

MESSAGE NO: 0165303 MESSAGE DATE: 06/14/2010
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC NON-PUBLIC
SUB-TYPE: RES-Rescission

FR CITE: 75 FR 20342 FR CITE DATE: 04/19/2010

REFERENCE MESSAGE #
(s): 0153302

CASE #(s): A-201-805

EFFECTIVE DATE: 04/19/2010 COURT CASE #: 10-00163

PERIOD OF REVIEW: 11/01/2007 TO 10/31/2008

PERIOD COVERED: 11/01/2007 TO 10/31/2008

Notice of Lifting of Suspension Date: 04/19/2010

TO: { Directors Of Field Operations, Port Directors }

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

RE: LIQUIDATION INSTRUCTIONS BASED UPON RESCISSION OF ADMIN. REVIEW OF ADD ORDER FOR CERTAIN CIRCULAR WELDED NON-ALLOY STEEL PIPE FROM MEXICO (A-201-805); TUBERIA, MUELLER.

1. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON CERTAIN CIRCULAR WELDED NON-ALLOY STEEL PIPE FROM MEXICO (A-201-805), COVERING THE PERIOD 11/01/2007 THROUGH 10/31/2008, HAS BEEN RESCINDED FOR TUBERIA NACIONAL, S.A. DE C.V. BECAUSE IT REPORTED TO THE DEPARTMENT OF COMMERCE THAT IT HAD NO SHIPMENTS OF SUBJECT MERCHANDISE DURING THE PERIOD.
2. FOR ALL SHIPMENTS OF CERTAIN CIRCULAR WELDED NON-ALLOY STEEL PIPE FROM MEXICO PRODUCED BY TUBERIA NACIONAL, S.A. DE C.V. (A-201-805-003), EXPORTED BY FIRMS OTHER THAN MUELLER COMERCIAL DE MEXICO, S. DE R.L. DE C.V. (MUELLER) OR TUBERIA NACIONAL, S.A. DE C.V., ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 11/01/2007 THROUGH 10/31/2008, ASSESS ANTIDUMPING DUTIES AT THE RATE IN EFFECT ON THE DATE OF ENTRY. MUELLER IS REFERENCED IN THE INJUNCTION MESSAGE IDENTIFIED IN PARAGRAPH 4, BELOW.
3. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE MERCHANDISE FOR THE PERIOD LISTED ABOVE OCCURRED WITH THE PUBLICATION OF THE NOTICE OF THE RESCISSION OF ADMINISTRATIVE REVIEW (75 FR 20342, 04/19/2010). FOR ALL OTHER SHIPMENTS OF CERTAIN CIRCULAR WELDED NON-ALLOY STEEL PIPE FROM MEXICO YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.
4. THE INJUNCTION WITH COURT NUMBER 10-00163 IS STILL IN EFFECT. THAT INJUNCTION DIRECTS CBP NOT TO LIQUIDATE VARIOUS ENTRIES INVOLVING MUELLER (FOR EXAMPLE, ENTRIES PRODUCED BY TUBERIA NACIONAL, S.A. DE C.V. (A-201-805-003) AND EXPORTED BY MUELLER, ETC.). SEE MESSAGE NUMBER 0153302, DATED 06/02/2010. ACCORDINGLY, UNTIL FURTHER NOTICE, CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES COVERED BY THAT INJUNCTION UNTIL LIQUIDATION

INSTRUCTIONS ARE PROVIDED.

5. 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.

6. 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.

7. 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 07: MB).

8. 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