

MESSAGE NO: 9084206 MESSAGE DATE: 03/25/2009  
MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: T<sub>ER</sub>-Termination Notice PUBLIC  NON-PUBLIC   
SUB-TYPE:

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REFERENCE  
MESSAGE #  
(s):

CASE #(s): C-570-940

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/24/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: TERMINATION OF SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN NON-MOTOR TOW BEHIND LAWN GROOMER (C-570-940)

MESSAGE NO: 9084206 DATE: 03 25 2009

CATEGORY: CVD TYPE: TER

REFERENCE: REFERENCE DATE:

CASES: C - 570 - 940 - -

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PERIOD COVERED: 03 24 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: TERMINATION OF SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN NON-MOTOR TOW BEHIND LAWN GROOMER (C-570-940)

1. IN KEEPING WITH THE WORLD TRADE ORGANIZATION AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES, THE DEPARTMENT OF COMMERCE (COMMERCE) IS DISCONTINUING THE SUSPENSION OF LIQUIDATION ON THE COUNTERVAILING DUTY INVESTIGATION OF CERTAIN TOW-BEHIND LAWN GROOMERS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA EFFECTIVE 03/24/2009, WHICH IS 120 DAYS AFTER THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION.

2. THE SCOPE OF THIS INVESTIGATION COVERS CERTAIN NON-MOTORIZED TOW BEHIND LAWN GROOMERS ("LAWN GROOMERS"), MANUFACTURED FROM ANY MATERIAL, AND CERTAIN PARTS THEREOF. LAWN GROOMERS ARE DEFINED AS LAWN SWEEPERS, AERATORS, DETHATCHERS, AND SPREADERS. UNLESS SPECIFICALLY EXCLUDED, LAWN GROOMERS THAT ARE DESIGNED TO PERFORM AT LEAST ONE OF THE FUNCTIONS LISTED ABOVE ARE INCLUDED IN THE SCOPE OF THIS INVESTIGATION, EVEN IF THE LAWN GROOMER IS DESIGNED TO PERFORM ADDITIONAL NON-SUBJECT FUNCTIONS (E.G., MOWING).

ALL LAWN GROOMERS ARE DESIGNED TO INCORPORATE A HITCH, OF ANY CONFIGURATION, WHICH ALLOWS THE PRODUCT TO BE TOWED BEHIND A VEHICLE. LAWN GROOMERS THAT ARE DESIGNED TO INCORPORATE BOTH A HITCH AND A PUSH HANDLE, OF ANY TYPE, ARE ALSO COVERED BY THE SCOPE OF THIS INVESTIGATION. THE HITCH AND HANDLE MAY BE PERMANENTLY ATTACHED OR REMOVABLE, AND THEY MAY BE ATTACHED ON OPPOSITE SIDES OR ON THE SAME SIDE OF THE LAWN GROOMER. LAWN

GROOMERS DESIGNED TO INCORPORATE A HITCH, BUT WHERE THE HITCH IS NOT ATTACHED TO THE LAWN GROOMER, ARE ALSO INCLUDED IN THE SCOPE OF THE INVESTIGATION.

LAWN SWEEPERS CONSIST OF A FRAME, AS WELL AS A SERIES OF BRUSHES ATTACHED TO AN AXLE OR SHAFT WHICH ALLOWS THE BRUSHING COMPONENT TO ROTATE. LAWN SWEEPERS ALSO INCLUDE A CONTAINER (WHICH IS A RECEPTACLE INTO WHICH DEBRIS SWEEPED FROM THE LAWN OR TURF IS DEPOSITED) SUPPORTED BY THE FRAME.

AERATORS CONSIST OF A FRAME, AS WELL AS AN AERATING COMPONENT THAT IS ATTACHED TO AN AXLE OR SHAFT WHICH ALLOWS THE AERATING COMPONENT TO ROTATE. THE AERATING COMPONENT IS MADE UP OF A SET OF KNIVES FIXED TO A PLATE (KNOWN AS A "PLUG AERATOR"), A SERIES OF DISCS WITH PROTRUDING SPIKES (A "SPIKE AERATOR"), OR ANY OTHER CONFIGURATION, THAT ARE DESIGNED TO CREATE HOLES OR CAVITIES IN A LAWN OR TURF SURFACE.

DETHATCHERS CONSIST OF A FRAME, AS WELL AS A SERIES OF TINES DESIGNED TO REMOVE MATERIAL (E.G., DEAD GRASS OR LEAVES) OR

OTHER DEBRIS FROM THE LAWN OR TURF. THE DETHATCHER TINES ARE ATTACHED TO AND SUSPENDED FROM THE FRAME.

LAWN SPREADERS CONSIST OF A FRAME, AS WELL AS A HOPPER (I.E., A CONTAINER OF ANY SIZE, SHAPE, OR MATERIAL) THAT HOLDS A MEDIA TO BE SPREAD ON THE LAWN OR TURF. THE MEDIA CAN BE DISTRIBUTED BY MEANS OF A ROTATING SPREADER PLATE THAT BROADCASTS THE MEDIA ("BROADCAST SPREADER"), A ROTATING AGITATOR THAT ALLOWS THE MEDIA TO BE RELEASED AT A CONSISTENT RATE ("DROP SPREADER"), OR ANY OTHER CONFIGURATION.

LAWN DETHATCHERS WITH A NET FULLY-ASSEMBLED WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 100 POUNDS OR LESS ARE COVERED BY THE SCOPE OF THE INVESTIGATION. OTHER LAWN GROOMERS-SWEEPERS, AERATORS, AND SPREADERS-WITH A NET FULLY-ASSEMBLED WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 200 POUNDS OR LESS ARE COVERED BY THE SCOPE OF THE INVESTIGATION.

ALSO INCLUDED IN THE SCOPE OF THE INVESTIGATION ARE MODULAR UNITS, CONSISTING OF A CHASSIS THAT IS DESIGNED TO INCORPORATE A HITCH, WHERE THE HITCH MAY OR MAY NOT BE INCLUDED, WHICH ALLOWS MODULES THAT PERFORM SWEEPING, AERATING, DETHATCHING, OR SPREADING OPERATIONS TO BE INTERCHANGED.

MODULAR UNITS-WHEN IMPORTED WITH ONE OR MORE LAWN GROOMING MODULES-WITH A FULLY ASSEMBLED NET WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 200 POUNDS OR LESS WHEN INCLUDING A SINGLE MODULE, ARE INCLUDED IN THE SCOPE OF THE INVESTIGATION.

MODULAR UNIT CHASSES, IMPORTED WITHOUT A LAWN GROOMING MODULE AND WITH A FULLY ASSEMBLED NET WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 125 POUNDS OR LESS, ARE ALSO COVERED BY THE SCOPE OF THE ORDER.

WHEN IMPORTED SEPARATELY, MODULES THAT ARE DESIGNED TO PERFORM SUBJECT LAWN GROOMING FUNCTIONS (I.E., SWEEPING, AERATING,

DETHATCHING, OR SPREADING), WITH A FULLY ASSEMBLED NET WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 75 POUNDS OR LESS, AND THAT ARE IMPORTED WITH OR WITHOUT A HITCH, ARE ALSO COVERED BY THE SCOPE.

LAWN GROOMERS, ASSEMBLED OR UNASSEMBLED, ARE COVERED BY THIS INVESTIGATION. FOR PURPOSES OF THIS INVESTIGATION, "UNASSEMBLED LAWN GROOMERS" CONSIST OF EITHER 1) ALL PARTS NECESSARY TO MAKE A FULLY ASSEMBLED LAWN GROOMER, OR 2) ANY COMBINATION OF PARTS, CONSTITUTING A LESS THAN COMPLETE, UNASSEMBLED LAWN GROOMER, WITH A MINIMUM OF TWO OF THE FOLLOWING "MAJOR COMPONENTS":

- 1) AN ASSEMBLED OR UNASSEMBLED BRUSH HOUSING DESIGNED TO BE USED IN A LAWN SWEEPER, WHERE A BRUSH HOUSING IS DEFINED AS A COMPONENT HOUSING THE BRUSH ASSEMBLY, AND CONSISTING OF A WRAPPER WHICH COVERS THE BRUSH ASSEMBLY AND TWO END PLATES ATTACHED TO THE WRAPPER;
- 2) A SWEEPER BRUSH;
- 3) AN AERATOR OR DETHATCHER WEIGHT TRAY, OR SIMILAR COMPONENT DESIGNED TO ALLOW WEIGHTS OF ANY SORT TO BE ADDED TO THE UNIT;
- 4) A SPREADER HOPPER;
- 5) A ROTATING SPREADER PLATE OR AGITATOR, OR OTHER COMPONENT DESIGNED FOR DISTRIBUTING MEDIA IN A LAWN SPREADER;
- 6) DETHATCHER TINES;
- 7) AERATOR SPIKES, PLUGS, OR OTHER AERATING COMPONENT; OR
- 8) A HITCH.

THE MAJOR COMPONENTS OR PARTS OF LAWN GROOMERS THAT ARE INDIVIDUALLY COVERED BY THIS INVESTIGATION UNDER THE TERM "CERTAIN PARTS THEREOF" ARE: (1) BRUSH HOUSINGS, WHERE THE WRAPPER AND END PLATES INCORPORATING THE BRUSH ASSEMBLY MAY BE INDIVIDUAL PIECES OR A SINGLE PIECE; AND (2) WEIGHT TRAYS, OR SIMILAR COMPONENTS DESIGNED TO ALLOW WEIGHTS OF ANY SORT TO BE ADDED TO A DETHATCHER OR AN AERATOR UNIT.

THE PRODUCTS FOR WHICH RELIEF IS SOUGHT SPECIFICALLY EXCLUDE THE FOLLOWING:

- 1) AGRICULTURAL IMPLEMENTS DESIGNED TO WORK (E.G., CHURN, BURROW, TILL, ETC.) SOIL, SUCH AS CULTIVATORS, HARROWS, AND PLOWS;
- 2) LAWN OR FARM CARTS AND WAGONS THAT DO NOT GROOM LAWNS;
- 3) GROOMING PRODUCTS INCORPORATING A MOTOR OR AN ENGINE FOR THE PURPOSE OF OPERATING AND/OR PROPELLING THE LAWN GROOMER;
- 4) LAWN GROOMERS THAT ARE DESIGNED TO BE HAND HELD OR ARE DESIGNED TO BE ATTACHED DIRECTLY TO THE FRAME OF A VEHICLE, RATHER THAN TOWED;
- 5) "PUSH" LAWN GROOMING PRODUCTS THAT INCORPORATE A PUSH HANDLE RATHER THAN A HITCH, AND WHICH ARE DESIGNED SOLELY TO BE MANUALLY OPERATED;
- 6) DETHATCHERS WITH A NET ASSEMBLED WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF MORE THAN 100 POUNDS, OR LAWN GROOMERS-SWEEPERS, AERATORS, AND SPREADERS-WITH

A NET FULLY-ASSEMBLED WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF MORE THAN 200 POUNDS; AND

- 7) LAWN ROLLERS DESIGNED TO FLATTEN GRASS AND TURF, INCLUDING LAWN ROLLERS WHICH INCORPORATE AN AERATOR COMPONENT (E.G., "DRUM-STYLE" SPIKE AERATORS).

THE LAWN GROOMERS THAT ARE THE SUBJECT OF THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") STATISTICAL REPORTING NUMBERS 8432.40.0000, 8432.80.0010, 8432.90.0030, 8432.90.0080, 8479.89.9896, 8479.90.9496, AND 9603.50.0000. THESE HTSUS PROVISIONS ARE GIVEN FOR REFERENCE AND CUSTOMS PURPOSES ONLY, AND THE DESCRIPTION OF MERCHANDISE IS DISPOSITIVE FOR DETERMINING THE SCOPE OF THE PRODUCTS INCLUDED IN THIS PETITION.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-940.

4. FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION FOR COUNTERVAILING DUTY PURPOSES ON ALL SHIPMENTS OF SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR

CONSUMPTION ON OR AFTER 03/24/2009. THE SUSPENSION OF LIQUIDATION WILL NOT BE RESUMED UNLESS AND UNTIL COMMERCE PUBLISHES A COUNTERVAILING DUTY ORDER IN THIS CASE.

FIELD OFFICERS SHALL CONTINUE TO SUSPEND LIQUIDATION ON ALL SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION MADE DURING THE PERIOD 11/24/2008 THROUGH 03/23/2009, UNTIL THE CONCLUSION OF THIS COUNTERVAILING DUTY INVESTIGATION.

5. THE DISCONTINUATION DOES NOT AFFECT THE REQUIREMENTS OF A CASH DEPOSIT OR BOND ON ENTRIES SUBJECT TO THE SUSPENSION OF LIQUIDATION ANNOUNCED IN COMMERCE'S PRELIMINARY DETERMINATION IN THE COMPANION ANTIDUMPING DUTY INVESTIGATION ON CERTAIN TOW-BEHIND LAWN GROOMERS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA.

6. 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 O6:GC).

7. 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