

MESSAGE NO: 5320112 MESSAGE DATE: 11/16/1994
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-462-105

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/07/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE: PURE
MAGNESIUM FM THE RUSSIAN FEDERATION (A-462-105)

MESSAGE NO: 5320112 DATE: 11 16 1994

CATEGORY: ADA TYPE: PRE

REFERENCE: REFERENCE DATE:

CASES: A - 462 - 105 - -

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- - - -

PERIOD COVERED: 11 07 1994 TO

LIQ SUSPENSION DATE:

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

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR
VALUE: PURE MAGNESIUM FM THE RUSSIAN FEDERATION
(A-462-105)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON NOVEMBER 07, 1994, ITS PRELIMINARY DETERMINATION OF SALES AT
LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF
PURE MAGNESIUM FROM THE RUSSIAN FEDERATION.

2. 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 ENCOMPASSES ALL PRODUCTS THAT CONTAIN AT LEAST 99.95% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "ULTRA-PURE" MAGNESIUM), AS WELL AS PRODUCTS CONTAINING LESS THAN 99.95% BUT NOT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERED TO AS "PURE" MAGNESIUM). PRODUCTS THAT HAVE THE AFORE MENTIONED PRIMARY MAGNESIUM CONTENT, BUT DO NOT CONFORM TO ASTM SPECIFICATIONS OR OTHER INDUSTRY OR CUSTOMER-SPECIFIC SPECIFICATIONS, ARE INCLUDED IN THE SCOPE OF THIS INVESTIGATION.

PURE PRIMARY MAGNESIUM IS CAST AND SOLD IN VARIOUS PHYSICAL FORMS AND SIZES, INCLUDING INGOTS, SLABS, ROUNDS, BILLETS, AND OTHER SHAPES.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE 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 1 MM. (SEE HTSUS, SECTION XV, BASE METALS AND ARTICLES OF BASE METALS, NOTE 6(B).) ACCORDINGLY, THE EXCLUSION OF MAGNESIUM TURNINGS, GRANULES, AND POWDER FROM THE SCOPE INCLUDES PRODUCTS HAVING A MAXIMUM PHYSICAL DIMENSION OF 1 INCH OR LESS.

THE PRODUCT SUBJECT TO THIS INVESTIGATION IS CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8104.11.00 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 CASE HAS BEEN ASSIGNED THE FOLLOWING DOC CASE NUMBER: (A-821-805). FOR CUSTOMS PURPOSES ONLY, THIS CASE HAS BEEN ASSIGNED ID NUMBER: (A-462-105).

4. THE U.S. CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF ALL ENTRY SUMMARIES OF PURE MAGNESIUM FROM THE RUSSIAN FEDERATION (EXCEPT THOSE THAT REPRESENT SALES BY AIOC, GERALD METALS, HUNTER DOUGLAS, INTERLINK OR MG METALS) THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER NOVEMBER

07,

1994. EFFECTIVE NOVEMBER 07, 1994, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR BOND FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULE (THE MARGIN FOR MG METALS IS 0.13, THEREBY MAKING IT DE MINIMIS):

MANUFACTURER/ EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
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ALL THIRD COUNTRY

EXPORTERS & RESELLERS	A-462-105-001	60.43%
AIOC	A-462-105-002	0.00%
GERALD METALS	A-462-105-003	0.00%
HUNTER DOUGLAS	A-462-105-004	0.00%
INTERLINK	A-462-105-005	0.00%
MG METALS	A-462-105-006	0.00%

DE MINIMIS

RAZNO	A-462-105-007	5.06%
F&S ALLOYS & MINERALS	A-462-105-008	64.12%
W&O BERGMANN GMBH	A-462-105-009	64.12%
DEREK RAPHAEL & CO.	A-462-105-010	64.12%
MARCO TRADING CO.	A-462-105-011	64.12%
WOGEN GROUP LTD.	A-462-105-012	64.12%
ALEX	A-462-105-013	64.12%
MAGES	A-462-105-014	64.12%
ALL OTHERS	A-462-105-000	5.06%

5. ANY QUESTIONS BY CUSTOMS OFFICERS SHOULD BE DIRECTED, THROUGH THE REGIONAL AD/CVD COORDINATOR, TRADE COMPLIANCE DIVISION, AD/CVD BRANCH, OR VIA E-MAIL TO ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT ERIK WARGA OR ELLEN GREBASCH, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-0922 AND (202) 482-3773, RESPECTIVELY.

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

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Company Details

*Party Indicator Value:

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