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DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-955]

Certain Magnesia Carbon Bricks from the People's Republic of China: Final Results and Final Rescission, in Part, of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) conducted an administrative review of the countervailing duty order on certain magnesia carbon bricks (MCBs) from the People's Republic of China (PRC) covering the period of review (POR) January 1, 2012, through December 31, 2012. On June 2, 2014, the Department published the *Preliminary Results* for this administrative review and invited interested parties to comment on it.¹ Based on the analysis of the comments received, the Department has not made any changes to its *Preliminary Results*.

The final subsidy rates are listed in the "Final Results of Review" section below.

DATED: EFFECTIVE DATE: (INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*.)

FOR FURTHER INFORMATION CONTACT: Gene Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3586.

¹ See *Certain Magnesia Carbon Bricks From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2012*, 79 FR 32915 (June 9, 2014) (*Preliminary Results*).

Background

On June 2, 2014, the Department published the *Preliminary Results*. The Department preliminarily determined to apply adverse facts available (AFA) to the sole mandatory respondent, Fengchi Imp. and Exp. Co., Ltd. of Haicheng City and Fengchi Refractories Co., of Haicheng City (collectively, Fengchi), and the Government of the PRC (GOC), because these parties failed to cooperate to the best of their ability in this review.² The Department also stated its preliminary intent to rescind the review for the following companies that timely certified that they had no shipments of subject merchandise to the United States during the POR: RHI AG and its affiliates Liaoning RHI Jinding Magnesia Co.; RHI Refractories (Dalian) Co. Ltd.; RHI Refractories Liaoning Co., Ltd.; RHI Trading Shanghai Branch; and RHI Trading (Dalian) Co., Ltd. (collectively, the RHI companies).³ The Department invited interested parties to comment on the *Preliminary Results*.

On July 9, 2014, the Department received a timely filed joint case brief from Resco Products, Inc. (Petitioner) and a domestic producer of MCBs, Magnesita Refractories Company (Magnesita).⁴ No other party filed an administrative case or rebuttal brief.

Scope of the Order

The scope of the order includes certain MCBs. Certain MCBs that are the subject of this order are currently classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 6902.10.1000, 6902.10.5000, 66815.91.0000, 6815.99.2000, and 6815.99.4000. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant

² *Id.*, and accompanying Preliminary Decision Memorandum (PDM) at 3-4.

³ *Id.*, 79 FR at 32915.

⁴ See the July 9, 2014, submission from Petitioner and Magnesita, "Petitioner's Case Brief" (Case Brief).

Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, “Issues and Decision Memorandum for Certain Magnesia Carbon Bricks from the People’s Republic of China: Final Results of the 2012 Administrative Review” (Issues and Decision Memorandum), which is dated concurrently with and hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <https://iaaccess.trade.gov> and to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, including our decision to apply facts otherwise available with an adverse inference to Fengchi and the PRC, *see* the Issues and Decision Memorandum.

With respect to the companies for which we initiated reviews and that did not file a no-shipments certification,⁵ consistent with the *Preliminary Results*, we assigned to entries made by these companies the all-others rate from the investigation.⁶

Analysis of Comments Received

⁵ *See* Appendix II.

⁶ *See Preliminary Results*, 79 FR at 32915; *see also* the Issues and Decision Memorandum for a description of our methodology underlying our conclusions.

All issues raised in the case brief filed are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice at Appendix I.

Final Rescission, in Part, of the Administrative Review

In the *Preliminary Results*, we stated that a final decision regarding whether to rescind this review with respect to the RHI companies would be made in the final results of this review.⁷ We continue to find no evidence on the record indicating that the RHI companies had sales of subject merchandise to the United States during the POR. Accordingly, and pursuant to 19 CFR 351.213(d)(3), the Department is rescinding this review with respect to the RHI companies for these final results.

Final Results of Review

We determine the countervailable subsidy rates for the POR are as follows:

Company	<i>Ad Valorem</i> Net Countervailable Subsidy Rate (Percent)
Fengchi Imp. and Exp. Co., Ltd. of Haicheng City and Fengchi Refractories Co., of Haicheng City (collectively, Fengchi)	66.27
Rate Applicable to the Remaining Companies Under Review ⁸	24.24

Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department intends to issue appropriate instructions to U.S. Customs and Border Protection (CBP) 15 days after the publication of these final results of review in the *Federal Register*. The Department will instruct CBP to assess countervailing duties on POR entries in the amounts shown above.

⁷ See *Preliminary Results*, 79 FR at 32915.

⁸ See Appendix II.

Cash Deposit Requirements

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above for entries of the subject merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of these final results in the *Federal Register*. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all others rate established in the investigation. Accordingly, the cash deposit rates that will be applied to companies covered by the order, but not examined in this review, are those established in the most recently completed segment of the proceeding for each company. These cash deposit rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested and completed. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: October 7, 2014.

Paul Piquado,

Assistant Secretary
for Enforcement and Compliance.

Appendix I

List of Issues Discussed in the Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Discussion of the Issues
 - Comment 1: Whether the Department Should Apply AFA to the Non-Mandatory Respondents
 - Comment 2: Whether the Department Also Should Apply the AFA Rate to the Non-Mandatory Respondents Because the GOC Failed to Respond in this Administrative Review
- VI. Recommendation

Appendix II

List of Remaining Companies Under Review

ANH (Xinyi) Refractories Co. Ltd
Anyang Rongzhu Silicon Industry Co., Ltd
Bayuquan Refractories Co., Ltd
Beijing Tianxing Ceramic Fiber Composite Materials Corp
Changxing Magnesium Furnace Charge Co., Ltd
Changxing Wangfa Architectural & Metallurgical Materials Co., Ltd
Changxing Zhicheng Refractory Material Factory
China Metallurgical Raw Material Beijing Company
China Quantai Metallurgical (Beijing) Engineering & Science Co., Ltd
Cimm Group of China
CNBM International Corporation
Dalian Dalmond Trading Co., Ltd
Dalian F.T.Z. Huaxin International
Dalian F.T.Z. Maylong Resources Co., Ltd
Dalian Huayu Refractories International Co., Ltd
Dalian LST Metallurgy Co., Ltd
Dalian Masoo International Trading
Dalian Mayerton Refractories Ltd
Dalian Morgan Refractories Ltd
Dashiqiao Bozhong Mineral Products Co., Ltd
Dashiqiao City Guangcheng Refractory Co., Ltd
Dashiqiao Jia Sheng Mining Co., Ltd
Dashiqiao RongXing Refractory Material Co., Ltd
Dashiqiao Sanqiang Refractory Material Co., Ltd
Dashiqiao Yutong Packing Factory
Dengfeng Desheng Refractory Co., Ltd
DFL Minmet Refractories Corp
Duferco BarInvest SA Beijing Office
Duferco Ironet Shanghai Representative Office
Eastern Industries & Trading Co., Ltd
Fengchi Mining Co., Ltd of Haicheng City
Fengchi Refractories Corp
Haicheng City Qunli Mining Co., Ltd
Haicheng City Xiyang Import & Export Corporation
Haicheng Donghe Taidi Refractory Co., Ltd
Haicheng Ruitong Mining Co., Ltd
Haiyuan Talc Powder Manufacture Factory
Henan Boma Co. Ltd
Henan Kingway Chemicals Co., Ltd
Henan Tagore Refractories Co., Ltd
Henan Xinmi Changzixing Refractories, Co., Ltd
Hebei Qinghe Refractory Group Co. Ltd

Huailin Refractories (Dashiqiao) Pte. Ltd
Hualude Hardware Products Co. Ltd
Jiangsu Sujia Group New Materials Co., Ltd
Jiangsu Sujia Joint-Stock Co., Ltd
Jinan Forever Imp. & Exp. Trading Co., Ltd
Jinan Linqun Imp. & Exp. Co. Ltd
Jinan Ludong Refractory Co., Ltd
Kosmokraft Refractory Limited
Kuehne & Nagel Ltd. Dalian Branch Office
Lechang City Guangdong Province SongXin Refractories Co., Ltd
Liaoning Fucheng Refractories Group Co., Ltd
Liaoning Fucheng Special Refractory Co., Ltd
Liaoning Jiayi Metals & Minerals Ltd
Liaoning Jinding Magnesite Group
Liaoning Mayerton Refractories Co., Ltd
Liaoning Mineral & Metallurgy Group Co., Ltd
Liaoning Qunyi Group Refractories Co., Ltd
Liaoning Qunyi Trade Co., Ltd
Liaoning RHI Jinding Magnesis Co., Ltd
LiShuang Refractory Industrial Co., Ltd
Lithomelt Co., Ltd
Luheng Refractory Co., Ltd
Luoyang Refractory Group Co., Ltd
Mayerton Refractories
Minsource International Ltd
Minteq International Inc
National Minerals Co., Ltd
North Refractories Co., Ltd
Orestar Metals & Minerals Co., Ltd
Oreworld Trade (Tangshan) Co., Ltd
Puyang Refractories Co., Ltd
Qingdao Almatris Co., Ltd. (HQ)
Qingdao Almatris Co., Ltd. (Manufacturing)
Qingdao Almatris Trading Co., Ltd. (Sales Office)
Qingdao Blueshell Import & Export Corp
Qingdao Fujing Group Co., Ltd
Qingdao Huierte International Trade Co., Ltd
RHI Refractories (Dalian) Co., Ltd
RHI Refractories Liaoning Co., Ltd
RHI Trading Shanghai Branch
RHI Trading (Dalian) Co., Ltd
Rongyuan Magnesite Co., Ltd. of Dashiqiao City
Shandong Cambridge International Trade Inc
Shandong Lunai Kiln Refractories Co., Ltd
Shandong Refractories Corp
Shanxi Dajin International (Group) Co., Ltd

Shanxi Xinrong International Trade Co. Ltd
Shenyang Yi Xin Sheng Lai Refractory Materials Co., Ltd
Shinagawa Rongyuan Refractories Co., Ltd
Sinosteel Corporation
SMMC Group Co., Ltd
Tangshan Success Import & Export Trading Co., Ltd
Tianjin New Century Refractories, Ltd
Tianjin New World Import & Export Trading Co., Ltd
Tianjin Weiyuan Refractory Co., Ltd
Vesuvius Advanced Ceramics (Suzhou) Co. Ltd
Wonjin Refractories Co., Ltd
Xiyuan Xingquan Forsterite Co., Ltd
Yanshi City Guangming High-Tech Refractories Products Co., Ltd
YHS Minerals Co., Ltd
Yingkou Bayuquan Refractories Co., Ltd
Yingkou Dalmond Refractories Co., Ltd
Yingkou Guangyang Refractories Co., Ltd
Yingkou Guangyang Refractories Co., Ltd. (YGR)
Yingkou Heping Samwha Minerals Co., Ltd
Yingkou Jiahe Refractories Co., Ltd
Yingkou Jinlong Refractories Group
Yingkou Kyushu Refractories Co., Ltd
Yingkou New Century Refractories Ltd
Yingkou Qinghua Group Imp. & Exp. Co., Ltd
Yingkou Qinghua Refractories Co., Ltd
Yingkou Sanhua Refractory Materials Co., Ltd
Yingkou Tianrun Refractory Co., Ltd
Yingkou Wonjin Refractory Material Co., Ltd
Yingkou Yongji Mag Refractory, Ltd
Yixing Runlong Trade Co., Ltd
Yixing Xinwei Leeshing Refractory Materials Co., Ltd
Yixing Zhenqiu Charging Ltd
Zhejiang Changxing Guangming Special Refractory Material Foundry, Co., Ltd
Zhejiang Deqing Jinlei Refractory Co., Ltd
Zhejiang Huzhou Fuzilin Refractory Metals Group Co., Ltd
Zhengzhou Anec Industrial Co., Ltd
Zhengzhou Huachen Refractory Co., Ltd
Zhengzhou Huawei Refractories Co., Ltd
Zibo Lianzhu Refractory Materials Co., Ltd