

abuses the licensing system, Commerce may revoke its electronic licensing privileges without prior notice. The filer will then only be able to obtain a license directly from Commerce. Because of the additional time need to review such forms, Commerce may require up to 10 working days to process such forms. Delays in filing caused by the removal of a filer's electronic filing privilege will not be considered a mitigating factor by the U.S. Customs Service.

PART 361—MEXICAN CEMENT IMPORT LICENSING SYSTEM

Sec.

361.101 Mexican Cement Import Licensing System.

361.102 Online registration.

361.103 Automatic issuance of import licenses.

361.104 Fees.

361.105 Hours of operation.

AUTHORITY: 13 U.S.C. 301(a) and 302.

SOURCE: 72 FR 10009, Mar. 6, 2007, unless otherwise noted.

§ 361.101 Mexican Cement Import Licensing System.

(a) *In general.* (1) On March 6, 2006, the Agreement between the Office of the United States Trade Representative and the Department of Commerce of the United States of America and the Ministry of Economy of the United Mexican States (Secretaria de Economia) on Trade in Cement (Agreement) was signed. Pursuant to the Agreement, the United States has agreed to implement an import licensing system for imports of merchandise covered by the scope of the anti-dumping duty order on Cement from Mexico. Some of the data to be collected is in addition to data currently collected by U.S. Customs and Border Protection (USCBP). The data collected by the Mexican Cement Import Licensing System will be used by the Department of Commerce (Commerce) to monitor imports of Mexican Cement, as the imports occur.

(2) Mexican Cement is defined as gray portland cement and clinker from Mexico. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate

material produced when manufacturing cement, has no use other than being ground into finished cement. Specifically included within the scope of this definition are pozzolanic blended cements and oil well cements. Specifically excluded are white cement and Type "S" masonry cement. Gray portland cement is currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) item number 2523.29 and cement clinker is currently classifiable under HTSUS item number 2523.10. Gray portland cement has also been entered under HTSUS item number 2523.90 as "other hydraulic cements." These HTSUS sub-headings are provided for convenience and USCBP purposes; the written definition is controlling for purposes of this Agreement.

(3) The Mexican Cement Import Licensing System includes an online registration system. All imports of Mexican Cement covered by the scope of the Agreement, including samples, whether or not for consumption, are subject to the Mexican Cement Import Licensing requirements. Information gathered from these import licenses will be used to ensure that the terms of the Agreement are complied with and enforced.

(4) A single import license may cover multiple products if the following information reported on the import license remains the same: Company Name, Address, City, State, Zip, Contact Name, Contact Phone, Contact Fax, Contact E-mail, Importer Name, Exporter Name, Manufacturer Name, Country of Origin, Country of Exportation, Expected Port of Entry, Expected Date of Importation, Expected Date of Export, Customs Entry Number (if known), Date License Valid From, Date License Valid Through, Date of Application, Subregion of Final Destination, Type of Affiliation, U.S. Affiliate's Name, Address, County, City, State, Zip, Mexican Export License Number, and Disaster Relief Statement. Separate import licenses will be required for each type of Mexican Cement entry if the above information differs. As a result, a single USCBP entry summary may require more than one Mexican Cement import license. The applicable import license(s) must

cover the total quantity of Mexican Cement entered and should cover the same information provided on USCBP Form 7501.

(5) Access to Information. (i) Information gathered by the Mexican Cement Import Licensing System will be treated as business proprietary information and will be subject to the administrative protective order in place for this Agreement. Commerce may elect to publish certain aggregate information collected by the Mexican Cement Import License System on the Import Administration Web site. Any information Commerce elects to publish will not include business proprietary information nor information from specific ports of entry or companies.

(ii) In accordance with 19 CFR 351.305, interested parties who have been approved for access to business proprietary information under the administrative protective order in effect for this Agreement will receive a quarterly report of all information gathered by the Mexican Cement Import License System.

(b) *Covered Entries.* All entries of Mexican Cement subject to the Agreement, including samples, whether or not for consumption, will require an import license prior to the filing of USCBP Form 7501, except as provided in § 361.101(c). The import license number(s) must be reported on USCBP Form 7501 at the time of filing. There is no requirement to present physical copies of the import license forms at the time of filing USCBP Form 7501; however, copies must be maintained in accordance with USCBP's existing requirements. Submission of a USCBP Form 7501 without the required import license number(s) will be considered circumvention of the Agreement.

(c) *Foreign Trade Zone entries.* All shipments of covered Mexican Cement into FTZs, known as FTZ admissions, will require an import license prior to the filing of FTZ admission documents. The import license number(s) must be reported on the application for FTZ admission and/or status designation (USCBP Form 214) at the time of filing. There is no requirement to present physical copies of the import license forms at the time of FTZ admission;

however, copies must be maintained in accordance with USCBP's existing requirements. Submission of FTZ admission documents without the required import license number(s) will be considered circumvention of the Agreement. A further Mexican Cement import license will not be required for shipments from FTZs into the commerce of the United States.

(d) *Mexican Export License Requirement.* Each importer is required to submit a valid Mexican Export License to USCBP with its 7501 entry summary. For multiple shipments at multiple ports, or multiple entries at one port, the original Mexican Export License shall be presented with the first 7501 entry summary and a copy of the Export License shall be presented with each subsequent 7501 entry summary. In the case where an entry is covered by two Mexican export licenses, the importer must obtain two separate import licenses (e.g., if a shipment of 100 metric tons (MT) is entered into the United States, 60 MT of which applies to one Mexican Export License, and 40 MT of which applies to a second Mexican Export License, the importer must obtain an import license for 60 MT and a second import license for 40 MT).

§ 361.102 Online registration.

(a) *In General.* (1) Any importer, importing company, customs broker or importer's agent with a U.S. street address may register and obtain the user identification number necessary to log on to the automatic Mexican Cement import license issuance system. Foreign companies may obtain a user identification number if they have a U.S. address through which they may be reached; P.O. Boxes will not be accepted. A user identification number normally will be issued within two business days. Companies will be able to register online through the import licensing Web site. However, should a company prefer to apply for a user identification number non-electronically, a phone/fax option will be available at Commerce during regular business hours.

(2) This user identification number will be required in order to log on to the Mexican Cement import license