

MESSAGE NO: 8248202 MESSAGE DATE: 09/04/2008
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-602-806

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/27/2007 TO 03/25/2008

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INST. AND NOTICE OF A FINAL DETERMINATION IN AN
ANTIDUMPING DUTY INVESTIGATION OF ELECTROLYTIC MANGANESE DIOXIDE FROM
AUSTRALIA (A-602-806-000/001)

MESSAGE NO: 8248202 DATE: 09 04 2008

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 602 - 806 - -

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PERIOD COVERED: 12 27 2007 TO 03 25 2008

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INST. AND NOTICE OF A FINAL DETERMINATION
IN AN ANTIDUMPING DUTY INVESTIGATION OF ELECTROLYTIC
MANGANESE DIOXIDE FROM AUSTRALIA (A-602-806-000/001)

1. ON 08/14/2008, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE
FEDERAL REGISTER ITS AFFIRMATIVE FINAL DETERMINATION OF SALES AT
LESS THAN FAIR VALUE AND TERMINATION OF CRITICAL-CIRCUMSTANCES
INVESTIGATION IN THE ANTIDUMPING DUTY INVESTIGATION OF
ELECTROLYTIC MANGANESE DIOXIDE (EMD) FROM AUSTRALIA.

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION INCLUDES ALL
MANGANESE DIOXIDE (MnO₂) THAT HAS BEEN MANUFACTURED IN AN

ELECTROLYSIS PROCESS, WHETHER IN POWDER, CHIP, OR PLATE FORM. EXCLUDED FROM THE SCOPE ARE NATURAL MANGANESE DIOXIDE (NMD) AND CHEMICAL MANGANESE (CMD). THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS CLASSIFIED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) AT SUBHEADING 2820.10.00.00.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-602-806.

4. BECAUSE THE DEPARTMENT OF COMMERCE NOW DETERMINES THAT CRITICAL CIRCUMSTANCES DO NOT EXIST, THE RETROACTIVE SUSPENSION OF LIQUIDATION ORDERED AT THE TIME OF THE PRELIMINARY DETERMINATION IS TERMINATED. ACCORDINGLY, U.S. CUSTOMS AND BORDER PROTECTION (CBP) IS DIRECTED TO TERMINATE THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF EMD FROM DELTA AUSTRALIA PTY LTD, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION FROM

12/27/2007 THROUGH 03/25/2008, AND TO REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS OR OTHER SECURITY. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE PRIOR TO 03/27/2008 OCCURRED WITH THE PUBLICATION OF THE FINAL DETERMINATION OF INVESTIGATION(73 FR 47586, 08/14/2008).

5. FOR IMPORTS OF EMD, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER 03/26/2008. EFFECTIVE 08/14/2008, FOR SUCH ENTRIES, CBP SHALL REQUIRE A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

DELTA AUSTRALIA PTY LTD
A-602-806-001
83.66

ALL OTHERS

A-602-806-000

83.66

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER CURRENTLY HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE "ALL OTHER" RATE OF 83.66 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

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 O5: HP).

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

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

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