

MESSAGE NO: 3142203 MESSAGE DATE: 05/22/2003
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-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/14/2003 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULING ON CANDLES FROM CHINA (A-570-504)

MESSAGE NO: 3142203

DATE: 05 22 2003

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 570 - 504

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PERIOD COVERED: 05 14 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING ON CANDLES FROM CHINA (A-570-504)

1. ON MAY 14, 2003, IN RESPONSE TO A REQUEST BY FLEMING INTERNATIONAL, LTD. (FLEMING), THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT FLEMING'S VEGETABLE WAX CANDLES (PRODUCT B3922, PRODUCT B3966 AND PRODUCT B3988) ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).

2. THE COMMERCE DEPARTMENT FOUND SUFFICIENT EVIDENCE ON THE RECORD TO ESTABLISH THAT FLEMING'S VEGETABLE WAX CANDLES PRODUCT B3922, PRODUCT B3966 AND PRODUCT B3988) SHOULD BE EXCLUDED

BECAUSE OF THEIR VEGETABLE WAX CONTENT. THESE CANDLES, THEREFORE, ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE MAY 14, 2003, TERMINATE SUSPENSION OF LIQUIDATION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, FOR ALL CANDLES AS LISTED IN PARAGRAPH 1.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO CANDLES LISTED IN PARAGRAPH 1.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION (BCBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT BCBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, 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.

6. CONTINUE TO SUSPEND LIQUIDATION OF ALL OTHER ENTRIES OF PETROLEUM WAX CANDLES SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. WITH RESPECT TO FLEMING'S VEGETABLE WAX CANDLES LISTED ABOVE IN PARAGRAPH 1, THE COMMERCE DEPARTMENT NOTES THAT THE TEST RESULTS SUBMITTED BY FLEMING FROM AN INDEPENDENT TESTING FACILITY INDICATE THAT THE MAJORITY WAX COMPONENT FOR THESE CANDLES IS NOT PETROLEUM WAX. HOWEVER, THE COMMERCE DEPARTMENT NOTES THAT THE

AFOREMENTIONED TEST RESULTS MAY NOT BE DISPOSITIVE OF THE EXACT

COMPOSITION OF CANDLES OF THIS ITEM NUMBER WHEN SUCH CANDLES ARE PRESENTED AT A FUTURE TIME FOR ENTRY AT ONE OF THE SEVERAL BCBP PORTS OF ENTRY. THEREFORE, THE COMMERCE DEPARTMENT ENCOURAGES

BCBP TO CONTINUE FOLLOWING BCBP TESTING PROCEDURES PREVIOUSLY IN PLACE FOR IMPORTS OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER, CBP OFFICERS, THE IMPORTING PUBLIC AND INTERESTED PARTIES PLEASE CONTACT JULIO FERNANDEZ AT "JULIO__FERNANDEZ AT ITA.DOC.GOV" OR AT 202-482-0961, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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