

MESSAGE NO: 8339111 MESSAGE DATE: 12/05/1997

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: COR PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8336111
MESSAGE #
(s):

CASE #(s): A-570-832

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/1996 TO 04/30/1997

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: NON REVIEW AUTOMATIC LIQUIDATION INSTRUCTIONS FOR PURE MAGNESIUM FROM THE PEOPLES REPUBLIC OF CHINA(A-570-832) FOR THE PERIOD MAY 01, 1996 THROUGH APRIL 30, 1997.

MESSAGE NO: 8339111

DATE: 12 05 1997

CATEGORY: ADA

TYPE: COR

REFERENCE: 8336111

REFERENCE DATE: 12 02 1997

CASES: A - 570 - 832

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PERIOD COVERED: 05 01 1996 TO 04 30 1997

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: NON REVIEW AUTOMATIC LIQUIDATION INSTRUCTIONS FOR PURE MAGNESIUM FROM THE PEOPLES REPUBLIC OF CHINA(A-570-832) FOR THE PERIOD MAY 01, 1996 THROUGH APRIL 30, 1997.

CORRECTION TO MESSAGE NUMBER ADD-8336111.

1. THE DEPARTMENT OF COMMERCE NO LONGER AUTOMATICALLY CONDUCTS

ADMINISTRATIVE REVIEWS OF ANTIDUMPING DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 353.22 OF THE COMMERCE DEPARTMENT REGULATIONS.

2. THE DEPARTMENT OF COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER FOR THE PERIODS AND ON THE MERCHANDISE LISTED BELOW, EXCEPT FOR THE FIRMS NOTED. THEREFORE, IN ACCORDANCE WITH SECTION 353.22(E) OF THE COMMERCE DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

MERCHANDISE	CASE NUMBER	PERIOD
PURE MAGNESIUM FROM THE PRC	A-570-832	05/01/96-04/30/97

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

TAIYUAN HEAVY MACHINERY IMPORT & EXPORT CORPORATION

3. ENTRY SUMMARIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ADMINISTRATIVE REVIEW. THE EXCEPTED MANUFACTURER/PRODUCER, EXPORTERS, MANUFACTURER/PRODUCER/EXPORTER COMBINATIONS. UNLESS NOTED OTHERWISE, ASSUME THE EXCEPTED FIRMS ARE MANUFACTURERS/PRODUCERS.

4. FOR LISTED MANUFACTURERS/PRODUCERS, LIQUIDATION IS TO BE SUSPENDED ON ALL SHIPMENTS OF MERCHANDISE PRODUCED BY THOSE FIRMS

REGARDLESS OF EXPORTER. CUSTOMS MUST ASCERTAIN MANUFACTURER/PRODUCERS OF ALL ENTRY SUMMARIES THAT IN ANY WAY INVOLVE THIS EXPORTER, SUSPEND ALL ENTRY SUMMARIES OF THIS MERCHANDISE. IF THE LISTED FIRM IS SPECIFICALLY IDENTIFIED AS AN EXPORTER, SUSPEND ALL ENTRY SUMMARIES THAT IN ANY WAY INVOLVE THIS EXPORTER. IF THE EXCEPTED FIRM IS A MANUFACTURER/PRODUCER/EXPORTER COMBINATION, THE SUSPENSION INSTRUCTIONS APPLY ONLY TO ENTRY SUMMARIES THAT INVOLVE THIS COMBINATION OF FIRMS.

5. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRY SUMMARIES FOR THE MERCHANDISE AND PERIODS LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON SHIPMENTS OR ENTRY SUMMARIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS 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 BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES 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.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 353.26 OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF ENTRY SUMMARY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THAT ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY USING THE ATTRIBUTE HQ OAB. IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT EVERETT KELLY, AT 202-482-4194, AD/CVD ENFORCEMENT, GROUP II,

OFFICE V, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, DEPARTMENT OF COMMERCE.

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

PAUL SCHWARZ

Company Details

*Party Indicator Value:

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