

MESSAGE NO: 9071202 MESSAGE DATE: 03/11/2009
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-570-941

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/05/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM CHINA (A-570-941)

MESSAGE NO: 9071202 DATE: 03 11 2009

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REFERENCE: REFERENCE DATE:

CASES: A - 570 - 941 - -

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PERIOD COVERED: 03 05 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM CHINA (A-570-941)

1. ON 03/05/2009, COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA AND THE POSTPONEMENT OF THE FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION (74 FR 9591).

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION IS 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)

THE FOLLOWING DIMENSIONS APPLY:

- 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 8418.99.8050, 8418.99.80.60, 7321.90.5000, 7321.90.6090, AND 8516.90.8000.

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 A-570-941.

4. FOR IMPORTS OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PRC, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER 03/05/2009.

5. EFFECTIVE 03/05/2009, CBP SHALL REQUIRE, FOR ENTRIES OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE EXPORTER/PRODUCER COMBINATIONS LISTED BELOW, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE ANTIDUMPING DUTY MARGIN(S) SHOWN BELOW:

EXPORTER/PRODUCER	CUSTOMS ID NUMBER	MARGIN
EXPORTED AND MANUFACTURED BY GUANDONG WIREKING HOUSEWARES & HARDWARE CO., LTD. (A/K/A FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE CO., LTD.	A-570-941-001	24.49
EXPORTED AND MANUFACTURED BY NEW KING SHAN (ZHU HAI) CO., LTD.	A-570-941-002	15.98
EXPORTED BY MARMON RETAIL SERVICES ASIA AND MANUFACTURED BY LEADER METAL INDUSTRY CO., LTD. (A/K/A MARMON RETAIL SERVICES	A-570-941-003	20.24

ASIA)

EXPORTED AND MANUFACTURED BY HANGZHOU A-570-941-004 20.24
DUNLI IMPORT & EXPORT CO., LTD.

EXPORTED AND MANUFACTURED BY JIANGSU A-570-941-005 20.24
WEIXI GROUP CO.

PRC-WIDE A-570-941-000 96.45

GUANDONG WIREKING HOUSEWARES & HARDWARE CO., LTD. (A/K/A FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE CO., LTD.)'S CASH DEPOSIT RATE HAS BEEN ADJUSTED FOR THE EXPORT SUBSIDY RATE DETERMINED FOR GUANDONG WIREKING HOUSEWARES & HARDWARE CO., LTD. (A/K/A FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE CO., LTD.) IN THE COMPANION PRELIMINARY AFFIRMATIVE COUNTERVAILING DUTY DETERMINATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA (74 FR 683).

IN ADDITION, BECAUSE GUANDONG WIREKING HOUSEWARES & HARDWARE CO., LTD. (A/K/A FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE CO., LTD.)'S WAS ASSIGNED TO THE ALL OTHERS RATE IN THE COMPANION PRELIMINARY AFFIRMATIVE COUNTERVAILING DUTY DETERMINATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, THE ALL OTHERS RATE BENEFITED FROM EXPORT SUBSIDIES (74 FR 683).

THEREFORE, AS NEW KING SHAN (ZHU HAI)CO., LTD., MARMON RETAIL SERVICES ASIA, HANGZHOU DUNLI IMPORT & EXPORT CO., LTD., AND JIANGSU WEIXI GROUP CO. IS PART OF THE ALL OTHERS RATE IN THE COMPANION PRELIMINARY AFFIRMATIVE COUNTERVAILING DUTY DETERMINATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, WE HAVE ADJUSTED THEIR CASH DEPOSIT RATE OR THE POSTING OF A BOND BY THE RESPECTIVE EXPORT SUBSIDIES (74 FR 683, 74 FR 9591).

6. FOR ALL OTHER ENTRIES OF CERTAIN KITCHEN APPLIANCE SHELVING

AND RACKS FROM THE PRC, THE FOLLOWING CASH DEPOSIT/BONDING INSTRUCTIONS APPLY:

A. FOR ALL PRC EXPORTERS OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS WHICH HAVE NOT RECEIVED THEIR OWN RATE, THE CASH-DEPOSIT OR BONDING RATE WILL BE THE PRC-WIDE RATE.

B. FOR ALL NON-PRC EXPORTERS OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS WHICH HAVE NOT RECEIVED THEIR OWN RATE, THE CASH-DEPOSIT OR BONDING RATE WILL BE THE RATE APPLICABLE TO THE PRODUCER/EXPORTER COMBINATIONS THAT SUPPLIED THAT NON-PRC EXPORTER.

7. 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. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

8. 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 O9:KM).

9. 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