

MESSAGE NO: 9268205 MESSAGE DATE: 09/25/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-941

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/26/2009 TO 09/08/2009

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS (GAP PERIOD) FOR CERTAIN KITCHEN APPLIANCE
SHELVING & RACKS FROM CHINA (A-570-941)

MESSAGE NO: 9268205 DATE: 09 25 2009

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 941 - -

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PERIOD COVERED: 08 26 2009 TO 09 08 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS (GAP PERIOD) FOR CERTAIN
KITCHEN APPLIANCE SHELVING & RACKS FROM CHINA
(A-570-941)

1. IN ACCORDANCE WITH SECTION 733(d) OF THE TARIFF ACT OF 1930,
AS AMENDED, THE DEPARTMENT MAY SUSPEND THE LIQUIDATION OF
MERCHANDISE SUBJECT TO AN ANTIDUMPING DUTY INVESTIGATION AND
COLLECT ESTIMATED DUTIES FOR A TEMPORARY PERIOD (THE
PROVISIONAL MEASURES PERIOD).

WHEN SUBJECT MERCHANDISE CONTINUES TO BE SUSPENDED DURING THE
PROVISIONAL MEASURES PERIOD, THE DEPARTMENT MUST INSTRUCT CBP TO
TERMINATE SUSPENSION AND LIQUIDATE WITHOUT REGARD TO ANTIDUMPING

DUTIES ON SUCH MERCHANDISE.

2. ON 08/25/2009, THE PROVISIONAL MEASURES PERIOD EXPIRED. HOWEVER, SUSPENSION OF LIQUIDATION OF MERCHANDISE MAY HAVE CONTINUED.

3. THE INTERNATIONAL TRADE COMMISSION (ITC) FOUND IN ITS FINAL VOTE THAT THERE ARE TWO SEPARATE LIKE PRODUCTS WITHIN THE SCOPE OF THIS ORDER, REFRIGERATION SHELVING AND OVEN RACKS, AND THUS TWO SEPARATE DOMESTIC INDUSTRIES. THE ITC NOTIFIED COMMERCE THAT IMPORTS OF REFRIGERATION SHELVING FROM THE PEOPLE'S REPUBLIC OF CHINA MATERIALLY INJURED THE U.S. INDUSTRY.

ACCORDINGLY, FOR SHIPMENTS OF REFRIGERATION SHELVING FROM THE PEOPLE'S REPUBLIC OF CHINA, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION, THAT REMAINED SUSPENDED DURING THE PERIOD 08/26/2009 THROUGH 09/08/2009, CBP SHOULD TERMINATE THE

SUSPENSION OF LIQUIDATION AND LIQUIDATE WITHOUT REGARD TO ANTIDUMPING DUTIES (I.E., RELEASE ALL BONDS AND REFUND ALL CASH DEPOSITS).

ADDITIONALLY, THE ITC NOTIFIED COMMERCE THAT IMPORTS OF OVEN RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA THREATEN MATERIAL INJURY TO THE U.S. INDUSTRY. THE ITC DETERMINED THAT IT WOULD NOT HAVE FOUND MATERIAL INJURY BUT FOR THE SUSPENSION OF LIQUIDATION. THEREFORE, COMMERCE WILL ISSUE SEPARATE INSTRUCTIONS TO CBP TO TERMINATE SUSPENSION AND REFUND ANY CASH DEPOSIT AND RELEASE ANY BOND OR OTHER SECURITY OF OVEN RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA.

4. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

5. THIS INSTRUCTION CONSTITUTES NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 08/26/2009 THROUGH 09/08/2009.

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 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:KM).

7. 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