

August 21, 2008

TO ALL INTERESTED PARTIES

Re: Quantity and Value Questionnaire for the Countervailing Duty Investigation of Certain Kitchen Appliance Shelving and Racks from the People's Republic of China

Dear Sir or Madam:

On August 20, 2008, the Department of Commerce (the Department) initiated a countervailing duty investigation to determine whether producers/exporters of certain kitchen appliance shelving and racks (kitchen shelving and racks) from the People's Republic of China (PRC) have benefitted from countervailable subsidies bestowed by the Government of the PRC. We initiated the investigation based on a petition filed by Nashville Wire Products, Inc. and SSW Holding Company, Inc., United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, and the International Association of Machinists and Aerospace Workers, on behalf of the United States industry producing the merchandise under investigation. The period of investigation (POI) is January 1, 2007 through December 31, 2007.

In advance of the issuance of the full countervailing duty questionnaire, the Department requests that you respond to Attachment I to this letter, which requests information on the quantity (in units) and U.S. dollar sales value of all of your exports/shipments of kitchen shelving and racks to the United States during the POI. A definition of the merchandise covered by the scope of this investigation is included in Attachment II. General instructions for responding to this letter are contained in Attachment III. Please be advised that receipt of this letter does not indicate that you or your exporter will be chosen as a mandatory respondent. In addition, please be aware that your response to this letter may be subject to an on-site verification by Department officials.

**Failure to provide accurate information to cooperate to the best of your ability may result in the Department resorting to the use of adverse inferences within the meaning of section 776 of the Tariff Act of 1930 ("the Act").**

Your response to the Quantity and Value (Q&V) questionnaire in Attachment I must be received by the Department no later than **September 4, 2008**.

Please note that your submission in response to the Q&V questionnaire in Attachment I and all subsequent submissions to the Department must be served on all interested parties. The service instructions are included in Attachment III. The list of interested parties may be found at <http://www.ia.ita.doc.gov/apo/apo-svc-lists.html>.

We appreciate your attention to these matters. If you have any questions or concerns, please contact Yasmin Nair or Scott Holland at (202) 482-3813 and (202) 482-1279, respectively.

Sincerely,

Susan H. Kuhbach  
Director  
AD/CVD Operations, Office 1

Enclosure

## Attachment I

Where it is not practicable to examine all known producers/exporters of subject merchandise, section 777A(e)(2) of the Tariff Act of 1930, as amended, permits us to investigate (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 and value of the subject merchandise that can be reasonably examined.

In the chart below, please provide the total quantity (in units) and total value (in U.S. dollars) of all your sales of merchandise covered by the scope of this investigation (see Attachment II to this questionnaire), produced in the People's Republic of China, and exported/shipped to the United States during calendar year 2007 (January 1, 2007 through December 31, 2007).

	All Exports of Subject Merchandise	
	Total Quantity (No. of Units)	Total Value (US\$)
Exports to the United States		

If you reported above that your company exported subject merchandise to the United States during the period January 1, 2007 through December 31, 2007, please answer the following questions:

1. Are you a producer of subject merchandise? If yes, do you export directly to the United States, or through a trading company? If you export your products through a trading company, please provide the name of the trading company.
2. If you are a trading company, please identify (and provide the name and address of) the producers of subject merchandise for whom you exported subject merchandise to the United States during the period January 1, 2007 through December 31, 2007.

## ATTACHMENT II

### **Scope of the Countervailing Duty Investigation Kitchen Shelving and Racks from the People's Republic of China**

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 8418.99.80.50, 7321.90.50.00, 7321.90.60.90 and 8516.90.80.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

## ATTACHMENT III

### Instructions for Filing the Response

The following information concerns the procedures interested parties must use the when submitting information regarding the countervailing duty investigation on kitchen shelving and racks from the PRC:

1. The submission must be properly labeled for submission to the official record in accordance with section 351.303(d)(2) of the Department's regulations.

All submissions that you file with the Department during the course of this investigation must contain a case heading in the upper right-hand corner of first page of the document. The case heading should appear as follows:

C-570-942  
Total Pages: XX  
POI: 01/01/2007 – 12/31/2007  
Office 1/IA  
Proprietary Document, Public Document, or Public Version (please choose one)  
Document may be released under APO (if a proprietary document)

The Departments notes that the POI is January 1, 2007 through December 31, 2007.

2. The submission must be properly addressed. All future submissions that you file with the Department should be addressed to:

Secretary of Commerce  
Attn: Import Administration  
APO/Dockets Unit, Room 1870  
14<sup>th</sup> Street and Constitution Avenue, NW  
Washington, DC 20230  
(Attn: Scott Holland, Room 3081)

3. **Proprietary versions** of the response should be submitted on the day specified in the cover letter. The **public version** of the response may be filed one business day after the proprietary version.
4. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Word Perfect for Windows format or Microsoft Word, you need file only the original version and four copies. In case of any difference between the hardcopy narrative response and the content of the electronic media, the hardcopy narrative response is the controlling version.

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

5. 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 at Attachment III(A). You may photocopy this form and submit a completed copy with each of your submissions.
6. The submission must be served on all other persons on the service list and accompanied by a proper certificate of service for this case in accordance with section 351.303(f)(1)-(2) of the Department's regulations, which states:

(1)(i) *In General.* Except as provided in § 351.202(c) (filing of petition), § 351.207(f)(1) (submission of proposed suspension agreement), and paragraph (f)(3) of this section, a person filing a document with the Department simultaneously must serve a copy of the document on all other persons on the service list by personal service or first class mail.

(ii) *Service of public versions or a party's own business proprietary information.* Notwithstanding paragraphs (f)(1)(i) and (f)(3) of this section, service of the public version of a document or of the business proprietary version of a document containing only the server's own business proprietary information, on persons on the service list, may be made by facsimile transmission or other electronic transmission process, with the consent of the person to be served.

(2) *Certificate of Service.* Each document filed with the Department must include a certificate of service listing each person served (including agents), the type of document served, and the date and method of service on each person. The Secretary may refuse to accept any document that is not accompanied by a certificate of service.

This public service list contains the names of parties which have not waived their service rights in the review. When you submit a proprietary document to the Department, you must serve a copy of this document to **each party listed on the APO service list**. When you submit a public document or a public version of a proprietary document to the Department, you must serve a copy of this document on each party listed on the public

service list. In addition, you must provide the Department with a certificate of service that documents that you have served the appropriate documents to the parties on the service lists. A form for such certification is included in Attachment III(B).

The list of interested parties you need to serve with a copy of your submissions, in accordance with section 351.303(f) of the Department's regulations, can also be found on our website at: <http://www.ia.ita.doc.gov/apo/apo-svc-lists.html>.

Start at "Active APOs and Service Lists." Begin your search with the product. Search alphabetically for "Certain Kitchen Appliance Shelving and Racks" Once you click on "Certain Kitchen Appliance Shelving and Racks," you will see the People's Republic of China (C-570-942). You should then click on People's Republic of China (C-570-942). There will be several options. Select "Investigation" to find the most up-to-date service list.

7. 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 a countervailing duty proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public. 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 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,<sup>1</sup> 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.

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

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<sup>1</sup> 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.

(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.)<sup>2</sup>

9. 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.
10. Provide to all parties whose representatives have been granted an APO (as identified on the Department's website at: <http://www.ia.ita.doc.gov/apo/apo-svc-lists.html>) 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.
11. 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.

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<sup>2</sup> 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 our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination



**ATTACHMENT III(A)**  
**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 III(B)**  
**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

Name and address

(Public Version)

On Behalf of

Name and address

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(Signature of Certifying Official)