

MESSAGE NO: 3136303 MESSAGE DATE: 05/16/2013  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 9051202, 9051210, 3136301  
MESSAGE #  
(s):

CASE #(s): A-570-832

EFFECTIVE DATE: 02/18/2013 COURT CASE #: 2012-1478, 09-00012

PERIOD OF REVIEW: 05/01/2006 TO 04/30/2007

PERIOD COVERED: 05/01/2006 TO 04/30/2007

Notice of Lifting of Suspension Date: 05/16/2013

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for pure magnesium from the People's Republic of China (PRC) exported by Tianjin Magnesium International Co., Ltd. for the period 05/01/2006 through 04/30/2007 (A-570-832)

(This message replaces deactivated message 3136301 dated 5/16/2013 due to the incorrect lifting of suspension date in the header.)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 01/04/2013, the Court of Appeals for the Federal Circuit issued a final decision in the case of Tianjin Magnesium International Co., Ltd. v. United States, CAFC court no. 2012-1478, appealed from CIT court no. 09-00012. As a result of this decision, the injunctions to which message(s) #9051202 and #9051210 refer, enjoining liquidation of entries which are subject to the antidumping duty order on pure magnesium from the PRC for the period 05/01/2006 through 04/30/2007 exported by Tianjin Magnesium International Co., Ltd. dissolved on 02/18/2013.
2. For all shipments of pure magnesium from the PRC exported by Tianjin Magnesium International Co., Ltd. (A-570-832-002), and entered, or withdrawn from warehouse, for consumption during the period 05/01/2006 through 04/30/2007, assess an antidumping liability of 111.73%.
3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of pure magnesium from the PRC you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.
4. There are no injunctions applicable to the entries covered by this instruction.

5. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778

requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date when payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the manufacturer, producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O8:EW.)

8. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party