

MESSAGE NO: 6229113 MESSAGE DATE: 08/16/1996  
MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): C-201-012

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 04/08/1983 TO 08/23/1986

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR CARBON BLACK FROM MEXCIO (C-201-012)  
FOR 1/1/83 THROUGH 8/23/86

MESSAGE NO: 6229113 DATE: 08 16 1996

CATEGORY: CVD TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: C - 201 - 012 - -

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PERIOD COVERED: 04 08 1983 TO 08 23 1986

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,  
PORT DIRECTORS

FROM: DIRECTOR, TECHNICAL PROGRAMS

RE: LIQUIDATION INSTRUCTIONS FOR CARBON BLACK FROM MEXCIO  
(C-201-012) FOR 1/1/83 THROUGH 8/23/86

1. ON FEBRUARY 16, 1990, THE DEPARTMENT OF COMMERCE PUBLISHED THE REMAND RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CARBON BLACK FROM MEXICO (C-201-012) COVERING THE PERIOD APRIL 8, 1983 THROUGH SEPTEMBER 30, 1983. ON DECEMBER 17, 1990, COMMERCE PUBLISHED FINAL RESULTS FOR THE PERIODS OCTOBER 1, 1983 THROUGH DECEMBER 31, 1983; JANUARY 1, 1984 THROUGH DECEMBER 31, 1984; AND JANUARY 1, 1985 THROUGH DECEMBER 31, 1985. LASTLY, ON

JANUARY 1, 1986 THROUGH AUGUST 23, 1986 PERIOD (THE ORDER WAS REVOKED ON AUGUST 24, 1986).

2. IN ADDITION, PURSUANT TO THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT'S (THE CAFC'S), DECISION IN CERAMICA REGIOMONTANA, S.A. V. UNITED STATES, CT. NO. 95-1026, (SEPTEMBER 6, 1995), WHICH AFFECTS ALL OUTSTANDING UNLIQUIDATED ENTRIES FROM MEXICO MADE ON OR AFTER APRIL 23, 1985, THE DEPARTMENT OF COMMERCE IS AMENDING THE REVOCATION OF THE COUNTERVAILING DUTY ORDER ON CARBON BLACK FROM MEXICO TO BE EFFECTIVE APRIL 23, 1985, INSTEAD OF AUGUST 24, 1986. AS A RESULT, THE COUNTERVAILING DUTY RATES FOUND IN THE REFERENCED FINAL RESULTS FOR ENTRIES MADE AFTER APRIL 23, 1985, ARE SUPERCEDED BY THIS COURT DECISION. THEREFORE, YOU ARE INSTRUCTED TO LIQUIDATE ALL OUTSTANDING ENTRIES OF CARBON BLACK FROM MEXICO ENTERED ON OR AFTER APRIL 23, 1985 AND ASSESS COUNTERVAILING DUTIES AT ZERO PERCENT.

3. MERCHANDISE COVERED BY THESE INSTRUCTIONS ARE SHIPMENTS OF CARBON BLACK FROM MEXICO. DURING THE AFFECTED PERIODS, SUCH MERCHANDISE WAS CLASSIFIABLE UNDER ITEM NUMBER 473.0400 OF THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED.

4. FOR THE COMPLETED FINAL RESULTS NOTED IN PARAGRAPH #1, THE TOTAL BOUNTY OR GRANT WAS FOUND TO BE AS FOLLOWS:

FOR THE PERIOD APRIL 8, 1983 THROUGH SEPTEMBER 30, 1983

ALL FIRMS                      3.30 PERCENT AD VALOREM

FOR THE PERIOD OCTOBER 1, 1983 THROUGH DECEMBER 31, 1983

NEGROMEX                      0.06 PERCENT AD VALOREM

ALL OTHER FIRMS              2.88 PERCENT AD VALOREM

FOR THE PERIOD JANUARY 1, 1984 THROUGH DECEMBER 31, 1984

NEGROMEX                      0.41 PERCENT AD VALOREM

ALL OTHER FIRMS              4.20 PERCENT AD VALOREM

FOR THE PERIOD JANUARY 1, 1985 THROUGH DECEMBER 31, 1985  
ALL FIRMS 4.53 PERCENT AD VALOREM

5. ACCORDINGLY, FOR ENTRIES MADE ON OR AFTER APRIL 8, 1983 WHICH WERE EXPORTED ON OR BEFORE SEPTEMBER 30, 1983, CUSTOMS SHOULD COLLECT COUNTERVAILING DUTIES OF 3.30 PERCENT OF THE ENTERED VALUE. HOWEVER, PLEASE REMEMBER THAT THE ASSESSMENT OF CVD DUTIES ON ENTRIES MADE ON OR AFTER COMMERCE'S PRELIMINARY DETERMINATION ON APRIL 8, 1983 AND BEFORE ITS AFFIRMATIVE FINAL DETERMINATION ON JUNE 27, 1983, CANNOT EXCEED THE AMOUNT OF CASH DEPOSIT OR BOND IN EFFECT AT THE TIME OF ENTRY. FURTHERMORE, NO INTEREST APPLIES TO ENTRIES MADE PRIOR TO JUNE 27, 1983 (SEE PARAGRAPH 8).
  6. SINCE THE RATES FOUND FOR NEGROMEX BEGINNING OCTOBER 1983 THROUGH 1984 ARE DE MINIMIS, YOU ARE TO ASSESS COUNTERVAILING DUTIES OF ZERO PERCENT OF THE ENTERED VALUE FOR ALL SHIPMENTS OF THIS MERCHANDISE FROM NEGROMEX EXPORTED ON OR AFTER OCTOBER 1, 1983 AND ON OR BEFORE DECEMBER 31, 1984. FOR SHIPMENTS FROM ALL OTHER FIRMS, YOU ARE TO ASSESS COUNTERVAILING DUTIES OF 2.88 PERCENT OF THE ENTERED VALUE ON SHIPMENTS OF THIS MERCHANDISE EXPORTED ON OR AFTER OCTOBER 1, 1983 AND ON OR BEFORE DECEMBER 31, 1983, AND 4.20 PERCENT ON SHIPMENTS OF THIS MERCHANDISE EXPORTED ON OR AFTER JANUARY 1, 1984 AND ON OR BEFORE DECEMBER 31, 1994.
  7. FOR EXPORTS MADE ON OR AFTER JANUARY 1, 1985 WHICH ENTERED BEFORE APRIL 23, 1985, YOU ARE TO ASSESS COUNTERVAILING DUTIES OF 4.53 PERCENT OF THE ENTERED VALUE FOR ALL FIRMS. ENTRIES MADE ON OR AFTER APRIL 23, 1985 SHOULD BE LIQUIDATED AT ZERO PERCENT DUE TO THE AMENDED REVOCATION DATE OF THIS ORDER.
  8. ASSESSMENT OF COUNTERVAILING 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
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ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER ON JUNE 27, 1983. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING 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 1054 FOR SUCH PERIOD.

8. 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". THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ANNE D'ALAURO AT (202) 482-2786, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.
  
9. 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