

MESSAGE NO: 0147209 MESSAGE DATE: 05/26/2000
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: ORD-Order PUBLIC NON-PUBLIC
SUB-TYPE:

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REFERENCE
MESSAGE #
(s):

CASE #(s): A-583-833

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/24/2000 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN POLYESTER STAPLE FIBER FROM TAIWAN (A-583-833)

MESSAGE NO: 0147209 DATE: 05 26 2000

CATEGORY: ADA TYPE: ORD

REFERENCE: REFERENCE DATE:

CASES: A - 583 - 833 - -

- - - -

- - - -

PERIOD COVERED: 05 24 2000 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF
CERTAIN POLYESTER STAPLE FIBER FROM TAIWAN
(A-583-833)

1. ON MAY 24, 2000, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS ANTIDUMPING DUTY ORDER IN THE INVESTIGATION OF CERTAIN POLYESTER STAPLE FIBER FROM TAIWAN.

2. THE PRODUCT COVERED BY THIS ORDER IS CERTAIN POLYESTER STAPLE FIBER ("PSF"). CERTAIN POLYESTER STAPLE FIBER IS DEFINED AS SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED OR OTHERWISE PROCESSED FOR SPINNING, OF POLYESTERS MEASURING 3.3 DECITEX (3 DENIER, INCLUSIVE) OR MORE IN DIAMETER. THIS MERCHANDISE IS CUT

TO LENGTHS VARYING FROM ONE INCH (25 MM) TO FIVE INCHES (127 MM). THE MERCHANDISE SUBJECT TO THIS ORDER MAY BE COATED, USUALLY WITH A SILICON OR OTHER FINISH, OR NOT COATED. PSF IS GENERALLY USED AS STUFFING IN SLEEPING BAGS, MATTRESSES, SKI JACKETS, COMFORTERS, CUSHIONS, PILLOWS, AND FURNITURE. MERCHANDISE OF LESS THAN 3.3 DECITEX (LESS THAN 3 DENIER) CLASSIFIED UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") AT SUBHEADING 5503.20.00.20 IS SPECIFICALLY EXCLUDED FROM THIS ORDER. ALSO SPECIFICALLY EXCLUDED FROM THIS ORDER ARE POLYESTER STAPLE FIBERS OF 10 TO 18 DENIER THAT ARE CUT TO LENGTHS OF 6 TO 8 INCHES (FIBERS USED IN THE MANUFACTURE OF CARPETING). IN ADDITION, LOW-MELT PSF IS EXCLUDED FROM THIS ORDER. LOW-MELT PSF IS DEFINED AS A BI-COMPONENT FIBER WITH AN OUTER SHEATH THAT MELTS AT A SIGNIFICANTLY LOWER TEMPERATURE THAN ITS INNER CORE.

THE MERCHANDISE SUBJECT TO THIS ORDER IS CLASSIFIED IN THE HTSUS AT SUBHEADINGS 5503.20.00.40 AND 5503.20.00.60. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THIS ORDER IS DISPOSITIVE.

3. ON MAY 15, 2000, IN ACCORDANCE WITH SECTION 735(D) OF THE ACT, THE U.S. INTERNATIONAL TRADE COMMISSION ("ITC") NOTIFIED THE DEPARTMENT OF COMMERCE THAT AN INDUSTRY IN THE UNITED STATES IS " MATERIALLY INJURED," WITHIN THE MEANING OF SECTION 735(B)(1)(A) OF THE ACT, BY REASON OF LESS-THAN-FAIR-VALUE IMPORTS OF PSF FROM TAIWAN. IN ITS FINAL DETERMINATION, HOWEVER, THE ITC DETERMINED THAT TWO DOMESTIC LIKE PRODUCTS EXIST FOR MERCHANDISE COVERED BY THE DEPARTMENT'S INVESTIGATION: (1) LOW-MELT PSF AND (2) ALL OTHER TYPES OF PSF NOT SPECIFICALLY EXCLUDED. THE ITC DETERMINED PURSUANT TO SECTION 735(B)(1) THAT A DOMESTIC INDUSTRY IN THE UNITED STATES IS NOT MATERIALLY INJURED OR THREATENED WITH MATERIAL INJURY BY REASON OF IMPORTS OF LOW-MELT PSF FROM TAIWAN. ACCORDINGLY, THE SCOPE OF THIS ANTIDUMPING DUTY ORDER HAS BEEN AMENDED FROM THAT USED IN THE INVESTIGATION TO EXCLUDE LOW-MELT PSF.

4. FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION OF ALL SHIPMENTS OF LOW-MELT POLYESTER STAPLE FIBER ENTERED, OR

WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MARCH 30, 2000. ALL ESTIMATED ANTIDUMPING DUTIES DEPOSITED ON ENTRIES OF LOW-MELT POLYESTER STAPLE FIBER SHALL BE REFUNDED AND THE BONDS OR OTHER SECURITY RELEASED AT THE TIME OF LIQUIDATION. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

5. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-583-833.

6. FOR IMPORTS OF CERTAIN POLYESTER STAPLE FIBER FROM TAIWAN BY ALL OTHER PRODUCERS/EXPORTERS OTHER THAN NAN YA PLASTICS CORPORATION, LTD., THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER MARCH 30, 2000. FOR IMPORTS OF CERTAIN POLYESTER STAPLE FIBER FROM TAIWAN BY NAN YA PLASTICS CORPORATION, LTD., THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER APRIL 27, 2000. EFFECTIVE MAY 24, 2000, CUSTOMS SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGIN RATES SHOWN BELOW:

MFR/PRODUCER	CUSTOMS ID	MARGIN PERCENTAGE
FAR EASTERN TEXTILES, LTD	A-583-833-001	11.50
NAN YA PLASTICS CORP., LTD.	A-583-833-002	3.79
ALL OTHERS	A-583-833-000	7.31

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT GREGORY CAMPBELL OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-2239.

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

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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