

MESSAGE NO: 9055207 MESSAGE DATE: 02/24/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6150208
MESSAGE #
(s):

CASE #(s): A-580-855

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/23/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: DIAMOND SAWBLADES & PARTS FROM KOREA (A-580-855) NOTICE OF COURT
DECISION 06-00247, SLIP OP 09-05; NEW LIQUIDATION SUSPENSION DATE AND CASH
DEPOSIT

MESSAGE NO: 9055207

DATE: 02 24 2009

CATEGORY: ADA

TYPE: FIN

REFERENCE: 6150208

REFERENCE DATE: 05 30 2006

CASES: A - 580 - 855

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PERIOD COVERED: 01 23 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: DIAMOND SAWBLADES & PARTS FROM KOREA (A-580-855)

NOTICE OF COURT DECISION 06-00247, SLIP OP 09-05;

NEW LIQUIDATION SUSPENSION DATE AND CASH DEPOSIT

1. ON JANUARY 13, 2009, IN DIAMOND SAWBLADES MANUFACTURERS
COALITION V. UNITED STATES, NO. 06-00247, SLIP OP. 09-05 (CIT
JANUARY 13, 2009) (DSMC), THE UNITED STATES COURT OF
INTERNATIONAL TRADE (CIT) AFFIRMED THE INTERNATIONAL TRADE
COMMISSIONS (ITC) AMENDED DETERMINATION UPON REMAND THAT AN
INDUSTRY IN THE UNITED STATES IS THREATENED WITH MATERIAL
INJURY BY REASON OF IMPORTS OF DIAMOND SAWBLADES AND PARTS
THEREOF (DIAMOND SAWBLADES) FROM THE REPUBLIC OF KOREA (KOREA).

THE CASE ARISES OUT OF THE ITCS ORIGINAL FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION.

IN ACCORDANCE WITH THE DECISION OF THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC) IN TIMKEN CO. V. UNITED STATES, 893 F.2D 337, 341 (FED. CIR. 1990) (TIMKEN), THE DEPARTMENT WILL ORDER THE SUSPENSION OF LIQUIDATION OF DIAMOND SAWBLADES.

IN TIMKEN, THE CAFC HELD THAT, PURSUANT TO SECTION 516A(C)(1) OF THE TARIFF ACT OF 1930, AS AMENDED (THE ACT), THE DEPARTMENT MUST PUBLISH NOTICE OF A COURT DECISION THAT IS NOT IN HARMONY WITH AN ITC DETERMINATION. THE CITS JANUARY 13, 2009, OPINION CONSTITUTES A DECISION NOT IN HARMONY WITH THE ITCS ORIGINAL FINAL DETERMINATION. ON FEBRUARY 11, 2009, THE DEPARTMENT PUBLISHED A TIMKEN NOTICE ADDRESSING THE ITCS REVISED FINAL DETERMATION (74 FR 6570). THE DEPARTMENT IS SUSPENDING LIQUIDATION PENDING THE EXPIRATION OF THE PERIOD TO APPEAL OR PENDING A FINAL DECISION OF THE CAFC, IF DSMC, IS APPEALED.

2. THEREFORE, FIELD OFFICERS SHOULD BEGIN SUSPENSION OF LIQUIDATION FOR ANTIDUMPING DUTY PURPOSES OF ANY ENTRIES OF DIAMOND SAWBLADES FROM KOREA, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JANUARY 23, 2009.

3. IN ADDITION, FOR SHIPMENTS OF DIAMOND SAWBLADES FROM KOREA, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER JANUARY 23, 2009, YOU SHALL COLLECT A CASH DEPOSIT OF ESTIMATED ANTIDUMPING DUTIES OF 0.00 PERCENT OF THE ENTERED VALUE FOR ALL COMPANIES.

4. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE PROVIDED UNDER MESSAGE 6150208, DATED 05/30/2006.

5. 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 OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE

ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT(202) 482-0984 OR

(202) 482-3577 RESPECTIVELY (GENERATED BY O9:AV).

6. 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