 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: O6:GC).

7. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

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