

MESSAGE NO: 4062204 MESSAGE DATE: 03/02/2004
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-557-813

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/26/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF A PRELIMINARY DETERMINATION IN AN ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM MALAYSIA (A-557-813)

MESSAGE NO: 4062204 DATE: 03 02 2004

CATEGORY: ADA TYPE: PRE

REFERENCE: REFERENCE DATE:

CASES: A - 557 - 813 - -

- - - -

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PERIOD COVERED: 01 26 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF A PRELIMINARY DETERMINATION IN AN ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM MALAYSIA (A-557-813)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

1. ON JANUARY 26, 2004, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER (69 FR 3557) ITS PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE AND THE POSTPONEMENT OF THE FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS (PRCBS) FROM MALAYSIA.

2. THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS PRCBS WHICH

MAY BE REFERRED TO AS T-SHIRT SACKS, MERCHANDISE BAGS, GROCERY BAGS, OR CHECKOUT BAGS. THE SUBJECT MERCHANDISE IS DEFINED AS NON-SEALABLE SACKS AND BAGS WITH HANDLES (INCLUDING DRAWSTRINGS), WITHOUT ZIPPERS OR INTEGRAL EXTRUDED CLOSURES, WITH OR WITHOUT GUSSETS, WITH OR WITHOUT PRINTING, OF POLYETHYLENE FILM HAVING A THICKNESS NO GREATER THAN .035 INCH (0.889 MM) AND NO LESS THAN .00035 INCH (0.00889 MM), AND WITH NO LENGTH OR WIDTH SHORTER THAN 6 INCHES (15.24 CM) OR LONGER THAN 40 INCHES (101.6 CM). THE DEPTH OF THE BAG MAY BE SHORTER THAN 6 INCHES BUT NOT LONGER THAN 40 INCHES (101.6 CM).

PRCBS ARE TYPICALLY PROVIDED WITHOUT ANY CONSUMER PACKAGING AND FREE OF CHARGE BY RETAIL ESTABLISHMENTS (E.G., GROCERY, DRUG, CONVENIENCE, DEPARTMENT, SPECIALTY RETAIL, DISCOUNT STORES, AND RESTAURANTS) TO THEIR CUSTOMERS TO PACKAGE AND CARRY THEIR PURCHASED PRODUCTS. THE SCOPE OF THE INVESTIGATION EXCLUDES (1) POLYETHYLENE BAGS THAT ARE NOT PRINTED WITH LOGOS OR STORE NAMES AND THAT ARE CLOSEABLE WITH DRAWSTRINGS MADE OF POLYETHYLENE FILM

AND (2) POLYETHYLENE BAGS THAT ARE PACKED IN CONSUMER PACKAGING WITH PRINTING THAT REFERS TO SPECIFIC END-USES OTHER THAN PACKAGING AND CARRYING MERCHANDISE FROM RETAIL ESTABLISHMENTS (E.G., GARBAGE BAGS, LAWN BAGS, TRASH-CAN LINERS).

IMPORTS OF THE SUBJECT MERCHANDISE ARE CLASSIFIED UNDER STATISTICAL CATEGORY 3923.21.0090 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). THIS SUBHEADING ALSO COVERS PRODUCTS THAT ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION. FURTHERMORE, ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR IMPORTS OF PRCBS MALAYSIA MANUFACTURED AND EXPORTED BY BEE LIAN PLASTIC INDUSTRIES SDN. BHD (BEE LIEN), NO SUSPENSION OF LIQUIDATION IS REQUIRED AT THIS TIME.

4. FOR ALL IMPORTS OF PRCBS FROM MALAYSIA NOT MANUFACTURED AND EXPORTED BY BEE LIAN, U.S. CUSTOMS AND BORDER PROTECTION (CBP)

SHALL SUSPEND LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER

JANUARY 26, 2004. EFFECTIVE JANUARY 26, 2004, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

EXPORTER OR PRODUCER PERCENTAGE	CUSTOMS ID NUMBER	MARGIN
TEONG CHUAN PLASTIC AND TIMBER SDN. BHD	A-557-813-002	101.74
BRANDPAK INDUSTRIES SDN. BHD	A-557-813-003	101.74
GANTS PAC INDUSTRIES	A-557-813-004	101.74
SIDO BANGUN SDN.BHD	A-557-813-005	101.74
ZHIN HIN/CHIN HIN PLASTIC MANUFACTURER SDN. BHD	A-557-813-006	101.74
ALL OTHERS	A-557-813-000	84.78

5. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF UNITED STATES CUSTOMS AND BORDER PROTECTION (CBP), CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CBP OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S.

DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G103:

CC).

7. 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