

July 28, 2006

Re: Anticircumvention Inquiry on Later-Developed Merchandise: Petroleum Wax Candles from the People's Republic of China ("PRC")

To All Interested Parties:

This letter concerns the later-developed merchandise anticircumvention inquiry for the antidumping duty order on petroleum wax candles from the PRC. On May 23, 2006, the Department of Commerce ("the Department") issued its preliminary determination of circumvention of the antidumping duty order on petroleum wax candles from the PRC in which, the Department preliminarily found that certain mixed wax candles<sup>2</sup> are later-developed products of petroleum wax candles, within the meaning of section 781(d) of the Act. See Later-Developed Merchandise Anticircumvention Inquiry of the Antidumping Duty Order on Petroleum Wax Candles from the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order, 71 FR 32033 (June 2, 2006) ("Preliminary Determination").

On June 2, 2006, the Department issued a letter to interested parties requesting comments and supporting evidence for consideration in making the Department's final determination. The deadline for submitting new factual information was June 23, 2006. Additionally, in the letter the Department stated that parties may also submit case briefs on July 7, 2006, and rebuttal briefs on July 19, 2006.

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<sup>1</sup> The period of review ("POR") is a hypothetical period required by, and used only for, internal document tracking purposes to differentiate this anticircumvention proceeding from the minor alterations or the completion or assembly in the United States anticircumvention proceedings.

<sup>2</sup> Mixed wax candles are candles composed of petroleum wax and over fifty percent or more palm and/or vegetable oil-based waxes.

On June 23, 2006, the Department received factual information and comments from eight parties.<sup>3</sup> Also, on July 7, 2006, the Department received case briefs from eight interested parties,<sup>4</sup> including Target, whose brief contained unsolicited new information.

On July 17, 2006, the Department issued a letter stating that it was keeping Target's new information on the record and granting all interested parties the opportunity to submit comments addressing Target's new information in their rebuttal briefs. The deadline for submitting rebuttal briefs was extended to July 24, 2006. In the letter, the Department also noted that "new information contained within the rebuttal briefs that was not previously on the record will be rejected."

On July 24, 2006, the Department received rebuttal briefs from four parties.<sup>5</sup> After reviewing the submitted rebuttal briefs, the Department has determined that Petitioners' rebuttal brief contains unsolicited new information.

While Petitioners did not request the Department's permission to submit new information, pursuant to section 351.301(c)(1) of the Department's regulations, the Department has determined to keep the entirety of Petitioners' rebuttal brief on the record of this proceeding. The Department is granting all interested parties the opportunity to submit additional comments addressing the **new information contained in Petitioners' rebuttal comments only**. Attachment I contains a list of exhibits submitted by Petitioners which is the focus of these additional comments. These additional comments **may include information that was not previously on the record** only if they directly address Petitioners' new information submitted on July 24, 2006, in Attachment I. The deadline for these additional comments is **COB, Thursday, August 3, 2006**.

**Since the initiation of this proceeding on February 25, 2005, the Department has been generous in allowing interested parties to submit untimely new information. However, several interested parties have continued to take undue advantage of this generosity. As a result, it has been difficult for the Department to complete this proceeding in a timely manner. Please be advised that no new information will accepted by the Department except for new information submitted by interested parties in rebuttal to Petitioners' new**

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<sup>3</sup> The eight interested parties that submitted factual information were the following: (1) the National Candle Association ("Petitioners"); (2) Bed, Bath & Beyond, Inc. ("Bed, Bath & Beyond"); (3) Target Corporation ("Target"); (4) Amscan, Inc. ("Amscan"); (5) Candle Corporation of America ("CCA"); (6) China Chamber of Commerce for Importers and Exporters of Foodstuffs, Native Products and Animal By-Products, the China Daily Chemical Association and their common members, (*i.e.*, Dalian Gift Co., Ltd., Kingking A.C. Co., Ltd., Shanghai Autumn Light Enterprise Co., Ltd., Aroma Consumer Products (Hangzhou) Co., Ltd., Amstar Business Company Limited, Zhongshan Zhongnam Candle Manufacturer Co., Ltd., and Jiaxing Moonlite Candle Art Co., Ltd.) ("CCCFNA"); (7) Shonfeld USA, Inc. ("Shonfeld"); and (8) CVS Stores ("CVS")

<sup>4</sup> The eight interested parties that submitted case briefs were the following: (1) Amscan; (2) CVS; (3) Shonfeld; (4) Target; (5) Petitioners; (6) CCA; (7) CCCFNA; and (8) Smart Marketing, Kate Aspen, and Wisconsin Cheeseman.

<sup>5</sup> The four interested parties that submitted rebuttal briefs were the following: (1) Petitioners; (2) CCA; (3) CCCFNA; and (4) Target.

**information. The record of this proceeding is closed for the submission of all other new information.**

Additionally, due to the upcoming deadline for rebuttal comments on Petitioners' new information, the Department will require additional time to analyze the information received in the proceeding. Therefore, at this time, the Department is extending the current deadline of the final determination for the anticircumvention inquiry by 29 days until September 29, 2006. The Department retains the discretion of further extending the deadline if completion within the extended deadline remains impracticable.

If you have any further questions or need assistance in this matter, please contact myself or Julia Hancock, respectively at (202) 482-3208 or (202) 482-1394.

Sincerely,

Alex Villanueva  
Program Manager, Office 9  
Import Administration

Attachment

## **Attachment I**

### **From Petitioners' July 24, 2006 Rebuttal Brief:**

- pages 15-21
- Appendix A:
  - i. Candle Corporation of America's Complaint to the United States District Court for the Southern District of Indiana
  - ii. Candle Corporation of America's Memorandum of Law in Opposition to Defendant Purdue Research Foundation's Motion to Dismiss Count I
  - iii. Answer to First Amended Complaint
  - iv. Purdue Research Foundation's Motion to Dismiss