

MESSAGE NO: 8150202 MESSAGE DATE: 05/29/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 5167205
MESSAGE #
(s):

CASE #(s): A-122-822

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2002 TO 05/05/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INST. FOR CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM CANADA IMP'D BY RUSSEL METALS EXPORT (INJUNCTION IN MSG 5167205 WAS LIFTED) (A-122-822)

MESSAGE NO: 8150202

DATE: 05 29 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 5167205

REFERENCE DATE: 06 16 2005

CASES: A - 122 - 822

- -

- - - -

- - - -

PERIOD COVERED: 08 01 2002 TO 05 05 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INST. FOR CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM CANADA IMP'D BY RUSSEL METALS EXPORT (INJUNCTION IN MSG 5167205 WAS LIFTED) (A-122-822)

1. ON 06/16/2005, THE DEPARTMENT NOTIFIED CBP OF THE PRELIMINARY INJUNCTION IN RUSSEL METALS EXPORT V. UNITED STATES, COURT NO. 05-00316 (PARKDALE INTERNATIONAL V. UNITED STATES, COURT NO. 05-00316) ORDERED BY THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ON LIQUIDATION OF CERTAIN ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM CANADA, IMPORTED BY RUSSEL METALS EXPORT DURING THE PERIOD 08/01/2002

THROUGH 05/05/2003. (MESSAGE NUMBER 5167205 DATED 06/16/2005).

2. ON 1/14/2008, THE SUPREME COURT DENIED PARKDALE'S MOTION FOR CERTIORARI REVIEW, ENDING ALL POSSIBILTY FOR FURTHER JUDICIAL REVIEW. THUS, THE DENIAL OF RUSSELL METAL EXPORT'S CHALLENGE AND THE AFFIRMANCE OF THE DEPARTMENT'S DETERMINATIONS HAVE BECOME FINAL, THEREFORE, ENTRIES IMPORTED BY RUSSEL METALS EXPORT SHOULD BE LIQUIDATED AS INSTRUCTED BELOW.

3. FOR ALL SHIPMENTS OF CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM CANADA IMPORTED BY RUSSELL METALS EXPORT (A-122-822) DURING THE PERIOD 08/01/2002 THROUGH 05/05/2003, ASSESS AN ANTIDUMPING LIABILITY EQUAL TO THE ALL OTHERS RATE PERCENTAGE OF ENTERED VALUE INDICATED BELOW FOR THE RELEVANT IMPORTER.

IMPORTER	RATE
RUSSEL METALS EXPORT	18.71 PERCENT

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF CERTAIN CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM CANADA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON 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 AND 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.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-1495 (GENERATED BY O6: DK).

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

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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