

required to maintain records supporting their claims for a period of three years after the filing of the certification (*see* § 159.63(d), Customs Regulations (19 CFR 159.63(d))). The records must be those that are normally kept in the ordinary course of business; these records must support each qualifying expenditure enumerated in the certification; and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding.

#### Disclosure of Information in Certifications; Acceptance by Producer

The name of the affected domestic producer, the total dollar amount claimed by that party on the certification, as well as the total dollar amount that CBP actually disburses to that company as an offset, will be available for disclosure to the public, as specified in § 159.63(e), Customs Regulations (19 CFR 159.63(e)). To this extent, the submission of the certification is construed as an

understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public. Alternatively, a statement in a certification that this information is proprietary and exempt from disclosure will result in CBP's rejection of the certification.

#### List of Orders or Findings and Related Domestic Producers

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth below, together with the affected domestic producers associated with each order or finding that are potentially eligible to receive an offset.

**Note:** On April 8, 2003, the U.S. Court of International Trade (CIT) issued a decision concerning a successor company claim for a distribution under the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA), 19 U.S.C. 1675c. *Candle Corporation of America and Blyth, Inc. v. United States*, No. 02–00751 Slip Op. 03–40 (Ct. Int'l Trade Apr. 8, 2003), appeal docketed, No. 03–1348 (Fed. Cir. April 28, 2003). The CIT found that the Candle Corporation of America (CCA)

response to a 1986 ITC questionnaire “clearly indicates that CCA did not support the petition.” Slip Op at 13. The CIT reasoned that, although 19 CFR 159.61(b)(1)(i) permits a “successor company” to file a certification to claim an offset on behalf of its predecessor, the “eligibility for certification under the regulation is subject to the limitations imposed by 19 U.S.C. 1675c, which requires that a claimant (1) have [petitioned] or supported the petition, and (2) remain in operation.” Consequently, the CIT held that it was not arbitrary, capricious, an abuse of discretion or otherwise contrary to law for Customs (which is now CBP) to deny CCA's claim.

An appeal to the Federal Circuit has been filed. A final decision may affect future distributions. Assuming an appeal remains pending, CBP may evaluate whether interim adjustments to future distributions would be prudent. CBP will notify the public of any such adjustments through a future **Federal Register** notice.

Dated: July 7, 2003.

**Larry L. Burton,**

*Acting Assistant Commissioner, Office of Regulations and Rulings.*

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-588-028 .....	AA1921-111	Roller chain/Japan .....	American Chain Association Acme Chain Division, North American Rockwell Atlas Chain & Precision Products Diamond Chain Link-Belt Chain Division, FMC Morse Chain Division, Borg Warner Rex Chainbelt
A-401-040 .....	AA1921-114	Stainless steel plate/Sweden .....	Jessop Steel
A-588-041 .....	AA1921-115	Synthetic methionine/Japan .....	Monsanto
A-588-046 .....	AA1921-129	Polychloroprene rubber/Japan .....	E.I. du Pont de Nemours
A-122-047 .....	AA1921-127	Elemental sulphur/Canada .....	Duval
A-588-056 .....	AA1921-162	Melamine/Japan .....	Melamine Chemical
A-475-059 .....	AA1921-167	Pressure-sensitive plastic tape/Italy .....	Minnesota Mining & Manufacturing
A-588-068 .....	AA1921-188	Prestressed concrete steel wire strand/Japan .....	American Spring Wire Armco Steel Bethlehem Steel CF&I Steel Florida Wire & Cable
C-408-046 .....	104-TAA-7	Sugar/EU .....	No petition at the Commission; Commerce Service list identifies: U.S. Beet Sugar Association Florida Sugar Marketing and Terminal Association American Sugar Cane League American Sugarbeet Growers Association Florida Sugar Cane League Rio Grande Valley Sugar Growers Association Michigan Sugar Amstar Sugar Sugar Cane Growers Cooperative of Florida Alexander & Baldwin Michigan Farm Bureau H&R Brokerage Talisman Sugar