

MESSAGE NO: 7024111 MESSAGE DATE: 01/24/1997
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation 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: 08/01/1992 TO 07/31/1993

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR GRAY PORTLAND CEMENT AND CLINKER
FROM MEXICO PRODUCED BY CEMEX, S.A. DE C.V. FOR PERIOD 8/1/92 THROUGH 7/31/93

MESSAGE NO: 7024111 DATE: 01 24 1997

CATEGORY: ADA TYPE: LIQ

REFERENCE: REFERENCE DATE:

CASES: A - 201 - 802 - -

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PERIOD COVERED: 08 01 1992 TO 07 31 1993

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: LIQUIDATION INSTRUCTIONS FOR GRAY PORTLAND CEMENT AND
CLINKER FROM MEXICO PRODUCED BY CEMEX, S.A. DE C.V.
FOR PERIOD 8/1/92 THROUGH 7/31/93

1. ON MAY 19, 1995, THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) ISSUED ITS FINAL RESULTS OF ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON GRAY PORTLAND CEMENT AND CLINKER FROM MEXICO FOR THE PERIOD 08/01/92 THROUGH 07/31/93. ON SEPTEMBER 13, 1996, A BINATIONAL PANEL, CONVENEED PURSUANT TO ARTICLE 1904 OF THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA), ISSUED ITS FINAL DECISION, AFFIRMING THE DEPARTMENT'S FINAL RESULTS OF ADMINISTRATIVE REVIEW IN ALL RESPECTS.

ON OCTOBER 29, 1996, THE NAFTA SECRETARIAT ISSUED A NOTICE

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OF COMPLETION OF THE PANEL REVIEW (61 FR 59419). THEREFORE, FOR ALL SHIPMENTS OF GRAY PORTLAND CEMENT AND CLINKER FROM MEXICO PRODUCED BY CEMEX, S.A. DE C.V., IMPORTED BY SUNBELT CEMENT, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION

DURING THE PERIOD 08/01/92 THROUGH 07/31/93, ASSESS AN ANTIDUMPING LIABILITY OF 61.85 PERCENT OF THE ENTERED VALUE.

2. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRY SUMMARIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.
3. 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.
4. WHENEVER THE USE OF THE ABOVE VALUE RESULTS IN THE ASSESSMENT OF ANTIDUMPING DUTIES, YOU SHOULD REQUIRE OF THE IMPORTER PRIOR TO LIQUIDATION THE REIMBURSEMENT STATEMENT DESCRIBED IN SECTION 353.26 OF THE COMMERCE DEPARTMENT REGULATIONS. IMPORTERS WERE ADVISED OF THIS REQUIREMENT WHEN THE PRELIMINARY AND FINAL RESULTS OF THE ADMINISTRATIVE REVIEW WERE PUBLISHED IN THE FEDERAL REGISTER. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES OR FAILS TO PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES DUE IN

ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT ROBERT JAMES AT 202-482-5222, OF OFFICE EIGHT, ENFORCEMENT GROUP III, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

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

PAUL SCHWARTZ
(ACTING)

Company Details

*Party Indicator Value:

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