

MESSAGE NO: 5314111 MESSAGE DATE: 11/10/1994
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 RUSSIAN FEDERATION, (A-462-105)

MESSAGE NO: 5314111 DATE: 11 10 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: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR
VALUE PURE MAGNESIUM FM 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 1MM. (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 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	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%
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.

NANCY MCTIERNAN

NOTE: THIS MESSAGE WAS INADVERTENTLY NOT POSTED TO ADIL BECAUSE THE PERIOD COVERED IN THE HEADER WAS NOT CORRECTLY COMPLETED SO HAS BEEN POSTED TO ADIL ON NOVEMBER 24, 2009. THE ORIGINAL MESSAGE WAS SENT TO REGIONAL DIRECTORS, COMMERCIAL OPERATIONS, DISTRICT DIRECTORS, AREA AND PORT DIRECTORS, NOT DIRECTORS, FIELD OPERATIONS AND PORT DIRECTORS. DIRECTOR, TRADE COMPLIANCE DIVISION IS NOW SHOWN AS DIRECTOR, SPECIAL ENFORCEMENT. THE BALANCE OF THE TEXT AND INFORMATION REMAINS UNCHANGED. THIS MESSAGE WITH THE CORRECTED HEADER HAS BEEN POSTED TO THE ADD/CVD SEARCH APPLICATION ON CBP.GOV.

Company Details

*Party Indicator Value:

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