

MESSAGE NO: 7096204 MESSAGE DATE: 04/06/2007
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ADM 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: 05/11/2006 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: CASH DEPOSIT-PRELIMINARY DETERMINATION-CIRCUMVENTION OF AD ORDER ON PETROLEUM WAX CANDLES-CHINA (A-570-504) WICKLESS WAX FORMS IMP'D BY DECOR-WARE, A&M WHOLE(MORE)

MESSAGE NO: 7096204 DATE: 04 06 2007

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REFERENCE: REFERENCE DATE:

CASES: A - 570 - 504 - -

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PERIOD COVERED: 05 11 2006 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: CASH DEPOSIT-PRELIMINARY DETERMINATION-CIRCUMVENTION OF AD ORDER ON PETROLEUM WAX CANDLES-CHINA (A-570-504) WICKLESS WAX FORMS IMP'D BY DECOR-WARE, A&M WHOLE(MORE)

1. ON MARCH 28, 2007, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS NOTICE OF AN AFFIRMATIVE PRELIMINARY DETERMINATION OF CIRCUMVENTION OF THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504). SEE 72 FR 14518.

2. SCOPE OF THE ANTIDUMPING DUTY ORDER:

THE PRODUCTS COVERED BY THIS ORDER ARE CERTAIN SCENTED OR UNSCENTED PETROLEUM WAX CANDLES MADE FROM PETROLEUM WAX AND HAVING FIBER OR PAPER-CORED WICKS. THEY ARE SOLD IN THE FOLLOWING SHAPES: TAPERS, SPIRALS, AND STRAIGHT-SIDED DINNER CANDLES; ROUNDS, COLUMNS, PILLARS, VOTIVES; AND VARIOUS WAX-FILLED CONTAINERS. THE PRODUCTS WERE CLASSIFIED IN THE ORIGINAL INVESTIGATION UNDER THE TARIFF SCHEDULES OF THE UNITED STATES ITEM 755.25, CANDLES AND TAPERS. THE PRODUCTS ARE CURRENTLY CLASSIFIED UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) SUBHEADING 3406.00.00. ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE PURPOSES, THE WRITTEN DESCRIPTION REMAINS DISPOSITIVE. IN ADDITION, THE DEPARTMENT HAS DETERMINED THAT MIXED-WAX CANDLES CONTAINING ANY AMOUNT OF PETROLEUM WAX ARE LATER-DEVELOPED MERCHANDISE AND ARE WITHIN THE SCOPE OF THE ORDER. SEE LATER-DEVELOPED MERCHANDISE ANTICIRCUMVENTION INQUIRY OF THE

ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA: AFFIRMATIVE FINAL DETERMINATION OF CIRCUMVENTION OF THE ANTIDUMPING DUTY ORDER, 71 FR 59075 (OCTOBER 6, 2006).

3. SCOPE OF THE ANTICIRCUMVENTION INQUIRY:

THE PRODUCTS COVERED BY THIS INQUIRY ARE CERTAIN SCENTED OR UNSCENTED PETROLEUM WAX FORMS THAT DO NOT INCORPORATE A WICK WITHIN THE WAX, WHETHER OR NOT HAVING PRE-DRILLED WICK HOLES (WICKLESS PETROLEUM WAX FORMS) THAT ARE IMPORTED INTO THE UNITED STATES AND ASSEMBLED INTO PETROLEUM WAX CANDLES, AND ARE CURRENTLY CLASSIFIED UNDER HTSUS SUBHEADING 9602.00.40. WICKLESS PETROLEUM WAX FORMS ARE SOLD IN THE FOLLOWING SHAPES: TAPERS, SPIRALS, STRAIGHT-SIDED WAX FORMS; ROUNDS, COLUMNS, PILLARS, VOTIVES; AND VARIOUS WAX-FILLED CONTAINERS.

THE INQUIRY ONLY COVERS SUCH PRODUCTS THAT ARE IMPORTED BY, OR SOLD TO (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) DECOR-WARE, INC., A&M WHOLESALERS, INC., OR ALBERT E. PRICE. ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INQUIRY REMAINS DISPOSITIVE.

4. THE DEPARTMENT HAS PRELIMINARILY DETERMINED THAT ALL ENTRIES OF WICKLESS PETROLEUM WAX FORMS, AS DESCRIBED IN PARAGRAPH 3 ABOVE, IMPORTED BY, OR SOLD TO (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) THE PARTIES REFERENCED IN PARAGRAPH 3 ABOVE, ARE COVERED BY THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA. THEREFORE, FOR ALL ENTRIES OF WICKLESS PETROLEUM WAX FORMS IMPORTED BY, OR SOLD TO (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) DECOR-WARE, INC., A&M WHOLESALERS, INC., OR ALBERT E. PRICE, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MAY 11, 2006, WHICH IS THE DATE OF INITIATION FOR THIS ANTICIRCUMVENTION INQUIRY. FOR EACH ENTRY, IN ACCORDANCE WITH ESTABLISHED POLICIES AND PROCEDURES, CBP SHALL REQUIRE CASH DEPOSITS IN ACCORDANCE WITH THOSE PREVAILING AT THE TIME OF ENTRY FOR THE EXPORTER. NOTE THAT THIS INSTRUCTION APPLIES REGARDLESS OF WHETHER OR NOT THE WICKLESS PETROLEUM WAX FORMS ARE ASSEMBLED INTO PETROLEUM WAX CANDLES.

5. FOR ALL ENTRIES DESCRIBED IN PARAGRAPH 4 THAT ARE SET FOR LIQUIDATION, THOSE ENTRIES SHOULD BE UNSET IMMEDIATELY.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED

PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM
AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION,
INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF
COMMERCE, AT (202) 482-0984 OR (202) 482-3577
RESPECTIVELY (GENERATED BY O7:SB).

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