

MESSAGE NO: 5088112 MESSAGE DATE: 03/29/1995  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: FIN-Final Determination PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-462-306

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 03/30/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: FINAL DETERMINATION FOR PURE MAGNESIUM FROM UKRAINE (A-462-306)

MESSAGE NO: 5088112

DATE: 03 29 1995

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 462 - 306

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PERIOD COVERED: 03 30 1995 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: FINAL DETERMINATION FOR PURE MAGNESIUM FROM UKRAINE  
(A-462-306)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON MARCH 30, 1995, NOTICE OF ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF PURE MAGNESIUM FROM UKRAINE.
2. THE SCOPE OF THIS INVESTIGATION HAS BEEN MODIFIED SINCE THE PRELIMINARY DETERMINATION IN ORDER TO CLARIFY THE DISTINCTIONS BETWEEN PURE MAGNESIUM AND ALLOY MAGNESIUM. THE AMENDED SCOPE IS

AS FOLLOWS:

THE PRODUCT COVERED BY THIS INVESTIGATION IS PURE PRIMARY MAGNESIUM REGARDLESS OF CHEMISTRY, FORM OR SIZE, UNLESS EXPRESSLY EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION. PRIMARY MAGNESIUM IS A METAL OR ALLOY CONTAINING BY WEIGHT PRIMARILY THE ELEMENT MAGNESIUM AND PRODUCED BY DECOMPOSING RAW MATERIALS INTO

MAGNESIUM METAL. PURE PRIMARY MAGNESIUM IS USED PRIMARILY AS A CHEMICAL IN THE ALUMINUM ALLOYING, DESULFURIZATION, AND CHEMICAL REDUCTION INDUSTRIES. IN ADDITION, PURE PRIMARY MAGNESIUM IS USED AS AN INPUT IN PRODUCING MAGNESIUM ALLOY.

PURE PRIMARY MAGNESIUM ENCOMPASSES: 1) PRODUCTS THAT CONTAIN AT LEAST 99.95% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "ULTRA-PURE" MAGNESIUM); 2) PRODUCTS CONTAINING LESS THAN 99.95% BUT NOT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "PURE" MAGNESIUM); 3) PRODUCTS (GENERALLY REFERRED TO AS "OFF-SPECIFICATION PURE" MAGNESIUM) THAT CONTAIN 50% OR GREATER, BUT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT, AND THAT DO NOT CONFORM TO ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM.

"OFF-SPECIFICATION PURE" MAGNESIUM IS PURE PRIMARY MAGNESIUM CONTAINING MAGNESIUM OR IMPURITIES THAT CAUSE THE PRIMARY MAGNESIUM CONTENT TO FALL BELOW 99.8%, BY WEIGHT. IT GENERALLY DOES NOT CONTAIN, INDIVIDUALLY OR IN COMBINATION, MORE THAN 1.5%, BY WEIGHT, OF THE FOLLOWING ALLOYING ELEMENTS: ALUMINUM, MANGANESE, ZINC, SILICON, THORIUM, ZIRCONIUM, AND RARE EARTHS.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE ALLOY PRIMARY MAGNESIUM, PRIMARY MAGNESIUM ANODES, GRANULAR PRIMARY MAGNESIUM (INCLUDING TURNINGS AND POWDER), AND SECONDARY MAGNESIUM.

GRANULAR MAGNESIUM, TURNINGS, AND POWDER ARE CLASSIFIABLE UNDER THE HTSUS SUBHEADING 8104.30.00. MAGNESIUM GRANULES AND TURNINGS (ALSO REFERRED TO AS CHIPS) ARE PRODUCED BY GRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND THUS HAVE THE SAME

CHEMISTRY AS PRIMARY MAGNESIUM. ALTHOUGH NOT SUSCEPTIBLE TO PRECISE MEASUREMENT BECAUSE OF THEIR IRREGULAR SHAPES, TURNINGS OR

CHIPS ARE TYPICALLY PRODUCED IN COARSE SHAPES AND HAVE A MAXIMUM LENGTH OF LESS THAN 1 INCH. ALTHOUGH SOMETIMES PRODUCED IN LARGER SIZES, GRANULES ARE MORE REGULARLY SHAPED THAN TURNING OR CHIPS, AND HAVE A TYPICAL SIZE OF 2MM IN DIAMETER OR SMALLER.

POWDERS ARE ALSO PRODUCED FROM GRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND HAVE THE SAME CHEMISTRY AS PRIMARY MAGNESIUM, BUT ARE EVEN SMALLER THAN GRANULES OR TURNINGS. POWDERS ARE DEFINED BY THE SECTION NOTES TO SECTION XV, THE SECTION OF THE HTSUS IN WHICH SUBHEADING 8104.30.00 APPEARS, AS PRODUCTS OF WHICH 90% OR MORE, BY WEIGHT, WILL PASS THROUGH A SIEVE HAVING A MESH APERTURE OF 1MM. (SEE HTSUS, SECTION XV, BASE METALS AND ARTICLES OF BASE METALS, NOTE 6(B).)

THE PRODUCTS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8104.11.00, 8104.19.00, AND 8104.20.00 OF THE HTSUS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS INVESTIGATION HAS BEEN ASSIGNED THE FOLLOWING DOC CASE NUMBER: (A-823-806). FOR CUSTOMS PURPOSES ONLY, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING ID NUMBER: (A-462-306).

4. THE U.S. CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRY SUMMARIES OF PURE MAGNESIUM FROM UKRAINE THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION, ON

OR AFTER NOVEMBER 07, 1994. EFFECTIVE MARCH 30, 1995, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR BOND FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULE:

MANUFACTURER\ EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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GERALD METALS	A-462-306-001	103.27%
MG METALS	A-462-306-002	79.87%
ALUSUISSE LONZA	A-462-306-003	104.27%
DEREK RAPHAEL & CO	A-462-306-004	104.27%
MARCO TRADING	A-462-306-005	104.27%
WOGEN GROUP LTD.	A-462-306-006	104.27%
ALEX	A-462-306-007	104.27%
MAGES	A-462-306-008	104.27%
F&S	A-462-306-009	104.27%
HOCHSCHILD PARTNERS	A-462-306-010	92.21%
UKRAINE WIDE RATE	A-462-306-000	104.27%

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, TECHNICAL PROGRAMS, ANTIDUMPING\COUNTERVAILING DUTY USING ATTRIBUTE "HQ OAB." OTHER INTERESTED PARTIES SHOULD CONTACT DOROTHY TOMASZEWSKI, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-0631.

6. 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