

MESSAGE NO: 1096310 MESSAGE DATE: 04/06/2011
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: ADRV-Administrative Review

FR CITE: 76 FR 9547 FR CITE DATE: 02/18/2011

REFERENCE
MESSAGE #
(s):

CASE #(s): A-201-836

EFFECTIVE DATE: 02/18/2011 COURT CASE #:

PERIOD OF REVIEW: 01/30/2008 TO 07/31/2009

PERIOD COVERED: 01/30/2008 TO 07/31/2009

Notice of Lifting of Suspension Date: 02/18/2011

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS FOR LIGHT-WALLED RECTANGULAR PIPE AND TUBE FROM MEXICO PRODUCED AND/OR EXPORTED BY INDUSTRIAS MONTERREY S.A. DE C.V. FOR PERIOD 01/30/2008 THROUGH 07/31/2009 (A-201-836-005)

1. FOR ALL SHIPMENTS OF LIGHT-WALLED RECTANGULAR PIPE AND TUBE FROM MEXICO PRODUCED AND/OR EXPORTED BY INDUSTRIAS MONTERREY S.A. DE C.V. (A-201-836-005) AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 01/30/2008 THROUGH 07/31/2009, ASSESS AN ANTIDUMPING LIABILITY OF 6.13 PERCENT OF THE ENTERED VALUE, EXCEPT AS PROVIDED IN PARAGRAPHS 2 AND 3.
2. IF A BOND OR CASH DEPOSIT WAS COLLECTED AS SECURITY FOR AN ESTIMATED ANTIDUMPING DUTY FOR ANY SHIPMENT OF MERCHANDISE DESCRIBED IN PARAGRAPH 1 THAT WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 01/30/2008 THROUGH 07/27/2008, ASSESS A DUMPING LIABILITY EQUAL TO 6.13 PERCENT OF THE ENTERED CBP VALUE OR EQUAL TO THE AMOUNT OF THE BOND OR CASH DEPOSIT, WHICHEVER IS LESS.
3. FOR ANY SHIPMENT OF MERCHANDISE DESCRIBED IN PARAGRAPH 1 THAT WAS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 07/28/2008 THROUGH 08/03/2008 AND REMAINS SUSPENDED, CBP SHOULD TERMINATE THE SUSPENSION OF LIQUIDATION AND LIQUIDATE WITHOUT REGARD TO ANTIDUMPING DUTIES (I.E., RELEASE ALL BONDS AND REFUND ALL CASH DEPOSITS) IN ACCORDANCE WITH MESSAGE NUMBER 8276208, DATED 10/02/2008.
4. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 01/30/2008 THROUGH 07/31/2009 OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (76 FR 9547, 02/18/2011). FOR ALL OTHER SHIPMENTS OF LIGHT-WALLED RECTANGULAR PIPE AND TUBE FROM MEXICO YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP 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.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTHAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O7:EAA).

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

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

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

Case #	Rate	Party Indicator*	Party ID	Party Name
A-201-836-005	6.13%	E		INDUSTRIAS MONTERREY S.A. DE C.V.
A-201-836-005	6.13%	M		INDUSTRIAS MONTERREY S.A. DE C.V.