

MESSAGE NO: 4125202 MESSAGE DATE: 05/04/2004
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: 12/23/2003 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SCOPE RULING AND LIQUIDATION INSTRUCTION ON ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM CHINA (A-570-504).

MESSAGE NO: 4125202 DATE: 05 04 2004

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

- - - -

- - - -

PERIOD COVERED: 12 23 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: SCOPE RULING AND LIQUIDATION INSTRUCTION ON ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM CHINA (A-570-504).

1. ON 12/22/2003, IN RESPONSE TO A REQUEST BY MEIJER DISTRIBUTION INC., (MEIJER) THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT ITS "HALLOWEEN FLOATING CANDLES" (ITEM CODE #888799) 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 MEIJER'S "HALLOWEEN FLOATING CANDLES"

(ITEM CODE #888799) SHOULD BE EXCLUDED BECAUSE THE DEPARTMENT HAS DETERMINED THAT THESE CANDLES ARE SPECIFIC TO HALLOWEEN. 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 12/23/2003, TERMINATE SUSPENSION OF LIQUIDATION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, FOR 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 CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS AND BORDER PROTECTION 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. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS AND BORDER PROTECTION OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G307:JA).

8. 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