

MESSAGE NO: 6051114 MESSAGE DATE: 02/20/1996
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-201-802

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/18/1996 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: ANTIDUMPING SCOPE RULING ON GRAY PORTLAND CEMENT & CLINKER FROM MEXICO (A-201-802)

MESSAGE NO: 6051114 DATE: 02 20 1996

CATEGORY: ADA TYPE: SCO

REFERENCE: REFERENCE DATE:

CASES: A - 201 - 802 - -

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PERIOD COVERED: 01 18 1996 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, TECHNICAL PROGRAMS

RE: ANTIDUMPING SCOPE RULING ON GRAY PORTLAND CEMENT &
CLINKER FROM MEXICO (A-201-802)

1. ON 01/18/96, IN RESPONSE TO A REQUEST BY CEMENTOS DE CHIHUAHUA AND ITS U.S. AFFILIATE, MEXCEMENT, INC. (COLLECTIVELY CDC), THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) ISSUED A FINAL SCOPE RULING THAT CDC'S TYPE S MASONRY CEMENT IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER/FINDING COVERING GRAY PORTLAND CEMENT AND CLINKER FROM MEXICO (A-201-802).

2. THE COMMERCE DEPARTMENT BASED ITS DETERMINATION ON THE FACT

THAT CDC'S TYPE S MASONRY CEMENT: (A) IS A BASIC MASONRY CEMENT WHICH IS NOT SUITABLE FOR MAKING CONCRETE; (B) HAS DIFFERENT PHYSICAL AND CHEMICAL PROPERTIES FROM PORTLAND CEMENT; AND (C) IS SOLD AND USED AS MASONRY CEMENT (I.E., FOR USE IN MORTARS).

3. WITH RESPECT TO FUTURE ENTRIES, CDC'S TYPE S MASONRY CEMENT IS NOT SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING GRAY PORTLAND CEMENT AND CLINKER FROM MEXICO (A-201-802) IF IT MEETS THE FOLLOWING CHARACTERISTICS:

AIR CONTENT GREATER THAN 12 PERCENT, TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM DESIGNATION C-91;

WATER RETENTION GREATER THAN 70 PERCENT, TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM DESIGNATION C-91;

LOSS ON IGNITION GREATER THAN 12 PERCENT, TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM DESIGNATION C-114;

COMPRESSIVE STRENGTH LESS THAN 2000 PSI AT SEVEN DAYS, AND LESS THAN 2500 PSI AT 28 DAYS, TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM DESIGNATION C-91; AND

BLAINE FINENESS IN EXCESS OF 5200 CM² PER GRAM, TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF ASTM DESIGNATION C-204.

4. CDC HAS AGREED TO PROVIDE CERTIFICATES WITH EACH FUTURE ENTRY OF TYPE S MASONRY CEMENT WHICH ATTEST TO THE PHYSICAL AND CHEMICAL CHARACTERISTICS OF THE MERCHANDISE ENTERED. CUSTOMS SHOULD REVIEW THESE CERTIFICATES FOR COMPLIANCE WITH THE ABOVE CHARACTERISTICS.

5. EFFECTIVE 01/18/96, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRY SUMMARIES, REGARDLESS OF ENTRY SUMMARY DATE, OF CDC'S TYPE S MASONRY CEMENT.
6. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO CDC'S TYPE S MASONRY CEMENT.
7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED 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.
8. CONTINUE TO SUSPEND LIQUIDATION OF ENTRY SUMMARIES OF GRAY PORTLAND CEMENT AND CLINKER SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING GRAY PORTLAND CEMENT AND CLINKER FROM MEXICO.
9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE FORWARDED VIA E-MAIL THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, TECHNICAL PROGRAMS, ANTIDUMPING/COUNTERVAILING DUTY, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT AMY WEI ON 202-482-1131, OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.
10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

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Company Details

*Party Indicator Value:

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