

MESSAGE NO: 9365112 MESSAGE DATE: 12/31/1998
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-851

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/05/1998 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: FINAL DETERMINATION FOR CERTAIN PRESERVED MUSHROOMS FROM CHINA
(A-570-851)

MESSAGE NO: 9365112 DATE: 12 31 1998

CATEGORY: ADA TYPE: FIN

REFERENCE: REFERENCE DATE:

CASES: A - 570 - 851 - -

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PERIOD COVERED: 08 05 1998 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: FINAL DETERMINATION FOR CERTAIN PRESERVED MUSHROOMS
FROM CHINA (A-570-851)

1. ON DECEMBER 31, 1998, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN PRESERVED MUSHROOMS FROM THE PRC.
2. THE PRODUCTS COVERED BY THIS INVESTIGATION ARE CERTAIN PRESERVED MUSHROOMS, WHETHER IMPORTED WHOLE, SLICED, DICED, OR AS STEMS AND PIECES. THE PRESERVED MUSHROOMS COVERED

UNDER THIS INVESTIGATION ARE THE SPECIES AGARICUS BISPORUS AND AGARICUS BITORQUIS. "PRESERVED MUSHROOMS" REFER TO MUSHROOMS THAT HAVE BEEN PREPARED OR PRESERVED BY CLEANING, BLANCHING, AND SOMETIMES SLICING OR CUTTING. THESE MUSHROOMS ARE THEN PACKED AND HEATED IN CONTAINERS INCLUDING BUT NOT LIMITED TO CANS OR GLASS JARS IN A SUITABLE LIQUID MEDIUM, INCLUDING BUT NOT LIMITED TO WATER, BRINE, BUTTER OR BUTTER SAUCE. PRESERVED MUSHROOMS MAY BE IMPORTED WHOLE, SLICED, DICED, OR AS STEMS AND PIECES. INCLUDED WITHIN THE SCOPE OF THE INVESTIGATION ARE "BRINED" MUSHROOMS, WHICH ARE PRESALTED AND PACKED IN A HEAVY SALT SOLUTION TO PROVISIONALLY PRESERVE THEM FOR FURTHER PROCESSING. EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE THE FOLLOWING: (1) ALL OTHER SPECIES OF MUSHROOM INCLUDING STRAW MUSHROOMS; (2) ALL FRESH AND CHILLED MUSHROOMS, INCLUDING "REFRIGERATED" OR "QUICK BLANCHED MUSHROOMS"; (3) DRIED MUSHROOMS; (4) FROZEN MUSHROOMS; AND (5) "MARINATED," "ACIDIFIED" OR " PICKLED" MUSHROOMS, WHICH ARE PREPARED OR PRESERVED BY MEANS OF VINEGAR OR ACETIC ACID, BUT MAY CONTAIN OIL OR OTHER ADDITIVES. THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS CLASSIFIABLE UNDER SUBHEADINGS 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, AND 0711.90.4000 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTS"). ALTHOUGH THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-851.

4. WE HAVE DETERMINED THAT CRITICAL CIRCUMSTANCES EXIST WITH RESPECT TO CERTAIN PRESERVED MUSHROOMS EXPORTED BY TAK FAT AND ALL OTHER COMPANIES NOT NAMED SPECIFICALLY IN ITEM 5 BELOW. THEREFORE, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES FROM THESE COMPANIES THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MAY 7, 1998. EFFECTIVE DECEMBER 31, 1998, CUSTOMS

SHALL REQUIRE FOR ENTRIES A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW.

5. THE DEPARTMENT FINDS THAT CRITICAL CIRCUMSTANCES DO NOT EXIST WITH RESPECT TO CERTAIN PRESERVED MUSHROOMS EXPORTED BY CHINA PROCESSED FOOD I&E CO./ XIAMEN JIAHUA I&E TRADING COMPANY, LTD.; SHENZHEN COFRY CEREALS, OILS, & FOODSTUFFS CO., LTD.; GERBER (YUNNAN) FOOD CO.; JIANGSU CEREALS, OIL & FOODSTUFFS GROUP IMPORT & EXPORT CORPORATION; FUJIAN PROVINCIAL CEREALS, OILS & FOODSTUFFS I&E CORP.; PUTIAN CANNERY FUJIAN PROVINCE; XIAMEN GULONG I&E CO. LTD.; GENERAL CANNED FOODS FACTORY OF ZHANGZHOU; ZHEJIANG CEREALS, OILS & FOODSTUFFS I&E CORP.; SHANGHAI FOODSTUFFS I&E CORP., AND CANNED GOODS CO. OF RAOPING. THEREFORE, THE RETROACTIVE SUSPENSION OF LIQUIDATION ORDERED AT THE TIME OF THE PRELIMINARY DETERMINATION IS HEREBY TERMINATED WITH RESPECT TO ENTRIES OF CERTAIN PRESERVED MUSHROOMS FROM THESE COMPANIES. ACCORDINGLY, FOR THESE COMPANIES, CUSTOMS IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF PRESERVED MUSHROOMS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION PRIOR TO AUGUST 5, 1998, AND TO REFUND ANY CASH DEPOSIT AND RELEASE ANY BONDS OR OTHER SECURITY. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

6. THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF SHIPMENTS FROM THE COMPANIES NAMED IN ITEM 5 ABOVE THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER AUGUST 5, 1998. EFFECTIVE DECEMBER 31, 1998, CUSTOMS SHALL REQUIRE FOR ENTRIES A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE	CRITICAL CIRCUMSTANCES
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CHINA PROCESSED FOOD CO./ XIAMEN JIAHUA I&E TRADING CO., LTD	A-570-851-001	154.71	NO
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TAK FAT TRADING CO.	A-570-851-002	178.59	YES
SHENZHEN COFRY CEREALS, OILS, & FOODSTUFFS CO. LTD	A-570-851-003	126.16	NO
GERBER (YUNNAN) FOOD CO.	A-570-851-004	158.79	NO
JIANGSU CEREALS, OILS & FOODSTUFFS GROUP IMPORT EXPORT CORP.	A-570-851-005	158.79	NO
FUJIAN PROVINCIAL CEREALS, OILS & FOODSTUFFS I&E CORP.	A-570-851-006	158.79	NO
PUTIAN CANNERY FUJIAN PROVINCE	A-570-851-007	158.79	NO
XIAMEN GULONG I&E CO., LTD.	A-570-851-008	158.79	NO
GENERAL CANNED FOODS FACTORY OF ZHANGZHOU	A-570-851-009	158.79	NO
ZHEJIANG CEREALS, OILS & FOODSTUFFS I&E CORP.	A-570-851-010	158.79	NO
SHANGHAI FOODSTUFFS I&E CORP.	A-570-851-011	158.79	NO
CANNED GOODS CO. OF RAOPING	A-570-851-012	158.79	NO
PRC-WIDE RATE	A-570-851-000	198.63	YES

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED

PARTIES SHOULD CONTACT DAVID J. GOLDBERGER OR KATHERINE JOHNSON OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202)482-4136 OR (202) 482-4929.

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

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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