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MESSAGE #
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CASE #(s): A-462-811

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/19/2000 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: SUSPENSION AGREEMENT ON SOLID FERTILIZER GRADE AMMONIUM NITRATE
FROM THE RUSSIAN FEDERATION (A-462-811)

MESSAGE NO: 0214201 DATE: 08 01 2000

CATEGORY: ADA TYPE: INF

REFERENCE: REFERENCE DATE:

CASES: A - 462 - 811 - -

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PERIOD COVERED: 05 19 2000 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: SUSPENSION AGREEMENT ON SOLID FERTILIZER GRADE AMMONIUM
NITRATE FROM THE RUSSIAN FEDERATION (A-462-811)

1. THESE INSTRUCTIONS ARE IN REFERENCE TO THE ANTIDUMPING
INVESTIGATION ON SOLID FERTILIZER GRADE AMMONIUM NITRATE
FROM THE RUSSIAN FEDERATION (A-462-811). PLEASE DIRECT
PARTICULAR ATTENTION TO INSTRUCTIONS IN PARAGRAPHS 2, 4 AND
6.

2. SUSPENSION OF ANTIDUMPING INVESTIGATION
THE DEPARTMENT OF COMMERCE ("THE DEPARTMENT") PUBLISHED IN
THE FEDERAL REGISTER OF 06/19/00 (65 FR 37759) THE AGREEMENT

SUSPENDING THE INVESTIGATION FOR SOLID FERTILIZER GRADE AMMONIUM NITRATE ("AMMONIUM NITRATE") FROM THE RUSSIAN FEDERATION ("RUSSIA"). IMPORTS OF AMMONIUM NITRATE FROM RUSSIA ARE SUBJECT TO THE TERMS AND CONDITIONS PURSUANT TO THE SUSPENSION AGREEMENT BETWEEN THE DEPARTMENT AND THE MINISTRY OF TRADE OF THE RUSSIAN FEDERATION. ON JUNE 29, 2000, THE DEPARTMENT RECEIVED A REQUEST TO CONTINUE THE ANTIDUMPING INVESTIGATION. PURSUANT TO THIS REQUEST, THE DEPARTMENT HAS CONTINUED THE INVESTIGATION IN ACCORDANCE WITH SECTION 734(g) OF THE ACT, AND PUBLISHED IN THE FEDERAL REGISTER ON 07/ 11/2000 ITS FINAL AFFIRMATIVE DETERMINATION (65 FR 42669) . IF THE INTERNATIONAL TRADE COMMISSION DETERMINES THAT MATERIAL INJURY EXISTS, THE AGREEMENT SHALL REMAIN IN FORCE AND THE DEPARTMENT SHALL NOT ISSUE AN ANTIDUMPING ORDER SO LONG AS (1) THE AGREEMENT REMAINS IN FORCE, (2) THE AGREEMENT CONTINUES TO MEET THE REQUIREMENTS OF SUBSECTIONS (D) AND (L) OF SECTION 734 OF THE ACT, AND (3) THE PARTIES TO THE AGREEMENT CARRY OUT THEIR OBLIGATIONS UNDER THE AGREEMENT UNDER ITS TERMS.

3. MERCHANDISE SUBJECT TO THE AGREEMENT

FOR PURPOSES OF THIS AGREEMENT, AMMONIUM NITRATE IS DEFINED AS THE FOLLOWING: SOLID, FERTILIZER GRADE AMMONIUM NITRATE PRODUCTS, WHETHER PRILLED, GRANULAR OR IN OTHER SOLID FORM, WITH OR WITHOUT ADDITIVES OR COATING, AND WITH A BULK DENSITY EQUAL TO OR GREATER THAN 53 POUNDS PER CUBIC FOOT. SPECIFICALLY EXCLUDED FROM THIS SCOPE IS SOLID AMMONIUM NITRATE WITH A BULK DENSITY LESS THAN 53 POUNDS PER CUBIC FOOT (COMMONLY REFERRED TO AS INDUSTRIAL OR EXPLOSIVE GRADE AMMONIUM NITRATE).

THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS CLASSIFIED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") AT SUBHEADING 3102.30.00.00. ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

4. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-821-811. FOR CUSTOMS PURPOSES ONLY THE FOLLOWING IDENTIFICATION NUMBER SHOULD BE USED: A-462-811.

5. DISCONTINUE SUSPENSION OF LIQUIDATION

THE U.S. CUSTOMS SERVICE SHALL DISCONTINUE SUSPENSION OF LIQUIDATION OF ANY ENTRIES OF AMMONIUM NITRATE FROM RUSSIA. ANY CASH DEPOSITS ON ENTRIES OF AMMONIUM NITRATE FROM RUSSIA PURSUANT TO THE DEPARTMENT'S SUSPENSION OF LIQUIDATION INSTRUCTIONS ISSUED ON 02/18/2000 (MESSAGE NUMBER 0049203) SHALL BE REFUNDED AND ANY BONDS SHALL BE RELEASED.

6. CONDITIONS FOR ENTRY RELEASE THE EFFECTIVE DATE OF IMPORT RESTRICTIONS IN THE SUSPENSION AGREEMENT IS 05/19/2000.

A) EXPORT LICENSE

FOR ALL PRODUCTS COVERED UNDER THE SUSPENSION AGREEMENT, EXPORT LICENSES ARE NOW REQUIRED ON SHIPMENTS OF THESE PRODUCTS ENTERED INTO THE UNITED STATES, INCLUDING MERCHANDISE ADMITTED INTO ANY FOREIGN TRADE ZONE, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER 05/19/2000. THE SUSPENSION AGREEMENT DEFINES FOREIGN TRADE ZONES LOCATED WITHIN THE TERRITORY OF THE UNITED STATES AS PART OF THE UNITED STATES.

FOR SHIPMENTS ENTERED INTO THE UNITED STATES, INCLUDING FOREIGN TRADE ZONES, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER 05/19/2000, ENTRY RELEASE SHALL BE PERMITTED FOR THE SHIPMENTS OF MERCHANDISE COVERED BY THE SUSPENSION AGREEMENT ONLY UPON PRESENTATION OF A VALID EXPORT LICENSE ENDORSED BY THE MINISTRY OF TRADE OF THE RUSSIAN FEDERATION ("MOT"). THE UNITED STATES SHALL REQUIRE PRESENTATION OF THIS DOCUMENT AS A CONDITION OF ENTRY OF THIS MERCHANDISE INTO THE UNITED STATES, INCLUDING FOREIGN TRADE ZONES, FOR DIRECT AND INDIRECT EXPORTS FROM RUSSIA.

THE UNITED STATES WILL PROHIBIT THE ENTRY OF ANY MERCHANDISE

NOT ACCOMPANIED BY A VALID EXPORT LICENSE ENDORSED BY THE MOT.

THE PRESENTED LICENSE MUST BE STAMPED, SIGNED, AND DATED BY THE MOT AND ISSUED NO EARLIER THAN 35 DAYS BEFORE THE DATE OF ENTRY, UNLESS CUSTOMS HAS BEEN NOTIFIED BY DOC THAT A SPECIFIC EXPORT LICENSE HAS BEEN EXTENDED.

THE EXPORT LICENSE SHALL INCLUDE THE FOLLOWING INFORMATION:
1) EXPORT LICENSE NUMBER, 2) DESCRIPTION OF MERCHANDISE (INCLUDING THE 10-DIGIT HTS NUMBER AND SPECIFICATIONS (FORM (PRILLED, GRANULAR, OR OTHER SOLID FORM), COATINGS, ADDITIVES, AND DENSITY) OF THE MERCHANDISE, 3) QUANTITY EXPRESSED IN METRIC TONS, 4) F.O.B. RUSSIAN PORT OF EXPORT SALES VALUE, INDICATING THE CURRENCY USED, 5) UNIT PRICE (F.O.B. RUSSIAN PORT OF EXPORT), 6) DATE OF CONTRACT OR SALES ORDER, 7) CONTRACT OR SALES ORDER NUMBER, 8) DATE OF LICENSE (THE DATE THE EXPORT LICENSE IS ISSUED), 9) NAME OF TRADING COMPANY, 10) CUSTOMER, 11) CUSTOMER RELATIONSHIP (IF ANY), 12) QUOTA ALLOCATED TO EXPORTER, AND 13) QUOTA REMAINING TO THE INDIVIDUAL EXPORTER. IF NECESSARY, ADDITIONAL INFORMATION MAY BE INCLUDED ON THE EXPORT LICENSE OR A SEPARATE PAGE ATTACHED TO THE EXPORT LICENSE. THE EXPORT LICENSE MUST BE IN ENGLISH AND MAY BE ACCOMPANIED BY A RUSSIAN TRANSLATION.

CUSTOMS SHALL REQUIRE THE PRESENTATION OF AN ORIGINAL LICENSE EXCEPT WHERE THERE ARE MULTIPLE SHIPMENTS UNDER A SINGLE LICENSE. FOR MULTIPLE SHIPMENTS AT MULTIPLE PORTS, OR MULTIPLE ENTRIES AT ONE PORT, THE ORIGINAL LICENSE SHALL BE PRESENTED WITH THE FIRST ENTRY AND THE VOLUME ENTERED AT THAT TIME WILL BE NOTED ON THE ORIGINAL LICENSE. CUSTOMS WILL PROVIDE THE IMPORTER WITH A CERTIFIED PHOTOCOPY OF THE LICENSE FOR PRESENTATION TO CUSTOMS WITH THE IMPORTER'S NEXT ENTRY UNDER THAT LICENSE. SUBSEQUENT ENTRIES CAN BE MADE FROM A CERTIFIED COPY OF THE ORIGINAL LICENSE WHICH REFLECTS ALL THE DEDUCTIONS MADE FROM THE ORIGINAL LICENSE.

IF THE CUSTOMER/IMPORTER OF RECORD LISTED ON THE EXPORT LICENSE DOES NOT MATCH THE CUSTOMER ON THE CUSTOMS FORM 7501, THE IMPORTER OF RECORD MUST PROVIDE WRITTEN DOCUMENTATION FROM THE CUSTOMER/IMPORTER OF RECORD LISTED ON THE EXPORT LICENSE IDENTIFYING THE IMPORTER OF RECORD ON THE CUSTOMS FORM 7501.

B) SPECIAL INSTRUCTIONS

PLEASE NOTE THAT THE WORD "QUOTA" APPEARS IN THE SUSPENSION AGREEMENT ON AMMONIUM NITRATE FROM RUSSIA AND IS ALSO USED THROUGHOUT THESE IMPLEMENTING INSTRUCTIONS. HOWEVER, FOR CUSTOMS ENTRY PURPOSES, THESE ENTRIES ARE NOT QUOTA-TYPE ENTRIES BECAUSE THEY WILL NOT BE PROCESSED THROUGH THE CUSTOMS ACS QUOTA MODULE. THEREFORE, DO NOT USE ENTRY TYPED CODES 02, 07, 32, 38 IN BOX 2 OF THE CF 7501 (UNLESS THE ENTRY INCLUDES MERCHANDISE OTHER THAN THIS MERCHANDISE THAT IS SUBJECT TO QUOTA PROCESSING, IN WHICH CASE, ENTRY TYPE CODE 07 OR 38 WOULD BE CORRECT). THERE IS NO QSUP INPUT FOR ENTRIES OF THIS MERCHANDISE FROM RUSSIA. THE QUANTITY OF THIS MERCHANDISE FROM RUSSIA WILL NOT BE REPORTED ON THE CUSTOMS WEEKLY QUOTA STATUS REPORTS.

8. WRITTEN CERTIFICATION FROM IMPORTER OF RECORD FOR ALL IMPORTS OF AMMONIUM NITRATE INTO THE UNITED STATES, REGARDLESS OF THE STATED COUNTRY OF ORIGIN OF THOSE IMPORTS, THE U.S. CUSTOMS SERVICE SHALL REQUIRE ALL IMPORTERS OF RECORD TO SUBMIT A WRITTEN STATEMENT, ON THE LAST DAY OF EVERY QUARTER, INDICATING THAT THE IMPORTER IS MAINTAINING A LIST OF ALL ENTRIES OF SUCH MERCHANDISE AND CERTIFYING THAT THE AMMONIUM NITRATE IMPORTED THAT QUARTER WAS NOT OBTAINED UNDER ANY ARRANGEMENT IN CIRCUMVENTION OF THIS AGREEMENT.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER

INTERESTED PARTIES SHOULD CONTACT MARIA DYBCZAK, IMPORT
ADMINISTRATION, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION,
DEPARTMENT OF COMMERCE AT (202) 482-5811.

10. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

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