

MESSAGE NO: 9121204 MESSAGE DATE: 05/01/2009

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC  NON-PUBLIC   
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 9096202  
MESSAGE #  
(s):

CASE #(s): A-201-802

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/2008 TO 03/31/2009

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 MEXICOX PROD AND/OR EXP BY CEMEX, GCCC, HOLCIN &/OR CEMENTOS APASCO (201-802-001/002/004/006)

MESSAGE NO: 9121204

DATE: 05 01 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 9096202

REFERENCE DATE: 04 06 2009

CASES: A - 201 - 802

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- - - -

PERIOD COVERED: 08 01 2008 TO 03 31 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR GRAY PORTLAND CEMENT AND CLINKER FROM MEXICOX PROD AND/OR EXP BY CEMEX, GCCC, HOLCIN &/OR CEMENTOS APASCO (201-802-001/002/004/006)

1. FOR ALL SHIPMENTS OF GRAY PORTLAND CEMENT AND CLINKER FROM MEXICO PRODUCED AND/OR EXPORTED BY CEMEX, S.A. DE C.V. (CEMEX) (A-201-802-001); GCC CEMENTO, S.A. DE C.V. (GCCC) (A-201-802-006) (FORMERLY KNOWN AS CEMENTOS DE CHIHUAHUA, S.A. DE C.V. (CDC) (A-201-802-004)); OR HOLCIM APASCO, S.A. DE C.V. AND/OR CEMENTOS APASCO, S.A. DE C.V. (APASCO) (A-201-802-002), IMPORTED BY OR SOLD TO THE FIRMS LISTED BELOW (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION), AND ENTERED,

OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD

08/01/2008 THROUGH 03/31/2009, ASSESS AN ANTIDUMPING LIABILITY  
EQUAL TO THE PER-UNIT AMOUNT LISTED BELOW.

PRODUCER AND/OR EXPORTER: CEMEX (A-201-802-001)

IMPORTERS OR CUSTOMERS:

-CEMEX CEMENT, INC. (FORMERLY KNOWN AS CEMEX USA CEMENT, INC.,  
AND SUNBELT CEMENT, INC.)

-GULF COAST PORTLAND CEMENT CO. (FORMERLY KNOWN AS HM GULF COAST  
PORTLAND CEMENT COMPANY)

PER-UNIT RATE: \$3.00 PER METRIC TON

PRODUCER AND/OR EXPORTER: GCCC (A-201-802-006)

IMPORTERS OR CUSTOMERS:

-RIO GRANDE PORTLAND CEMENT CORP.

-GCC RIO GRANDE, INC.

PER-UNIT RATE: \$3.00 PER METRIC TON

PRODUCER AND/OR EXPORTER: CDC (A-201-802-004)

IMPORTERS OR CUSTOMERS:

-RIO GRANDE PORTLAND CEMENT CORP.

-GCC RIO GRANDE, INC.

PER-UNIT RATE: \$3.00 PER METRIC TON

PRODUCER AND/OR EXPORTER: APASCO (A-201-802-002)

IMPORTER OR CUSTOMER:

-CEMENTOS APASCO SA DE CV

PER-UNIT RATE: \$3.00 PER METRIC TON

2. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF  
SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE  
COVERED BY PARAGRAPH 1 DURING THE PERIOD 08/01/2008 THROUGH  
03/31/2009.

3. COMMERCE REVOKED THE ORDER ON GRAY PORTLAND CEMENT AND CLINKER FROM MEXICO EFFECTIVE 04/01/2009. SEE MESSAGE 9096202 DATED 04/06/2009.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON 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 AND 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 WHICH IS AUGUST 30, 1990. 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.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT 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.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE

CONTACT DAVINA HASHMI OR RON TRENTAM AT 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 O5: HP).

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

CHRISTINE FURGASON

## Company Details

\*Party Indicator Value:

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