

MESSAGE NO: 9309001 MESSAGE DATE: 11/05/2009
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-552-806

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/03/2009 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 THE ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS (PRCBS) FROM VIETNAM (A-552-806)

MESSAGE NO: 9309001 DATE: 11 05 2009

CATEGORY: ADA TYPE: PRE

REFERENCE: REFERENCE DATE:

CASES: A - 552 - 806 - -

- - - -

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PERIOD COVERED: 11 03 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS (PRCBS) FROM VIETNAM (A-552-806)

1. ON 11/03/2009, COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE AND THE POSTPONEMENT OF THE FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM.

2. THE MERCHANDISE COVERED BY THESE INVESTIGATIONS IS POLYETHYLENE RETAIL CARRIER BAGS (PRCBS), WHICH ALSO MAY BE

REFERRED TO AS T-SHIRT SACKS, MERCHANDISE BAGS, GROCERY BAGS, OR CHECKOUT BAGS. THE SUBJECT MERCHANDISE IS DEFINED AS NON-SEALABLE SACKS AND BAGS WITH HANDLES (INCLUDING DRAWSTRINGS), WITHOUT ZIPPERS OR INTEGRAL EXTRUDED CLOSURES, WITH OR WITHOUT GUSSETS, WITH OR WITHOUT PRINTING, OF POLYETHYLENE FILM HAVING A THICKNESS NO GREATER THAN 0.035 INCH (0.889 MM) AND NO LESS THAN 0.00035 INCH (0.0089 MM), AND WITH NO LENGTH OR WIDTH SHORTER THAN 6 INCHES (15.24 CM) OR LONGER THAN 40 INCHES (101.6 CM). THE DEPTH OF THE BAG MAY BE SHORTER THAN 6 INCHES BUT NOT LONGER THAN 40 INCHES (101.6 CM).

PRCBS ARE TYPICALLY PROVIDED WITHOUT ANY CONSUMER PACKAGING AND FREE OF CHARGE BY RETAIL ESTABLISHMENTS, E.G., GROCERY, DRUG, CONVENIENCE, DEPARTMENT, SPECIALTY RETAIL, DISCOUNT STORES, AND RESTAURANTS, TO THEIR CUSTOMERS TO PACKAGE AND CARRY THEIR PURCHASED PRODUCTS. THE SCOPE OF THE INVESTIGATION EXCLUDES (1) POLYETHYLENE BAGS THAT ARE NOT PRINTED WITH LOGOS OR STORE NAMES AND THAT ARE CLOSEABLE WITH DRAWSTRINGS MADE OF POLYETHYLENE FILM AND (2) POLYETHYLENE BAGS THAT ARE PACKED IN

CONSUMER PACKAGING WITH PRINTING THAT REFERS TO SPECIFIC END-USES OTHER THAN PACKAGING AND CARRYING MERCHANDISE FROM RETAIL ESTABLISHMENTS, E.G., GARBAGE BAGS, LAWN BAGS, TRASH-CAN LINERS.

IMPORTS OF MERCHANDISE INCLUDED WITHIN THE SCOPE OF THE INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER STATISTICAL CATEGORY 3923.21.0085 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). THIS SUBHEADING MAY ALSO COVER PRODUCTS THAT ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION. FURTHERMORE, ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THE INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-552-806.

4. FOR IMPORTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE

SOCIALIST REPUBLIC OF VIETNAM, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 11/03/2009. EFFECTIVE 11/03/2009, CBP SHALL REQUIRE, FOR ENTRIES OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM FROM THE EXPORTER/PRODUCER COMBINATIONS LISTED BELOW, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE ANTIDUMPING DUTY MARGINS SHOWN BELOW:

EXPORTER: ALPHA PLASTICS (VIETNAM) CO., LTD.
PRODUCER: ALPHA PLASTICS (VIETNAM) CO., LTD.
CASE NUMBER: A-552-806-001
CASH DEPOSIT RATE: 52.30

EXPORTER: ALTA COMPANY
PRODUCER: ALTA COMPANY
CASE NUMBER: A-552-806-002
CASH DEPOSIT RATE: 52.30

EXPORTER: AMPAC PACKAGING VIETNAM LTD.
PRODUCER: AMPAC PACKAGING VIETNAM LTD.
CASE NUMBER: A-552-806-003
CASH DEPOSIT RATE: 52.30

EXPORTER: BITAHACO
PRODUCER: BITAHACO
CASE NUMBER: A-552-806-004
CASH DEPOSIT RATE: 52.30

EXPORTER: CHEN SHENG CO., LTD.
PRODUCER: CHEN SHENG CO., LTD.
CASE NUMBER: A-552-806-005
CASH DEPOSIT RATE: 52.30

EXPORTER: CHUNG VA CENTURY MACAO COMMERCIAL OFFSHORE LIMITED
PRODUCER: CHUNG VA (VIETNAM) PLASTIC PACKAGING CO., LTD.
CASE NUMBER: A-552-806-006

CASH DEPOSIT RATE: 52.30

EXPORTER: HANOI 27-7 PACKAGING COMPANY LIMITED, AKA HANOI 27-7
PACKING COMPANY LIMITED, AKA HAPACK CO. LTD, aka HAPACK

PRODUCER: HANOI 27-7 PACKAGING COMPANY LIMITED, AKA HANOI 27-7
PACKING COMPANY LIMITED, AKA HAPACK CO. LTD, aka HAPACK

CASE NUMBER: A-552-806-007

CASH DEPOSIT RATE: 52.30

EXPORTER: KONG WAI POLYBAG PRINTING COMPANY

PRODUCER: HOI HUNG COMPANY LIMITED

CASE NUMBER: A-552-806-008

CASH DEPOSIT RATE: 52.30

EXPORTER: KINSPLASTIC VIETNAM LTD. CO.

PRODUCER: KINSPLASTIC VIETNAM LTD. CO.

CASE NUMBER: A-552-806-009

CASH DEPOSIT RATE: 52.30

EXPORTER: LOC CUONG TRADING PRODUCING COMPANY

PRODUCER: LOC CUONG TRADING PRODUCING COMPANY

CASE NUMBER: A-552-806-010

CASH DEPOSIT RATE: 52.30

EXPORTER: ONTRUE PLASTICS CO., LTD. (VIETNAM)

PRODUCER: ONTRUE PLASTICS CO., LTD. (VIETNAM)

CASE NUMBER: A-552-806-011

CASH DEPOSIT RATE: 52.30

EXPORTER: RICHWAY PLASTICS VIETNAM CO., LTD.

PRODUCER: RICHWAY PLASTICS VIETNAM CO., LTD.

CASE NUMBER: A-552-806-012

CASH DEPOSIT RATE: 52.30

EXPORTER: RKW LOTUS LIMITED

PRODUCER: RKW LOTUS LIMITED

CASE NUMBER: A-552-806-013

CASH DEPOSIT RATE: 52.30

EXPORTER: VINAPACKINK CO., LTD.
PRODUCER: VINAPACKINK CO., LTD.
CASE NUMBER: A-552-806-014
CASH DEPOSIT RATE: 52.30

EXPORTER: K'S INTERNATIONAL POLYBAGS MFG., LTD.
PRODUCER: VN K'S INTERNATIONAL POLYBAGS JOINT STOCK COMPANY
CASE NUMBER: A-552-806-015
CASH DEPOSIT RATE: 52.30

EXPORTER: VN PLASTIC INDUSTRIES CO. LTD.
PRODUCER: VN PLASTIC INDUSTRIES CO. LTD.
CASE NUMBER: A-552-806-016
CASH DEPOSIT RATE: 52.30

EXPORTER: VIETNAM-WIDE ENTITY
PRODUCER: VIETNAM-WIDE ENTITY
CASE NUMBER: A-552-806-000
CASH DEPOSIT RATE: 76.11

5. FOR ALL OTHER ENTRIES OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM, THE FOLLOWING CASH DEPOSIT/BONDING INSTRUCTIONS APPLY:

A. FOR ALL VIETNAMESE EXPORTERS OF RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM WHICH HAVE NOT RECEIVED THEIR OWN RATE, THE CASH-DEPOSIT OR BONDING RATE WILL BE THE VIETNAM-WIDE RATE.

B. FOR ALL NON-VIETNAMESE EXPORTERS OF RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM 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-VIETNAMESE EXPORTER.

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. 85-145. 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 O4: ZP).

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

FLORENCE V. CONSTANT

Company Details

*Party Indicator Value:

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