

MESSAGE NO: 3261315 MESSAGE DATE: 09/18/2013
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-968

EFFECTIVE DATE: 09/05/2013 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 09/18/2013

TO: { Directors Of Field Operations, Port Directors }

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

RE: Countervailing duty scope determination on aluminum extrusions from the People's Republic of China (PRC) (C-570-968).

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. Commerce received a scope ruling request from Port-A-Cool LLC. Commerce issued a final scope determination on 09/05/2013 that louver assemblies for certain "Cyclone" models of Port-A-Cool's cooling systems which Port-A-Cool imports are not within the scope of the countervailing duty order on aluminum extrusions from the PRC (C-570-968).

2. Commerce determined that Port-A-Cool's Cyclone-model-specific louver assemblies are outside the scope of the order because the louvers in question, as imported, each contain all of the components of a louver (including non-aluminum extrusion parts) permanently assembled, completed, and ready for use. Moreover, Commerce finds that the louvers are a complementary finished product that work in conjunction with the Cyclone air cooling system to direct airflow, but are not essential to the air cooling system itself. Therefore, Port-A-Cool's louvers are not within the scope of the countervailing duty order on aluminum extrusions from the PRC.

3. For all entries of Port-A-Cool's Cyclone-model-specific louver assemblies not within scope that remain unliquidated on or after 9/7/2010, CBP shall terminate suspension and liquidate entries of Port-A-Cool's Cyclone-model-specific louver assemblies that are not within scope which were entered, or withdrawn from warehouse, for consumption.

4. Refund any cash deposits relating to Port-A-Cool's Cyclone-model-specific louver assemblies described above.

5. These instructions constitute notice of the lifting of suspension of liquidation of entries of Port-A-Cool's Cyclone-model-specific louver assemblies entered, or withdrawn from warehouse, for consumption on or after 9/7/2010.

6. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is

subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing 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. Unless instructed otherwise, for all other shipments of aluminum extrusions from the PRC not covered by paragraph 2 above, you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O8:BQ.)

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