

MESSAGE NO: 9198201 MESSAGE DATE: 07/17/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 5074201
MESSAGE #
(s):
CASE #(s): A-570-827

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/2008 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION ORDERS BASED UPON SCOPE RULING ON CERTAIN CASED
PENCILS FROM CHINA (A-570-827)-ITEM #'S 01350; 01341; 01330; 41360; 01302.

MESSAGE NO: 9198201

DATE: 07 17 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 5074201

REFERENCE DATE: 03 15 2005

CASES: A - 570 - 827

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PERIOD COVERED: 12 01 2008 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION ORDERS BASED UPON SCOPE RULING ON CERTAIN
CASED PENCILS FROM CHINA (A-570-827)-ITEM #'S 01350;
01341; 01330; 41360; 01302.

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM IT'S ACADEMIC, INC. ("IT'S ACADEMIC") COMMERCE ISSUED A FINAL SCOPE RULING ON 06/23/2009 THAT CERTAIN IT'S ACADEMIC COMPASSES WITH PENCILS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-827).

2. COMMERCE DETERMINED THAT CERTAIN IT'S ACADEMIC COMPASSES WITH PENCILS ARE ESSENTIALLY THE SAME AS THE COMPASSES WITH

PENCILS PREVIOUSLY DETERMINED TO BE OUTSIDE THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE FINAL SCOPE RULING ON THE FISKARS BRANDS, INC. SCOPE REQUEST. SEE MESSAGE NUMBER 5074201, DATED 3/15/2005.

THEREFORE, THE FOLLOWING IT'S ACADEMIC COMPASSES WITH PENCILS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA: "BOW COMPASS" (ITEM NUMBER 01350); "METAL COMPASS" (ITEM NUMBER 01341); "RETRACTABLE POINT COMPASS" (ITEM NUMBER 01330); "COMPASS MADE OF RECYCLED PRODUCTS" (ITEM NUMBER 41360); AND "REGULAR COMPASS" (ITEM NUMBER 01302).

3. EFFECTIVE 12/1/2008, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF THE IT'S ACADEMIC COMPASSES WITH PENCILS LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE IT'S ACADEMIC COMPASSES WITH PENCILS LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE IT'S ACADEMIC COMPASSES WITH PENCILS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/1/2008.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR 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, OR 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.

7. FOR ALL OTHER SHIPMENTS OF CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. 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 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 O1:WHL).

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

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

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