

September 10, 2010

Secretary of Commerce
United States Secretary of Commerce
United States Department of Commerce
14th Street and Constitution Ave., N.W.
Washington, D.C. 20230

Case No. A-570-504
Total No. of Pages: 6
Request for Comments on the Scope
AD/CVD Operations, Office 9

Attn: Import Administration
APO/Dockets Unit, Room 1870

Public Document

Re: Petroleum Wax Candles from the People's Republic of China; A-570-504;
Comments on the Preliminary Results of Request for Comments on the Scope of
the Petroleum Wax Candles from the People's Republic of China Antidumping
Duty Order By Trade Associates Group, Ltd.

Dear Mr. Secretary:

We are counsel to Trade Associates Group, Ltd. ("TAG"), 1730 N. Wrightwood Ave., Chicago, Illinois 60614, and we hereby submit comments on the preliminary results on the scope of the antidumping duty order on petroleum wax candles from the People's Republic of China ("Order") as requested by the Department of Commerce ("Department") in the Federal Register of August 13, 2010, (75 Fed. Reg. 49475). *See Petroleum Wax Candles from the People's Republic of China; A-570-504; Preliminary Results of Request for Comments on the Scope of the Petroleum Wax Candles from the People's Republic of China Antidumping Duty Order*, (75 Fed. Reg. 49475). This response is filed within the time period provided by the Department in the August 13, 2010, Federal Register Notice.

In its notice, the Department seeks comments from interested parties on its preliminary results and the proposed interpretation for analyzing scope requests under the Order. TAG is a

U.S. importer of candles from China, and therefore, is an interested party pursuant to 19 U.S.C. 1677 (9)(A).

The Department's proposed new interpretation for interpreting candle scope determination requests would be as follows:

The Department will consider all candle shapes identified in the scope of the Order¹ (*i.e.* tapers², spirals³, and straight-sided⁴ dinner candles; rounds⁵, columns⁶, pillars⁷, votives⁸; and various wax-filled containers⁹) to be within the scope of the Order, regardless of etchings, prints, texture, moldings or other artistic or decorative enhancements including any holiday-related art. However, even if they are one of the shapes listed within the scope of the Order, two types of candles will be excluded: (1) those candles known variously as "household candles," "emergency candles," or "utility candles," (which are typically white in color, 5 inches long, .75 inch in diameter, and come in packs of two or more); and (2) birthday candles (which are typically small, thin, pillar-shaped candles that range in height from 2 inches to 3.5 inches, are .18 inch to .25 inch in width, and

¹ The term "circumference" as used below denotes the length of the perimeter of a candle, whether measured at the base, top, etc. It can be used in reference to candles that have cylindrical or polygonal (*i.e.*, multi-sided, with all sides being relatively straight) bases and tops.

² A taper is a candle that has a circumference at its base of up to 5 inches, is typically six inches or longer and gradually decreases in width from base to top so that the width at the base is typically no more than 60 percent larger than the width at the top (the top of a taper candle is typically 1/6 of the candle's height from the tip of the candle, excluding the wick). The decrease in width may be continuously straight or slightly convex.

³ A spiral is a candle that has dimensions similar to a taper's and has helical indentations around its length.

⁴ A straight-sided dinner candle has dimensions similar to a taper's, although its width is constant through the length of the candle.

⁵ A round may come in two varieties: (1) A "spherical round" is one in which all points on the candle's surface (except for those on the base and top) are approximately equidistant from the candle's center; see Final Scope Ruling: Antidumping Duty Order on Petroleum Wax Candles from the People's Republic of China (A-570-504): Wal-Mart Stores, Inc. (December 17, 2004) at 13. Thus, a spherical round does not contain multiple surface angles (or embellishments so prominent that it could not be considered approximately spherical); (2) a "flattened round," is typically disc-shaped and has at its widest point an approximately circular circumference which is greater than its height. All horizontal radii of this circumference are approximately equidistant from the circumference's center. Thus, a flattened round does not contain multiple surface angles (or embellishments so prominent that it does not exhibit an approximately circular circumference). The top, bottom, and side of a flattened round may be slightly convex or non-convex.

⁶ A column is a candle that is often free-standing, has a width of up to 8 inches and a height of up to 14 inches. It typically maintains a constant circumference throughout its length. The base and top may have a cylinder or polygon shape.

⁷ A pillar is a candle that is often free-standing, has a width of up to 8 inches and a height of up to 12 inches. It typically maintains a constant circumference throughout its length. The base and top may have a cylinder or polygon shape.

⁸ A votive candle is typically about 1.5 inches in diameter, 2 to 2.5 inches high, and typically designed to be placed in a container.

⁹ The exposed surface of the wax at the top of the container is typically horizontally flat. The container may be in any shape and be made of any material.

come in packs of 10 to 24, and birthday numeral candles (which are candles in the shape of numbers that typically range in height from 2 to 4 inches). All other candle shapes and types will be considered outside the scope of the Order.

We are in favor of and fully support the proposed interpretation for analyzing scope requests. The proposed interpretation limiting the scope to the enumerated shapes set forth in the scope of the Order clearly construes the language used by the Department during the course of the investigation up to and including the final determination and is in keeping with the scope of the case as originally set forth by the Petitioner. Moreover, the proposed interpretation resolves any ambiguity concerning the scope of the Order with respect to candle shapes not specifically mentioned.

Since the proposed interpretation limits the scope only to the enumerated shapes set forth in the scope, we believe that doing away with the novelty exceptions of the identifiable object and holiday specific design is proper as the novelty exceptions were simply artificial distinctions applied to the scope throughout the years causing confusion and unpredictability in interpreting the scope and resulting in a substantial number of scope ruling requests over the years.

The proposed interpretation provides an easy measurable test for determining whether a candle shape and/or type falls within the scope of the Order. Moreover, further clarification as to the shapes and types of enumerated candles can be obtained by examining the definitions of the shapes and types of candles set forth in the proposed interpretation, which were taken from a variety of sources including (1) historical documents on record from the candles case, such as the Petition and Departmental memoranda; (2) past candle scope rulings; and (3) sources outside of the Department, including the NCA's Web site. Thus, this test can be applied without confusion by the Department, U.S. Customs and Border Protection, and importers.

Finally, we continue to vigorously object to the "Option B" proposal for the reasons set forth in our original comments of September 15, 2009.

We support the Option A proposed interpretation of the scope where only the enumerated shapes would be covered with the exception of utility candles and birthday candles and all other candle shapes and types would be considered outside the scope of the Order.

For all the reasons set forth above, TAG requests that the Department accept the Option A proposal.

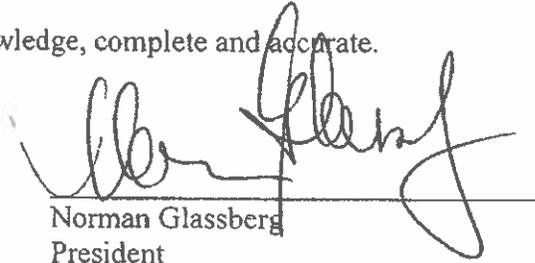
Respectfully submitted,
Rodriguez O'Donnell Gonzalez & Williams, P.C.

by:


Thomas J. O'Donnell
Lara A. Austrins

COMPANY OFFICIAL CERTIFICATION

I, Norman Glassberg, President, currently employed by Trade Associates Group, Ltd., hereby certify that (1) I have read the attached submission and (2) the information contained in this submission is, to the best of my knowledge, complete and accurate.



Norman Glassberg
President
Trade Associates Group, Ltd.

September 10, 2010

COUNSEL'S CERTIFICATION

I, Thomas J. O'Donnell, counsel to Trade Associates Group, Ltd., hereby certify that (1) I have read the attached submission, and (2) based on the information provided to me by Trade Associates Group, Ltd., I have no reason to believe that this submission contains any material misrepresentation or omission of fact.


Thomas J. O'Donnell

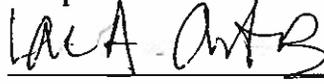
September 10, 2010

**Petroleum Wax Candles from the People's Republic of China
Case No. A-570-504**

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2010, copies of the foregoing letter were served by first class mail, postage prepaid on the parties listed below.

Date: September 15, 2010



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