

September 8, 2008

TO: Interested Parties

On August 20, 2008 the Department of Commerce (“Department”) initiated an antidumping duty investigation to determine whether certain kitchen appliance shelving and racks from the People’s Republic of China (“PRC”) are being sold in the United States at less than fair value.

We previously posted a quantity and value questionnaire on August 21, 2008. We are now clarifying that it is required to report the quantity in number of pieces, and not in metric tons. Therefore, please respond to the attached quantity and value questionnaire by September 25, 2008. We require that you respond to this questionnaire, even if you submitted a response to the August 21, 2008, questionnaire. Please note that the separate rate application continues to be due October 27, 2008.

In advance of the issuance of the antidumping duty questionnaire, the Department asks that you respond to the questions in Attachment I to this letter, requesting information on the quantity in number of units and U.S. dollar sales value (“Quantity and Value Questionnaire”) of all your sales to the United States during the period January 1, 2008 to June 30, 2008, covered by the scope of this investigation, produced in the PRC. Your response to the Quantity and Value Questionnaire is due to the Department no later than **close-of-business (“COB”) Wednesday, September 25, 2008**. A definition of the scope of the investigation is included in Attachment III to this letter, and general instructions for responding to this letter are contained in Attachment IV to this letter. **Please be advised that receipt of this letter does not indicate that you will be chosen as a mandatory respondent or guaranteed separate rates status. Your response to this letter may be subject to on-site verification by Department officials.**

Moreover, the Department requires that all firms who wish to qualify for separate-rate status in this investigation to complete a separate-rate status application.¹ The separate-rate status application is attached to this letter in Attachment II. In responding to the separate-rate status application, refer to the instructions contained in Attachment IV to this letter. Separate-Rate Status Applications are due to the Department **60 days from the date of publication of the**

¹The Department recently modified the process by which exporters and producers may obtain separate-rate status in non-market economy (“NME”) investigations or administrative reviews. *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries, dated April 5, 2005, available on the Department’s website at <http://ia.ita.doc.gov/policy/bull05-1.pdf>.

initiation notice in the *Federal Register*. See <http://ia.ita.doc.gov/frn/index.html>. The deadline and requirement for submitting a separate-rate status application applies equally to NME-owned firms, wholly foreign-owned firms and foreign sellers that purchase the subject merchandise and export it to the United States.

Please note that **all** submissions to the Department must be served on all interested parties. The service instructions are included in Attachment V. The list of interested parties may be found at <http://web.ita.doc.gov/ia/webapotrack.nsf>.

If you fail to respond or fail to provide the requested quantity and value information, please be aware that the Department may find that you failed to cooperate by not acting to the best of your ability to comply with the request for information, and may use an inference that is adverse to your interests in selecting from the facts otherwise available, in accordance with section 776(b) of the Tariff Act of 1930, as amended.

We appreciate your attention to these matters. Please contact the undersigned at 202-482-3207 or Catherine.Bertrand@mail.doc.gov, if you have any questions or comments.

Sincerely,

Catherine Bertrand
Program Manager, Office IX
Import Administration

Attachments

ATTACHMENT I

OFFICE OF AD/CVD ENFORCEMENT QUANTITY AND VALUE QUESTIONNAIRE

CASE: Certain Kitchen Appliance Shelving and Racks from the PRC

PERIOD OF INVESTIGATION: January 1, 2008 – June 30, 2008

OFFICIALS IN CHARGE: Catherine Bertrand

**QUANTITY & VALUE QUESTIONNAIRE
DUE DATE:** September 25, 2008

FILING ADDRESS:

U.S. Department of Commerce
International Trade Administration
Import Administration
APO/Dockets Unit, Room 1870
1401 Constitution Avenue, NW
Washington, DC 20230
Attn: Catherine Bertrand, Room 4003

Section 777A(c)(1) of the Tariff Act of 1930, as amended (“Act”), directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. Where it is not practicable to examine all known producers/exporters of subject merchandise, as is the case in investigation, section 777A(c)(2) of the Act permits the Department to examine either (1) a sample of exporters, producers or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters and producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined.

In advance of the issuance of the full antidumping questionnaire, we ask that you respond to Attachment I of this Quantity and Value Questionnaire requesting information on production and the quantity and U.S. dollar sales value of all your sales to the United States during the period January 1, 2008 through June 30, 2008, covered by the scope of this investigation (*see* Attachment III), produced in the PRC.² A full and accurate response to the Quantity and Value Questionnaire from all participating respondents is necessary to ensure that the Department has the requisite information to appropriately select mandatory respondents.

The Department is also requiring all firms that wish to qualify for separate-rate status in this investigation to complete a separate-rate status application as described in the initiation notice in the *Federal Register*. See <http://ia.ita.doc.gov/frn/index.html>. In other words, the Department will not give consideration to any separate-rate status application made by parties that fail to timely respond to the Quantity and Value Questionnaire or fail to timely submit the requisite separate-rate status application.

To allow for the possibility of sampling and to complete this segment within the statutory time frame, the Department will be limited in its ability to extend the deadline for the response to the Quantity and Value Questionnaire.

A definition of the scope of the merchandise subject to this review is included in Attachment III, and general instructions for responding to this Quantity and Value Questionnaire are contained in Attachment IV. **Your response to this questionnaire may be subject to on-site verification by Department officials.**

²If your company did not produce the merchandise under investigation, we request that these questions be immediately forwarded to the company that produces the merchandise and supplies it to you or your customers.

FORMAT FOR REPORTING QUANTITY AND VALUE OF SALES

In providing the information in the chart below, please provide the total quantity in pieces/units and total value (in U.S. dollars) of all your sales to the United States during the period January 1, 2008 through June 30, 2008, covered by the scope of this investigation (*see* Attachment III), produced in the PRC.

Additionally, if you believe that you should be treated as a single entity along with other named exporters, please complete the chart, below, both in the aggregate for all named parties in your group and, in separate charts, individually for each named entity. Please label each chart accordingly.

Market: United States	Total Quantity (number of units)	Terms of Sale ³	Total Value ⁴ (\$U.S.)
1. Export Price ⁵			
2. Constructed Export Price ⁶			
3. Further Manufactured ⁷			
Total			

³ To the extent possible, sales values should be reported based on the same terms (*e.g.*, FOB).

⁴ Values should be expressed in U.S. dollars. Indicate any exchange rates used and their respective dates and sources.

⁵ Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States.

⁶ Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to the unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation. Do not report the sale to the affiliated party in the United States, rather report the sale made by the affiliated party to the unaffiliated customer in the United States.

⁷ "Further manufactured" refers to merchandise that undergoes further manufacture or assembly in the United States before sale to the first unaffiliated customer.

ATTACHMENT III

DESCRIPTION OF PRODUCTS UNDER INVESTIGATION

The scope of this investigation 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 0.1 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, 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.

ATTACHMENT IV

GENERAL INSTRUCTIONS

Instructions for Filing the Response

The following instructions apply to all documents you submit to the Department during the course of this proceeding.

1. File your response in Washington, DC at:

U.S. Department of Commerce
International Trade Administration
Import Administration
APO/Dockets Unit, Room 1870
1401 Constitution Avenue, N.W.
Washington, DC 20230
Attn: Catherine Bertrand, Room 4003

2. A person must file one copy of the business proprietary version of any document with the Department within the applicable time limit. By the close of business one business day after the date the business proprietary version is filed under section 351.303(c)(2)(i) of the Department's regulations, a person must file six copies of the final business proprietary version of the document with the Department. The final business proprietary version must be identical to the previous day's submission except for any bracketing corrections. Although a person must file six copies of the complete final business proprietary version with the Department, the persons may serve other persons with only those pages containing bracketing corrections.

Simultaneously with the filing of the final business proprietary version under section 351.303(c)(2)(ii) of the Department's regulations, a person must file three copies of the public version of such document (*see* section 351.304(c) of the Department's regulations) with the Department.

3. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Microsoft Word, you need file only the original version and four copies. In case of any difference between the narrative response and the content of the electronic media, the narrative response is the controlling version. For either alternative, only one copy of sample printouts and electronic media containing sales files and cost files need be submitted.

File the original and four copies of the public version of your narrative response and attachments, including sample printouts.

4. Submit the required **certification of accuracy**. Providers of information and the person(s) submitting it, if different (*e.g.*, a legal representative), must certify that they have read the submission and that the information submitted is accurate and complete. The Department cannot accept responses to the letter that do not contain the certification statements. A form for such certification is included in this Appendix. You may photocopy this form and submit a completed copy with each of your submissions.
5. Provide the required **certificate of service** with each proprietary version and public version submitted to the Department.
6. Request **proprietary treatment** for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public.¹ If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304 and 351.304(a)(2) of the Department's regulations. Submit the request for proprietary treatment no later than one business day following the submission of the proprietary version of your response to the letter accompanied by:
 - (1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence,² and/or
 - (2) an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

Responses, or portions thereof, that are not adequately summarized may be returned to you and not used.

7. Submit the statements required regarding limited release of proprietary information under the provisions of an **administrative protective order** ("APO"). U.S. law permits limited

¹ Pursuant to the Department's Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries (April 5, 2005), exporters are required to provide the Department with the names and contact information of all the producers whose merchandise they exported to the United States during the period of investigation, and are required to make public the names of their suppliers in order for the Department to assign combination rates in an investigation. Additionally, supplier names will not be considered proprietary information in situations where the Department has excluded the exporter from the investigation. Exclusions of non-producing exporters will be granted only to exporter/supplier combinations.

² Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.

disclosure to representatives of parties (*e.g.*, legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:

- (1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
- (2) a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. You must state in the upper right-hand corner of the cover letter accompanying your response whether you agree or object to release of the submitted information under APO. (*See* section 351.303 of the Department's regulations for specific instructions.)³

8. Place brackets ("[...]") around information for which you request business proprietary treatment. Place double brackets ("[[...]]") around information for which you request proprietary treatment and which you do not agree to release under APO.
9. Provide to all parties whose representatives have been granted an APO (as listed in the cover letter or as listed in a subsequent letter from the Department) a complete copy of the submission, proprietary and public versions, except for that information which you do not agree to release under APO. If you exclude information because you do not agree to release it under APO, submit with your response to the Department a certificate of service and a copy of the APO version of the document containing the information that you agree may be released under APO. For parties that do not have access to information under APO, please provide a public version only.

Prepare your response in typed form and in English. Repeat the question to which you are responding in your narrative submission and place your answer directly below it.

³ If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (*see* section 351.304(d) of the Department's regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

COMPANY OFFICIAL CERTIFICATION

I, _____, currently employed
(name and title)

by _____, certify that (1) I have
(Interested Party)

read the attached submission, and (2) the information contained in

this submission is, to the best of my knowledge, complete and

accurate.

(signature of certifying official)

ATTACHMENT V
CERTIFICATE OF SERVICE

I, _____, hereby certify that a copy of the
(name of certifying official)

foregoing submission on behalf of _____,
(company name)

dated _____, was served by first class mail or by hand delivery (circle the method used) on the following parties:

(Business Proprietary Version)

On Behalf of

{ See <http://ia.ita.doc.gov/apo/apo-svc-lists.html> for names and addresses }

(Public Version)

On Behalf of

{ See <http://ia.ita.doc.gov/apo/apo-svc-lists.html> for names and addresses }

(signature of certifying official)