

MESSAGE NO: 9265207 MESSAGE DATE: 09/22/2009
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: ORD-Order PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 9008212
MESSAGE #
(s):

CASE #(s): C-570-942

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 09/09/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM CHINA (C-570-942)

MESSAGE NO: 9265207

DATE: 09 22 2009

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REFERENCE: 9008212

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CASES: C - 570 - 942

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PERIOD COVERED: 09 09 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF
CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM CHINA
(C-570-942)

1. ON 9/14/09, (74 FR 46973), COMMERCE HAS PUBLISHED IN THE FEDERAL REGISTER ITS COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA.

2. THE SCOPE OF THIS ORDER 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 0.10 INCH TO 16 INCHES BY 30 INCHES BY 4 INCHES; OR

SUBFRAMES FROM 6 INCHES BY 10 INCHES BY 0.10 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 0.20 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 ORDER IS CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") STATISTICAL REPORTING NUMBERS 8418.99.8050, 8418.99.8060, 7321.90.5000, 7321.90.6090, 8516.90.8000, 8516.90.8010 AND 7321.90.6040.

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. THE INTERNATIONAL TRADE COMMISSION (ITC) FOUND IN ITS FINAL VOTE THAT THERE ARE TWO SEPARATE LIKE PRODUCTS WITHIN THE SCOPE OF THIS ORDER, REFRIGERATION SHELVING AND OVEN RACKS, AND THUS TWO SEPARATE DOMESTIC INDUSTRIES.

THE ITC NOTIFIED THE COMMERCE DEPARTMENT THAT IMPORTS OF REFRIGERATION SHELVING MATERIALLY INJURE THE U.S. INDUSTRY. THEREFORE, FOR IMPORTS OF CERTAIN REFRIGERATION SHELVING FROM THE PEOPLE'S REPUBLIC OF CHINA, CBP SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 01/07/2009 AND BEFORE 05/07/2009. FOR FURTHER REFERENCE SEE MESSAGE NUMBER 9008212, DATED 01/08/2009.

FOR CERTAIN OVEN RACKS, THE ITC FOUND A THREAT OF MATERIAL INJURY TO THE U.S. INDUSTRY. THE ITC DID NOT DETERMINE, BUT FOR THE SUSPENSION OF LIQUIDATION OF ENTRIES OF CERTAIN OVEN RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, THE DOMESTIC OVEN RACKS INDUSTRY WOULD HAVE BEEN MATERIALLY INJURED. THEREFORE, COMMERCE WILL ISSUE SEPARATE INSTRUCTIONS TO U.S. CUSTOMS AND BORDER PROTECTION (CBP) TO TERMINATE SUSPENSION AND REFUND ANY CASH DEPOSIT AND RELEASE ANY BOND OR OTHER SECURITY OF CERTAIN OVEN RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, FOR SHIPMENTS,

ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION PRIOR TO

09/09/2009, THE DATE OF PUBLICATION OF THE ITC'S FINAL DETERMINATION IN THE FEDERAL REGISTER (74 FR 46464).

5. EFFECTIVE 09/09/2009, FOR ENTRIES OF KITCHEN APPLIANCE

SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, CBP SHALL SUSPEND LIQUIDATION AND REQUIRE CASH DEPOSITS EQUAL TO THE SUBSIDY RATES SHOWN BELOW:

EXPORTER: ALL OTHERS
PRODUCER: ALL OTHERS
CASE NUMBER: C-570-942-000
CASH DEPOSIT RATE: 13.30%

EXPORTER: GUANGDONG WIREKING CO., LTD./FORMERLY KNOWN AS
FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE
PRODUCER: GUANGDONG WIREKING CO., LTD./FORMERLY KNOWN AS
FOSHAN SHUNDE WIREKING HOUSEWARES & HARDWARE
CASE NUMBER: C-570-942-001
CASH DEPOSIT RATE: 13.30%

EXPORTER: ASBER ENTERPRISES CO., LTD. (CHINA)
PRODUCER: ASBER ENTERPRISES CO., LTD. (CHINA)
CASE NUMBER: C-570-942-002
CASH DEPOSIT RATE: 170.82%

EXPORTER: CHANGZHOU YIXIONG METAL PRODUCTS CO., LTD.
PRODUCER: CHANGZHOU YIXIONG METAL PRODUCTS CO., LTD.
CASE NUMBER: C-570-942-003
CASH DEPOSIT RATE: 149.91%

EXPORTER: FOSHAN WINLEADER METAL PRODUCTS CO., LTD.
PRODUCER: FOSHAN WINLEADER METAL PRODUCTS CO., LTD.
CASE NUMBER: C-570-942-004
CASH DEPOSIT RATE: 149.91%

EXPORTER: KINGSUN ENTERPRISES GROUP CO., LTD.
PRODUCER: KINGSUN ENTERPRISES GROUP CO., LTD.
CASE NUMBER: C-570-942-005
CASH DEPOSIT RATE: 149.91%

EXPORTER: YUYAO HANJUN METAL WORK CO., LTD./YUYAO HANJUN METAL
PRODUCTS CO., LTD.

PRODUCER: YUYAO HANJUN METAL WORK CO., LTD./YUYAO HANJUN METAL PRODUCTS CO., LTD.

CASE NUMBER: C-570-942-006

CASH DEPOSIT RATE: 149.91%

EXPORTER: ZHONGSHAN IWATANI CO., LTD.

PRODUCER: ZHONGSHAN IWATANI CO., LTD.

CASE NUMBER: C-570-942-007

CASH DEPOSIT RATE: 149.91%

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 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:YN)

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

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

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