

MESSAGE NO: 3138111 MESSAGE DATE: 05/18/1993
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: ORD-Order PUBLIC NON-PUBLIC
SUB-TYPE:

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REFERENCE
MESSAGE #
(s):

CASE #(s): C-307-201, C-307-808

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/10/1993 TO

Notice of Lifting of Suspension Date: 05/10/1993

TO: { Directors Of Field Operations, Port Directors }

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

RE: NOTICE OF COUNTERVAILING DUTY ORDER AND FINAL DETERMINATION OF FERROSILICON FROM VENEZUELA

MESSAGE NO: 3138111 DATE: 05 18 1993

CATEGORY: CVD TYPE: ORD

REFERENCE: REFERENCE DATE:

CASES: C - 307 - 808 - -

C - 307 - 201 - -

- - - -

PERIOD COVERED: TO

LIQ SUSPENSION DATE: 05 10 1993

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, IMPORT SPECIALIST DIVISION

RE: NOTICE OF COUNTERVAILING DUTY ORDER AND FINAL
DETERMINATION OF FERROSILICON FROM VENEZUELA

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON MAY 10, 1993, NOTICE OF ITS COUNTERVAILING DUTY ORDER AND FINAL DETERMINATION IN THE INVESTIGATION OF FERROSILICON FROM VENEZUELA.

2. THE PRODUCT COVERED BY THIS INVESTIGATION IS FERROSILICON, A FERROALLOY GENERALLY CONTAINING, BY WEIGHT, NOT LESS THAN FOUR PERCENT IRON, MORE THAN EIGHT PERCENT BUT NOT MORE THAN 96 PERCENT SILICON, NOT MORE THAN 10 PERCENT CHROMIUM, NOT MORE THAN

30 PERCENT MANGANESE, NOT MORE THAN THREE PERCENT PHOSPHOROUS, LESS THAN 2.75 PERCENT MAGNESIUM, AND NOT MORE THAN 10 PERCENT CALCIUM OR ANY OTHER ELEMENT.

FERROSILICON IS A FERROALLOY PRODUCED BY COMBINING SILICON AND IRON THROUGH SMELTING IN A SUBMERGED-ARC FURNACE. FERROSILICON IS USED PRIMARILY AS AN ALLOYING AGENT IN THE PRODUCTION OF STEEL AND CAST IRON. IT IS ALSO USED IN THE STEEL INDUSTRY AS A DEOXIDIZER AND A REDUCING AGENT, AND BY CAST IRON PRODUCERS AS AN INOCULANT.

FERROSILICON IS DIFFERENTIATED BY SIZE AND BY GRADE. THE SIZES EXPRESS THE MAXIMUM AND MINIMUM DIMENSIONS OF THE LUMPS OF FERROSILICON FOUND IN A GIVEN SHIPMENT. FERROSILICON GRADES ARE DEFINED BY THE PERCENTAGES BY WEIGHT OF CONTAINED SILICON AND OTHER MINOR ELEMENTS. FERROSILICON IS MOST COMMONLY SOLD TO THE IRON AND STEEL INDUSTRIES IN STANDARD GRADES OF 75 PERCENT AND 50 PERCENT FERROSILICON.

CALCIUM SILICON, FERROCALCIUM SILICON, AND MAGNESIUM FERROSILICON ARE SPECIFICALLY EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION.

CALCIUM SILICON IS AN ALLOY CONTAINING, BY WEIGHT, NOT MORE THAN FIVE PERCENT IRON, 60 TO 65 PERCENT SILICON AND 28 TO 32 PERCENT CALCIUM. FERROCALCIUM SILICON IS A FERROALLOY CONTAINING, BY WEIGHT, NOT LESS THAN FOUR PERCENT IRON, 60 TO 65 PERCENT SILICON, AND MORE THAN 10 PERCENT CALCIUM. MAGNESIUM

FERROSILICON IS A FERROALLOY CONTAINING, BY WEIGHT, NOT LESS THAN FOUR PERCENT IRON, NOT MORE THAN 55 PERCENT SILICON AND NOT LESS THAN 2.75 PERCENT MAGNESIUM. PRODUCTS COVERED IN THIS INVESTIGATION INCLUDED THE FOLLOWING SUBHEADINGS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS):

7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, AND 7202.29.0050.

ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND

CUSTOMS PURPOSES, OUR DESCRIPTION OF THE SCOPE OF THESE PROCEEDINGS IS DISPOSITIVE.

4. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING INVESTIGATION NUMBER: C-307-808. FOR CUSTOMS PURPOSES ONLY, HTSUS ITEMS 7202.21.7500 AND 7202.21.9000 HAVE ASSIGNED NUMBER C-307-201.

ON AUGUST 31, 1990, VENEZUELA BECAME A CONTRACTING PARTY TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT). SINCE QUALIFICATION AS A "COUNTRY UNDER THE AGREEMENT" UNDER SECTION 701(B)(3) REQUIRES A FINDING THAT THE GATT DOES NOT APPLY BETWEEN THE UNITED STATES AND THE COUNTRY FROM WHICH THE SUBJECT MERCHANDISE IS IMPORTED, VENEZUELA IS NO LONGER ELIGIBLE FOR TREATMENT AS A "COUNTRY UNDER THE AGREEMENT" WITHIN THE MEANING OF SECTION 701(B)(3). HOWEVER, BECAUSE VENEZUELA IS A GATT CONTRACTING PARTY, AND MERCHANDISE WITHIN THE SCOPE OF THE PETITION WHICH IS IMPORTED UNDER HTSUS SUBHEADINGS 7202.21.1000, 7202.21.5000, 7202.29.0010, AND 7202.29.0050 IS NONDUTIABLE, THE ITC IS REQUIRED TO DETERMINE WHETHER, PURSUANT TO SECTION 303(A)(2), IMPORTS OF THIS NONDUTIABLE MERCHANDISE FROM VENEZUELA MATERIALLY INJURE, OR THREATEN MATERIAL INJURY TO, A U.S. INDUSTRY. THE REMAINING HTSUS ITEMS, AS DESCRIBED IN ITEM 2 ARE DUTIABLE. ACCORDINGLY, WE ARE ISSUING AN ORDER WITH RESPECT TO THIS MERCHANDISE. THEREFORE, FOR THESE ITEMS, THE ITC IS NOT REQUIRED TO DETERMINE WHETHER, PURSUANT TO SECTION 303(A)(2), IMPORTS FROM VENEZUELA OF THESE PRODUCTS MATERIALLY INJURE, OR THREATEN MATERIAL INJURY TO, A U.S. INDUSTRY.

IF THE ITC DETERMINES THAT MATERIAL INJURY, OR THE THREAT OF MATERIAL INJURY, DOES NOT EXIST FOR THE ABOVE REFERENCED NONDUTIABLE MERCHANDISE, THE PROCEEDINGS WILL BE TERMINATED WITH RESPECT TO THE NONDUTIABLE MERCHANDISE, AND ALL ESTIMATED DUTIES DEPOSITED OR SECURITIES POSTED AS A RESULT OF THE SUSPENSION OF LIQUIDATION WILL BE REFUNDED OR CANCELED. IF, HOWEVER, THE ITC DETERMINES THAT SUCH INJURY DOES EXIST, WE WILL ISSUE A COUNTERVAILING DUTY ORDER, DIRECTING CUSTOMS OFFICERS TO ASSESS COUNTERVAILING DUTIES ON ENTRIES OF FERROSILICON FROM VENEZUELA.

5. ACCORDINGLY, THE U.S. CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF ENTRIES OF FERROSILICON UNDER HTSUS ITEMS

7202.21.7500 AND 7202.21.9000 THAT ARE ENTERED, OR WITHDRAWN FROM

WAREHOUSE FOR CONSUMPTION ON OR AFTER MAY 10, 1993, AND SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE MARGIN PERCENTAGES LISTED BELOW:

COMPANY

ID NUMBER

AD VALOREM RATE

FESILVEN

C-307-201-001

22.08 PERCENT

COUNTRY-WIDE RATE

C-307-201-000

22.08 PERCENT

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE REFERRED TO THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, VIA EMAIL TO ATTRIBUTE "HQ OAB". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT THE FOLLOWING IMPORT COMPLIANCE SPECIALIST AT THE INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE: PAULO MENDES OFFICE OF COUNTERVAILING INVESTIGATIONS (202) 482-5050.

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

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