

## Paul Sprandel

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**From:** EMILY LAM (MC) <emily.lam@mitsubishicorp.com>  
**Sent:** Monday, July 11, 2022 11:16 AM  
**To:** Paul Sprandel  
**Cc:** Sarah Phipps; DAVID SHERMAN (MC)  
**Subject:** RE: 2004432.pdf

**CAUTION:** This email originated from outside of the organization. Maintain caution when opening external links/attachments.

Good morning Paul,

I hope you had a good weekend.

Apologies for my delayed response. We asked outside counsel for advice; please see their following remarks:

---Quote---

Suspension of liquidation of AD or CVD entries is only suspended if there *is* an Administrative Review or a court challenge. Otherwise, as stated in the notice, the entries are liquidated at the rate in effect for that period. The notice also states that there is “no injunction applicable to the entries covered by this instruction” so there is no current court case.

An importer subject to these duties could bring a court case challenging the liquidation or the rate, but they would very likely lose because a) CBP only is following DOC’s instructions on liquidation and b) the only way to challenge the AD or CVD rates is to either request an Admin review then file a court case if you don’t like the results or be a “party” to the AD or CVD case (or Admin Review) to begin with.

So, CBP must liquidate the entries at the rate in effect for that time period. CBP cannot change the rates, only DOC or the CIT can. The DOC cannot without an Admin Review or a court (CIT) order. As you know once the entries are liquidated they are final and only the importer can challenge them through a protest. But again, the protest cannot challenge the DOC’ rates unless CBP applies the wrong rate.

---End quote---

Please let us know if you have any questions.

Best regards,  
Emily Lam  
Manager, Trade Compliance Department  
Mitsubishi Corporation (Americas)  
655 Third Avenue  
New York, New York 10017  
Office: +1-212-605-2176  
Mobile: +1-917-244-4724  
[emily.lam@mitsubishicorp.com](mailto:emily.lam@mitsubishicorp.com)

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**From:** Paul Sprandel <paul.sprandel@mtlo.com>  
**Sent:** Thursday, July 7, 2022 4:42 PM  
**To:** EMILY LAM (MC-MCA) <emily.lam@mitsubishicorp.com>

**Cc:** Sarah Phipps <sarah.phipps@mtlo.com>; DAVID SHERMAN (MC-MCA) <david.sherman@mitsubishicorp.com>

**Subject:** RE: 2004432.pdf

That was my general understanding that if DOC does not receive a request for a review the entries would remain suspended indefinitely.

However It appears that the reversed happened. DOC did not receive requests for an AR for our 9 digit AD case number A-588-874-023 therefore DOC issued instructions to CBP to liquidate at the cash deposit rate in effect at the time of entry. Should we be concerned that DOC/CBP could change their viewpoint and reliquidate the entries at a different rate maybe potentially higher?

Best Regards,

Paul Sprandel  
Customs & Compliance Manager  
*Metal One America, Inc.*  
6250 N River Rd STE 2055  
Rosemont IL, 60018-4270  
Tel : 847.685.5451  
Mobile: 630.841.2778

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**From:** EMILY LAM (MC) <[emily.lam@mitsubishicorp.com](mailto:emily.lam@mitsubishicorp.com)>

**Sent:** Thursday, July 7, 2022 3:18 PM

**To:** Paul Sprandel <[paul.sprandel@mtlo.com](mailto:paul.sprandel@mtlo.com)>

**Cc:** Sarah Phipps <[sarah.phipps@mtlo.com](mailto:sarah.phipps@mtlo.com)>; DAVID SHERMAN (MC) <[david.sherman@mitsubishicorp.com](mailto:david.sherman@mitsubishicorp.com)>

**Subject:** RE: 2004432.pdf

**CAUTION:** This email originated from outside of the organization. Maintain caution when opening external links/attachments.

Hi Paul,

Please confirm if my understanding of your email is correct.

Are you asking that if the DOC does not receive a request for an administrative review for the given period, then the liquidation of those entries are suspended indefinitely? In other words, those entries won't get liquidated.

Thanks!

Best regards,  
Emily Lam  
Manager, Trade Compliance Department  
Mitsubishi Corporation (Americas)  
655 Third Avenue  
New York, New York 10017  
Office: +1-212-605-2176  
Mobile: +1-917-244-4724  
[emily.lam@mitsubishicorp.com](mailto:emily.lam@mitsubishicorp.com)

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**From:** Paul Sprandel <[paul.sprandel@mtlo.com](mailto:paul.sprandel@mtlo.com)>

**Sent:** Wednesday, July 6, 2022 10:51 AM

**To:** EMILY LAM (MC-MCA) <[emily.lam@mitsubishicorp.com](mailto:emily.lam@mitsubishicorp.com)>; DAVID SHERMAN (MC-MCA)

<david.sherman@mitsubishicorp.com>

Cc: Sarah Phipps <sarah.phipps@mtlo.com>

Subject: FW: 2004432.pdf

Good Morning Emily and David

Per the attached notice from CBP if an AR is not requested CBP is instructed to liquidate entries at the cash deposit rate in effect at the time of entry. I had the understanding that if DOC does not receive a request for an AR that the entries for a given period were to remain Suspended indefinitely. Is my understanding not correct?

2. Commerce has not received a request for an ad  
for the period and on the merchandise identified b  
Therefore, in accordance with 19 CFR 351.212(c), y  
those listed in paragraph 3 and assess antidumpin  
from warehouse, for consumption at the cash deposi

<https://www.federalregister.gov/documents/2021/10/01/2021-21406/antidumping-or-countervailing-duty-order-finding-or-suspended-investigation-opportunity-to-request>

Commerce will publish in the **Federal Register** a notice of “Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation” for requests received by the last day of October 2021. If Commerce does not receive, by the last day of October 2021, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

<https://www.federalregister.gov/documents/2021/11/29/2021-25934/initiation-of-antidumping-and-countervailing-duty-administrative-reviews>

Notice of AR of the two identified companies.

Best Regards,

Paul Sprandel  
Customs & Compliance Manager  
*Metal One America, Inc.*  
6250 N River Rd STE 2055

*Rosemont IL, 60018-4270*

Tel : 847.685.5451

Mobile: 630.841.2778

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**From:** Paul Sprandel

**Sent:** Tuesday, July 5, 2022 4:28 PM

**To:** Kim Hitchens <[kim.hitchens@mtlo.com](mailto:kim.hitchens@mtlo.com)>

**Cc:** Sarah Phipps <[sarah.phipps@mtlo.com](mailto:sarah.phipps@mtlo.com)>; Derek Strek <[derek.strek@mtlo.com](mailto:derek.strek@mtlo.com)>

**Subject:** 2004432.pdf

Hi Kim

According to this notice entries from 20-21 period for the Japanese Hot Roll have been liquidated at no change.