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SUB-TYPE:

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REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-940

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/31/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF CERTAIN TOW-BEHIND GROOMERS AND PARTS FROM CHINA (C-570-940-000/001/002/003/004/005/006/007)

MESSAGE NO: 9223203 DATE: 08 11 2009

CATEGORY: CVD TYPE: ORD

REFERENCE: REFERENCE DATE:

CASES: C - 570 - 940 - -

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PERIOD COVERED: 07 31 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF CERTAIN TOW-BEHIND GROOMERS AND PARTS FROM CHINA (C-570-940-000/001/002/003/004/005/006/007)

1. ON 08/03/2009, THE DEPARTMENT OF COMMERCE (COMMERCE) PUBLISHED IN THE FEDERAL REGISTER ITS COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF CERTAIN TOW-BEHIND LAWN GROOMERS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA (74 FR 38399).

2. THE SCOPE OF THIS ORDER COVERS CERTAIN NON-MOTORIZED TOW BEHIND 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 ORDER, 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 ORDER. 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 ORDER.

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 ORDER. 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 ORDER.

ALSO INCLUDED IN THE SCOPE OF THE ORDER 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 ORDER.

MODULAR UNIT CHASSIS, 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 ORDER. FOR PURPOSES OF THIS ORDER, "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, DEFINED AS A COMPLETE HITCH ASSEMBLY COMPRISING OF AT LEAST THE FOLLOWING TWO MAJOR HITCH COMPONENTS, TUBING AND A HITCH PLATE REGARDLESS OF THE ABSENCE OF MINOR COMPONENTS SUCH AS

PIN OR FASTENERS. INDIVIDUAL HITCH COMPONENT PARTS, SUCH AS TUBING, HITCH PLATES, PINS OR FASTENERS ARE NOT COVERED BY THE SCOPE.

THE MAJOR COMPONENTS OR PARTS OF LAWN GROOMERS THAT ARE INDIVIDUALLY COVERED BY THIS ORDER 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 SCOPE OF THIS ORDER SPECIFICALLY EXCLUDES 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 ORDER ARE CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) STATISTICAL REPORTING NUMBERS 8432.40.0000, 8432.80.0000, 8432.80.0010, 8432.90.0030, 8432.90.0080, 8479.89.9896, 8479.89.9897, 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 PRODUCT INCLUDED IN THIS ORDER.

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

4. ON 03/25/2009, IN KEEPING WITH THE WORLD TRADE ORGANIZATION AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES, THE DEPARTMENT INSTRUCTED U.S. CUSTOMS AND BORDER PROTECTION (CBP) TO DISCONTINUE SUSPENSION OF LIQUIDATION IN THIS INVESTIGATION EFFECTIVE 03/24/2009, WHICH IS 120 DAYS AFTER THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION (MESSAGE NUMBERS 9107208, 04/17/2009; 9099201, 04/09/2009; 9090201, 03/31/2009; AND 9084206, 03/25/2009). SUSPENSION OF LIQUIDATION CONTINUES FOR ALL ENTRIES MADE FROM 11/24/2008 THROUGH 03/23/2009.

5. FOR IMPORTS OF CERTAIN TOW-BEHIND LAWN GROOMERS AND CERTAIN PARTS THEREOF FROM THE PEOPLE'S REPUBLIC OF CHINA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 07/31/2009. EFFECTIVE 07/31/2009, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT EQUAL TO THE SUBSIDY RATES SHOWN BELOW:

PRODUCED AND/OR EXPORTED BY: JIASHAN SUPERPOWER TOOLS CO., LTD.

CASE NUMBER: C-570-940-002
SUBSIDY RATE: 13.30 PERCENT

PRODUCED AND/OR EXPORTED BY: MAXCHIEF INVESTMENTS LTD.

CASE NUMBER: C-570-940-003
SUBSIDY RATE: 264.98 PERCENT

PRODUCED AND/OR EXPORTED BY: QINGDAO EA HUABANG INSTRUMENT CO., LTD.

CASE NUMBER: C-570-940-004
SUBSIDY RATE: 264.98 PERCENT

PRODUCED AND/OR EXPORTED BY: QINGDAO HUNDAI TOOLS CO., LTD.

CASE NUMBER: C-570-940-005
SUBSIDY RATE: 264.98 PERCENT

PRODUCED AND/OR EXPORTED BY: QINGDAO TAIFA GROUP CO., LTD.

CASE NUMBER: C-570-940-006

SUBSIDY RATE: 264.98 PERCENT

PRODUCED AND/OR EXPORTED BY: WORLD FACTORY, INC.

CASE NUMBER: C-570-940-007

SUBSIDY RATE: 264.98 PERCENT

PRODUCED AND/OR EXPORTED BY: ALL OTHERS

CASE NUMBER: C-570-940-000

SUBSIDY RATE: 13.30 PERCENT

6. COMMERCE FOUND THAT PRINCEWAY FURNITURE (DONG GUAN) CO., LTD. AND PRINCEWAY LIMITED RECEIVED NO COUNTERAVAILABLE SUBSIDIES. ACCORDINGLY, CBP IS DIRECTED NOT TO SUSPEND LIQUIDATION FOR SHIPMENTS OF CERTAIN TOW-BEHIND LAWN GROOMERS AND CERTAIN PARTS THEREOF MANUFACTURED AND EXPORTED BY PRINCEWAY FURNITURE (DONG GUAN) CO., LTD. AND PRINCEWAY LIMITED, CASE NUMBER: C-570-940-001. IF ANY ENTRIES OF THIS MERCHANDISE MANUFACTURED AND EXPORTED BY THIS COMPANY HAVE BEEN

SUSPENDED, CBP IS DIRECTED TO LIQUIDATE WITHOUT REGARD TO COUNTERVAILING DUTIES, REFUND ALL CASH DEPOSITS, AND RELEASE ALL BONDS OR POSTED SECURITIES.

7. 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).

8. 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