

MESSAGE NO: 6227111 MESSAGE DATE: 08/15/1996  
MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: ORD-Order PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 6022114  
MESSAGE #  
(s):

CASE #(s): A-462-105

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/20/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: CLARIFICATION OF ANTIDUMPING DUTY ORDER: PURE MAGNESIUM FROM  
RUSSIAN FEDERATION (A-462-105)

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PERIOD COVERED: 12 20 1995 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: CLARIFICATION OF ANTIDUMPING DUTY ORDER: PURE MAGNESIUM  
FROM RUSSIAN FEDERATION (A-462-105)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON DECEMBER 20, 1995, NOTICE OF ITS AMENDED ANTIDUMPING DUTY ORDER IN THE ANTIDUMPING DUTY INVESTIGATION OF PURE MAGNESIUM FROM THE RUSSIAN FEDERATION. THIS MESSAGE CLARIFIES INSTRUCTIONS FOR INTERLINK, RAZNO, HUNTER DOUGLAS, SMW, AIOC, GERALD METALS, HOCHSCHILD, AND MG METALS IN PARAGRAPH 4 OF MESSAGE NO 6022114 DATED 1/22/96.

2. THE PRODUCT COVERED BY THIS ORDER 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 IS USED PRIMARILY AS A CHEMICAL IN THE ALUMINUM ALLOYING, DESULFURIZATION, AND CHEMICAL REDUCTION INDUSTRIES. IN ADDITION, PURE PRIMARY MAGNESIUM IS USED AS AN INPUT IN PRODUCING MAGNESIUM ALLOY.

PURE PRIMARY MAGNESIUM ENCOMPASSES:

(1) PRODUCTS THAT CONTAIN AT LEAST 99.95% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "ULTRA-PURE" MAGNESIUM);

(2) PRODUCTS CONTAINING LESS THAN 99.95% BUT NOT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "PURE" MAGNESIUM); AND

(3) PRODUCTS (GENERALLY REFERRED TO AS "OFF-SPECIFICATION PURE" MAGNESIUM) THAT CONTAIN 50% OR GREATER, BUT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT, AND THAT DO NOT CONFORM TO ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM.

"OFF-SPECIFICATION PURE" MAGNESIUM IS PURE PRIMARY MAGNESIUM CONTAINING MAGNESIUM SCRAP, SECONDARY MAGNESIUM, OXIDIZED MAGNESIUM OR IMPURITIES (WHETHER OR NOT INTENTIONALLY ADDED) THAT CAUSE THE PRIMARY MAGNESIUM CONTENT TO FALL BELOW 99.8% BY WEIGHT. IT GENERALLY DOES NOT CONTAIN, INDIVIDUALLY OR IN COMBINATION, 1.5% OR MORE, BY WEIGHT, OF THE FOLLOWING ALLOYING ELEMENTS: ALUMINUM, MANGANESE, ZINC, SILICON, THORIUM, ZIRCONIUM AND RARE EARTHS. EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE ALLOY PRIMARY MAGNESIUM, PRIMARY MAGNESIUM ANODES, GRANULAR PRIMARY MAGNESIUM (INCLUDING TURNINGS AND POWDER), AND SECONDARY MAGNESIUM. GRANULAR MAGNESIUM, TURNINGS, AND POWDER ARE CLASSIFIABLE UNDER HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (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 TURNINGS 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 PERCENT 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 (I.E., LENGTH OR DIAMETER) OF 1 INCH OR LESS. THE PRODUCTS SUBJECT TO THIS ORDER ARE CLASSIFIABLE UNDER SUBHEADINGS 8104.11.00, 8104.19.00 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, THE CASE HAS BEEN ASSIGNED ID NUMBER (A-462-105).

4. THE DEPARTMENT OF COMMERCE INVESTIGATED EXPORTS OF PURE MAGNESIUM THAT HAD BEEN PRODUCED BY TWO PRODUCERS, AVISMA AND SOLIKAMSK MAGNESIUM WORKS (SMW), AND THAT HAD BEEN EXPORTED BY NUMEROUS THIRD COUNTRY EXPORTERS. BASED ON THE INVESTIGATION RESULTS, THE FOLLOWING INSTRUCTIONS APPLY:

FOR ENTRIES WHERE BOTH OF THE FOLLOWING CONDITIONS HAVE BEEN

SATISFACTORILY DEMONSTRATED, THE MERCHANDISE IS EXCLUDED FROM THE ORDER AND SUSPENSION OF LIQUIDATION DOES NOT APPLY: (1) THE EXPORTER WHO FIRST SOLD THE MERCHANDISE WITH THE KNOWLEDGE THAT THE MERCHANDISE WAS DESTINED FOR THE U.S. MARKET IS EITHER AIOC, GERALD METALS, GREENWICH METALS, HOCHSCHILD PARTNERS, INTERLINK, OR MG METALS; AND REPEAT AND (2) THE PRODUCER IS EITHER AVISMA OR SMW.

FOR ENTRIES WHERE BOTH OF THE FOLLOWING CONDITIONS HAVE BEEN SATISFACTORILY DEMONSTRATED, THE MERCHANDISE IS EXCLUDED FROM THE ORDER AND SUSPENSION OF LIQUIDATION DOES NOT APPLY: (1) THE EXPORTER WHO FIRST SOLD THE MERCHANDISE WITH THE KNOWLEDGE THAT THE MERCHANDISE WAS DESTINED FOR THE U.S. MARKET IS EITHER RAZNO ALLOYS, HUNTER DOUGLAS, OR SMW (NOTE: SMW IS BOTH AN EXPORTER AND A PRODUCER); AND REPEAT AND (2) THE PRODUCER IS SMW.

FOR ENTRIES WHICH THE IMPORTER FAILS TO DEMONSTRATE TO CUSTOMS' SATISFACTION THAT ONE OF THE ABOVE SETS OF CONDITIONS APPLIES EXACTLY AS STATED, THE DEPOSIT RATE IS THE RUSSIA WIDE RATE OF 100.25%.

THE U.S. CUSTOMS SERVICE SHALL, EXCEPT AS NOTED ABOVE, CONTINUE TO 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

7, 1994. EFFECTIVE MAY 12, 1995, CUSTOMS SHALL, EXCEPT AS NOTED ABOVE, REQUIRE A CASH DEPOSIT FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULE.

MANUFACTURER/ EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
ALL THIRD COUNTRY EXPORTERS&RESELLERS	A-462-105-001	100.25

AIOC                      A-462-105-002                      0.0

GERALD METALS	A-462-105-003	0.0
HUNTER DOUGLAS	A-462-105-004	0.0
INTERLINK	A-462-105-005	0.0
MG METALS	A-462-105-006	0.0
RAZNO	A-462-105-007	0.0
F&S ALLOYS & MINERALS	A-462-105-008	100.25
W&O BERGMANN GMBH	A-462-105-009	100.25
DEREK RAPHAEL & CO.	A-462-105-010	100.25
MARCO TRADING CO .	A-462-105-011	100.25
WOGEN GROUP LTD.	A-462-105-012	100.25
ALEX	A-462-105-013	100.25
MAGES	A-462-105-014	100.25
HOCHSCHILD	A-462-105-015	0.0
GREENWICH	A-462-105-016	0.0
SMW	A-462-105-017	0.0
RUSSIA WIDE	A-462-105-000	100.25

ENTRIES FROM EXPORTERS WHOSE MARGINS ARE ZERO ARE EXCLUDED ONLY UNDER THE CIRCUMSTANCES DESCRIBED ABOVE.

5. CUSTOMS IS INSTRUCTED TO LIQUIDATE ANY ENTRIES FOR WHICH LIQUIDATION WAS SUSPENDED BUT FOR WHICH THE IMPORTER DEMONSTRATES (OR HAS ALREADY DEMONSTRATED) TO CUSTOMS' SATISFACTION THAT ONE OF THE SETS OF CONDITIONS FOR EXCLUSION (SEE PARAGRAPH 4) APPLIES EXACTLY AS STATED.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, TECHNICAL PROGRAMS, ANTIDUMPING/COUNTERVAILING DUTY, USING ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT ELLEN GREBASCH OR DOROTHY TOMASZEWSKI, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-3773 AND (202) 482-0631, RESPECTIVELY.

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

NANCY MCTIERNAN

NOTE: THIS MESSAGE WAS INADVERTENTLY REMOVED FROM ADIL SO HAS BEEN REPOSTED TO ADIL ON NOVEMBER 18, 2009. THE ORIGINAL MESSAGE WAS SENT TO CMC DIRECTORS, PORT DIRECTORS, NOT DIRECTORS, FIELD OPERATIONS AND PORT DIRECTORS. DIRECTOR, TECHNICAL PROGRAMS IS NOW SHOWN AS DIRECTOR, SPECIAL ENFORCEMENT. THE BALANCE OF THE TEXT AND INFORMATION REMAINS UNCHANGED AND MATCHES THE MESSAGE THAT STILL APPEARS ON THE ADD/CVD SEARCH APPLICATION ON CBP.GOV.

## Company Details

\*Party Indicator Value:

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