

MESSAGE NO: 0298213 MESSAGE DATE: 10/24/2000

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: COR PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 0151201
MESSAGE #
(s):

CASE #(s): A-580-839

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: CLARIFICATION OF MESSAGE 0151201 ON 5/30/2000 REGARDING THE
ANTIDUMPING ORDER ON CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF
KOREA (A-580-839)

MESSAGE NO: 0298213

DATE: 10 24 2000

CATEGORY: ADA

TYPE: COR

REFERENCE: 0151201

REFERENCE DATE: 05 30 2000

CASES: A - 580 - 839

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PERIOD COVERED: 05 24 2000 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: CLARIFICATION OF MESSAGE 0151201 ON 5/30/2000 REGARDING
THE ANTIDUMPING ORDER ON CERTAIN POLYESTER STAPLE FIBER
FROM THE REPUBLIC OF KOREA (A-580-839)

1. ON MAY 24, 2000, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE
FEDERAL REGISTER ITS ANTIDUMPING DUTY ORDER AND AMENDED FINAL
DETERMINATION IN THE INVESTIGATION OF CERTAIN POLYESTER STAPLE
FIBER FROM THE REPUBLIC OF KOREA ("KOREA"). MESSAGE NUMBER
0151201 ON 05/30/2000 DETAILS THE DEPARTMENT'S PREVIOUS
INSTRUCTIONS TO CUSTOMS.

2. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED

INVESTIGATION NUMBER A-580-839.

3. 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.

4. THE DEPARTMENT OF COMMERCE HAS RECENTLY BECOME AWARE THAT CERTAIN ENTRIES OF SUBJECT MERCHANDISE, SPECIFICALLY REGENERATED POLYESTER STAPLE FIBER, WERE INITIALLY CLASSIFIED INAPPROPRIATELY AS NON-SUBJECT MERCHANDISE UNDER HTSUS SUBHEADING 5505.10. WE ALSO NOTE THAT CUSTOMS REQUIRED THE IMPORTER IN QUESTION TO RECLASSIFY THESE ENTRIES UNDER THE APPROPRIATE HTSUS SUBHEADING 5503.20 BECAUSE THESE ENTRIES WERE SUBJECT MERCHANDISE. THE DEPARTMENT WOULD LIKE TO CONFIRM THAT REGENERATED POLYESTER STAPLE FIBER (I.E., POLYESTER STAPLE FIBER MADE FROM WASTE FIBER) FALLS WITHIN THE WRITTEN DESCRIPTION OF THE SCOPE OF THE ORDER, AND THEREFORE IS SUBJECT TO THIS ORDER.

5. ADDITIONALLY, THE DEPARTMENT HAS LEARNED THAT SAMYANG CORPORATION LTD. ("SAMYANG") (CUSTOMS ID A-580-839-001), WHICH RECEIVED A DE MINIMIS RATE IN THE INVESTIGATION AND THEREFORE IS EXCLUDED FROM THE ORDER, AND SK CHEMICALS CO., LTD., WHICH WAS NOT INVESTIGATED AND THUS IS SUBJECT TO THE ALL OTHER RATE, ARE CONSIDERING MERGING THEIR SUBJECT MERCHANDISE OPERATIONS IN THE NEAR FUTURE. THIS MERGER REPORTEDLY WILL RESULT IN THE FORMATION OF A NEW COMPANY CALLED SS TECH. ACCORDINGLY, THE DEPARTMENT OF COMMERCE REQUESTS THAT CUSTOMS APPLY THE ALL OTHERS RATE TO ANY SUBJECT MERCHANDISE ENTRIES UNDER THE SS TECH NAME UNTIL FURTHER NOTICE FROM THE DEPARTMENT.

6. 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 CRAIG MATNEY OR ANDREW COVINGTON, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-1778, AND (202) 482-3534, RESPECTIVELY.

7. 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