

MESSAGE NO: 7117202 MESSAGE DATE: 04/27/2007
MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 4177202
MESSAGE #
(s):

CASE #(s): C-122-815

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2001 TO 12/31/2001

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION FOR PURE MAGNESIUM AND ALLOW MAGNESIUM FROM CANADA EXPORTED BY NORSK HYDRO CANADA, INC. (NHCI) (C-122-815-002)

MESSAGE NO: 7117202

DATE: 04 27 2007

CATEGORY: CVD

TYPE: LIQ

REFERENCE: 4177202

REFERENCE DATE: 06 25 2004

CASES: C - 122 - 815

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PERIOD COVERED: 01 01 2001 TO 12 31 2001

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION FOR PURE MAGNESIUM AND ALLOW MAGNESIUM FROM CANADA EXPORTED BY NORSK HYDRO CANADA, INC. (NHCI) (C-122-815-002)

1. ON DECEMBER 14, 2006, THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT ISSUED A FINAL DECISION IN THE CASE OF NORSK HYDRO CANADA, INC. V. UNITED STATES AND U.S. MAGNESIUM LLC (06-1044, - 1052). ALSO, ON DECEMBER 19, 2006, THE NAFTA SECRETARIAT PUBLISHED IN THE FEDERAL REGISTER A NOTICE OF COMPLETION OF PANEL REVIEW OF THE FINAL REMAND DETERMINATION MADE BY THE INTERNATIONAL TRADE COMMISSION CONCERNING THE FULL SUNSET REVIEW OF THE COUNTERVAILING DUTY ORDERS ON PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA (71 FR 75940). AS A RESULT OF THESE

DECISIONS, THE INJUNCTION TO WHICH MESSAGE NOS. 4089202 (DATED 03/29/2004) AND 4177202 (DATED 06/25/2004) REFER ENJOINING LIQUIDATION OF ENTRIES IS DISSOLVED AND THE SUSPENSION OF LIQUIDATION TO WHICH MESSAGE NO. 4002208 (DATED 01/02/2004) REFERS SUSPENDING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE COUNTERVAILING DUTY ORDERS ON PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001 EXPORTED BY NORSK HYDRO CANADA, INC. ("NHCI") IS LIFTED. FURTHER, AS A RESULT OF THESE DECISIONS, NO AMENDED FINAL RESULTS OF THE 2001 ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDERS ON PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA WERE PUBLISHED. THEREFORE, THESE INSTRUCTIONS PROVIDE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001.

2. IMPORTS COVERED BY THESE REVIEWS ARE SHIPMENTS OF PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA. PURE MAGNESIUM CONTAINS AT LEAST 99.8 PERCENT MAGNESIUM BY WEIGHT AND IS SOLD IN VARIOUS SLAB AND INGOT FORMS AND SIZES. MAGNESIUM ALLOYS CONTAIN LESS THAN 99.8 PERCENT MAGNESIUM BY WEIGHT WITH MAGNESIUM BEING THE LARGEST METALLIC ELEMENT IN THE ALLOY BY WEIGHT, AND ARE SOLD IN VARIOUS INGOT AND BILLET FORMS AND SIZES. THE MERCHANDISE UNDER REVIEW IS CURRENTLY CLASSIFIABLE UNDER ITEMS 8104.11.0000 AND 8104.19.0000 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES. SECONDARY AND GRANULAR MAGNESIUM ARE NOT INCLUDED IN THE SCOPE OF THESE REVIEWS.

3. THE NET SUBSIDY FOR NHCI (C-122-815-002) WAS FOUND TO BE 1.68 PERCENT AD VALOREM FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001.

4. ACCORDINGLY, YOU ARE TO LIQUIDATE AT 1.68 PERCENT OF THE ENTERED VALUE ALL SHIPMENTS OF PURE MAGNESIUM AND ALLOY MAGNESIUM FROM CANADA EXPORTED BY NHCI ON OR AFTER 01/01/2001 AND ON OR BEFORE 12/31/2001.

5. THE ASSESSMENT OF COUNTERVAILING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDERS. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED COUNTERVAILING 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.

6. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE EXPORTED ON OR BEFORE 12/31/2001 IS LIFTED.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 01:AM)).

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

CATHY SAUCEDA

Company Details

*Party Indicator Value:

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