

MESSAGE NO: 9008212 MESSAGE DATE: 01/08/2009
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-942

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/07/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF PRELIMINARY DETERMINATION IN A COUNTERVAILING DUTY INVESTIGATION OF KITCHEN APPLIANCE SHELVING AND RACKS FROM CHINA (C-570-942)

MESSAGE NO: 9008212 DATE: 01 08 2009

CATEGORY: CVD TYPE: PRE

REFERENCE: REFERENCE DATE:

CASES: C - 570 - 942 - -

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PERIOD COVERED: 01 07 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF PRELIMINARY DETERMINATION IN A COUNTERVAILING DUTY INVESTIGATION OF KITCHEN APPLIANCE SHELVING AND RACKS FROM CHINA (C-570-942)

1. ON 01/07/09, COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS PRELIMINARY AFFIRMATIVE DETERMINATION AND ALIGNMENT OF ITS FINAL COUNTERVAILING DUTY DETERMINATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA FROM 03/07/09 UNTIL NO LATER THAN 05/12/09, THEREBY ALIGNING IT WITH THE DUE DATE FOR THE FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA.

2.THE SCOPE OF THIS INVESTIGATION CONSISTS OF SHELVING AND RACKS FOR REFRIGERATORS, FREEZERS, COMBINED REFRIGERATOR-FREEZERS, OTHER REFRIGERATING OR FREEZING EQUIPMENT, COOKING STOVES, RANGES, AND OVENS ("CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS" OR "THE SUBJECT MERCHANDISE"). CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS ARE DEFINED AS SHELVING, BASKETS, RACKS (WITH OR WITHOUT EXTENSION SLIDES, WHICH ARE CARBON OR STAINLESS STEEL HARDWARE DEVICES THAT ARE CONNECTED TO SHELVING, BASKETS, OR RACKS TO ENABLE SLIDING), SIDE RACKS (WHICH ARE WELDED WIRE SUPPORT STRUCTURES FOR OVEN RACKS THAT ATTACH TO THE INTERIOR WALLS OF AN OVEN CAVITY THAT DOES NOT INCLUDE SUPPORT RIBS AS A DESIGN FEATURE), AND SUBFRAMES (WHICH ARE WELDED WIRE SUPPORT STRUCTURES THAT INTERFACE WITH FORMED SUPPORT RIBS INSIDE AN OVEN CAVITY TO SUPPORT OVEN RACK ASSEMBLIES UTILIZING EXTENSION SLIDES) WITH THE FOLLOWING DIMENSIONS:

-- SHELVING AND RACKS WITH DIMENSIONS RANGING FROM 3 INCHES BY 5 INCHES BY 0.10 INCH TO 28 INCHES BY 34 INCHES BY 6 INCHES; OR

-- BASKETS WITH DIMENSIONS RANGING FROM 2 INCHES BY 4 INCHES BY 3 INCHES TO 28 INCHES BY 34 INCHES BY 16 INCHES; OR

--SIDE RACKS FROM 6 INCHES BY 8 INCHES BY 0.1 INCH TO 16 INCHES BY 30 INCHES BY 4 INCHES; OR

--SUBFRAMES FROM 6 INCHES BY 10 INCHES BY 0.1 INCH TO 28 INCHES BY 34 INCHES BY 6 INCHES.

THE SUBJECT MERCHANDISE IS COMPRISED OF CARBON OR STAINLESS STEEL WIRE RANGING IN THICKNESS FROM 0.050 INCH TO 0.500 INCH AND MAY INCLUDE SHEET METAL OF EITHER CARBON OR STAINLESS STEEL RANGING IN THICKNESS FROM 0.020 INCH TO 0.2 INCH. THE SUBJECT MERCHANDISE MAY BE COATED OR UNCOATED AND MAY BE FORMED AND/OR WELDED. EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION IS SHELVING IN WHICH THE SUPPORT SURFACE IS GLASS.

THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") STATISTICAL REPORTING NUMBERS 8418.99.80.50, 7321.90.50.00, 7321.90.60.90 AND 8516.90.80.00. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-570-942.

4. FOR IMPORTS OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 01/07/2009. EFFECTIVE 01/07/2009, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SUBSIDY RATES SHOWN BELOW:

PRODUCER: ALL OTHERS
EXPORTER: ALL OTHERS
CASE NUMBER: C-570-942-000
CASH DEPOSIT RATE: 13.22%

PRODUCER: GUANGDONG WIRE KING CO., LTD.
(FORMERLY KNOWN AS FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE

EXPORTER: GUANGDONG WIRE KING CO., LTD.
(FORMERLY KNOWN AS FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE)

CASE NUMBER: C-570-942-001
SUBSIDY RATE: 13.22%

PRODUCER: ASBER ENTERPRISES CO., LTD. (CHINA)
EXPORTER: ASBER ENTERPRISES CO., LTD. (CHINA)
CASE NUMBER: C-570-942-002
SUBSIDY RATE: 197.14%

PRODUCER: CHANGZHOU YIXIONG METAL PRODUCTS CO., LTD.
EXPORTER: CHANGZHOU YIXIONG METAL PRODUCTS CO., LTD.
CASE NUMBER: C-570-942-003
SUBSIDY RATE: 162.87%

PRODUCER: FOSHAN WINLEADER METAL PRODUCTS CO., LTD.
EXPORTER: FOSHAN WINLEADER METAL PRODUCTS CO., LTD.
CASE NUMBER: C-570-942-004
SUBSIDY RATE: 162.87%

PRODUCER: KINGSUN ENTERPRISES GROUP CO, LTD.
EXPORTER: KINGSUN ENTERPRISES GROUP CO, LTD.
CASE NUMBER: C-570-942-005
SUBSIDY RATE: 162.87%

PRODUCER: YUYAO HANJUN METAL WORK CO. (AKA YUYAO HANJUN METAL PRODUCTS CO., LTD.)
EXPORTER: YUYAO HANJUN METAL WORK CO. (AKA YUYAO HANJUN METAL PRODUCTS CO., LTD.)
CASE NUMBER: C-570-942-006
SUBSIDY RATE: 162.87%

PRODUCER: ZHONGSHAN IWATANI CO., LTD.
EXPORTER: ZHONGSHAN IWATANI CO., LTD.
CASE NUMBER: C-570-942-007
SUBSIDY RATE: 162.87%

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER CURRENTLY HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE "ALL OTHERS" RATE OF 13.22 PERCENT TO ESTABLISH THE CASH DEPOSIT OR

BONDING RATE.

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CUSTOMS 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, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-147. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. 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 THE 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 O1: SH).

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

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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