

UNITED STATES TARIFF COMMISSION

TC Publication 54

[AA1921-23]

April 18, 1962

PORTLAND CEMENT FROM DOMINICAN REPUBLIC

Determination of No Injury

On January 18, 1962, the United States Tariff Commission was advised by the Assistant Secretary of the Treasury that portland cement, other than white, nonstaining portland cement, from the Dominican Republic, is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on March 1, 1962. Notice of the investigation and hearing was published in the Federal Register (27 F.R. 680).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being

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established, by reason of the importation of portland cement, other than white, nonstaining portland cement, from the Dominican Republic, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

#### Statement of Reasons

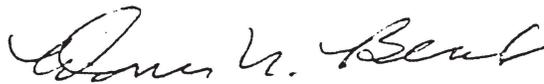
The imports of portland cement from the Dominican Republic that were purchased at less than fair value were entered during the period March-July 1961, inclusive, at the port of New York City, and during the period January-July 1961, inclusive, at the port of San Juan, Puerto Rico. The imports entered at New York City were sold or otherwise disposed of almost exclusively in the metropolitan area of New York City. The imports entered at San Juan were sold exclusively in Puerto Rico. Each of said geographic areas represents a "competitive market area" for purposes of this determination. The domestic portland cement plants that have historically supplied such cement in either "competitive market area" and that have in recent years sold substantial quantities of such cement there, are, in each case, considered to constitute "an industry" for the purposes of the Antidumping Act. Entries of the above-mentioned imports into each "competitive market area" were of short duration and the supplies thereof have been sold or otherwise disposed of. Any injury to the pertinent domestic industries that may have been attributable to these imports was inconsequential.

When the importers became fully aware of the method by which their purchase prices were determined by the Treasury Department

to be at less than fair value, they and the exporter took prompt steps to adjust existing contracts so as to avoid future sales at less than fair value. Setting aside the claims and counterclaims regarding the affiliations with the Trujillo Government of the several importers and exporters involved during the course of the Government's investigation of this case, but taking into account the changes that have occurred in the Dominican Republic with respect to the operation of its portland cement industry, the Commission believes that continued effort is being made on behalf of the parties concerned to avoid future sales at less than fair value. The evidence does not indicate any predatory motivation on the part of the importers. Accordingly, there is no sufficient evidence to indicate that a domestic industry is likely to be injured by reason of the importation of portland cement from the Dominican Republic that is sold below its fair value.

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission:



DONN N. BENT  
Secretary

Issued April 18, 1962