

Comment: Commerce Should Ensure that All Subject Merchandise Is Subject to the Appropriate Duties

V. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List

##### Correction

In notice document 2022-28519, appearing on pages 45-49, in the issue of Tuesday, January 3, 2023, make the following correction:

In the table appearing on pages 46 and 47, in the second column, on each row, "1/22-12/31/22" should read "1/1/22-12/31/22".

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-954, C-570-955]

#### Certain Magnesia Carbon Bricks From the People's Republic of China: Preliminary Results of Covered Merchandise Inquiry

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that certain refractory brick samples tested by U.S. Customs and Border Protection (CBP) do not reflect the chemical composition of magnesia alumina carbon (MAC) bricks and are covered by the antidumping duty (AD) and countervailing duty (CVD) orders on certain magnesia carbon bricks (bricks) from the People's Republic of China (China). Additionally, Commerce preliminarily finds that it is unable to determine whether certain other samples tested by CBP have the chemical composition of a bricks subject to the AD and CVD orders on bricks from China. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable February 16, 2023.

**FOR FURTHER INFORMATION CONTACT:** Brittany Bauer, AD/CVD Operations Office V, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3860.

##### SUPPLEMENTARY INFORMATION:

##### Background

On July 20, 2022, Commerce published in the **Federal Register** a notice of a covered merchandise referral and the initiation of a covered merchandise inquiry to determine whether certain refractory bricks are subject to the AD and CVD orders on bricks from China.<sup>1</sup> For a complete description of the events that followed the initiation of this inquiry, see the Preliminary Decision Memorandum.<sup>2</sup> A list of topics included in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

##### Scope of the Orders

The merchandise covered by the *Orders* is magnesia carbon bricks. For a complete description of the scope of the *Orders*, see the Preliminary Decision Memorandum.

##### Merchandise Subject to the Covered Merchandise Inquiry

The products subject to this inquiry are refractory bricks which were imported by Fedmet Resources Corporation (Fedmet). CBP's laboratories tested 11 samples from these bricks and provided the results of chemical composition tests for the merchandise in its referral to Commerce.

<sup>1</sup> See *Certain Magnesia Carbon Bricks from the People's Republic of China: Notice of Covered Merchandise Referral and Initiation of Covered Merchandise Inquiry*, 87 FR 43238 (July 20, 2022) (*Initiation Notice*); see also *Certain Magnesia Carbon Bricks from Mexico and the People's Republic of China: Antidumping Duty Orders*, 75 FR 57257 (September 20, 2010); and *Certain Magnesia Carbon Bricks from the People's Republic of China: Countervailing Duty Order*, 75 FR 57442 (September 21, 2010) (collectively, *Orders*).

<sup>2</sup> See Memorandum, "Certain Magnesia Carbon Bricks from the People's Republic of China: Decision Memorandum for the Preliminary Results of Covered Merchandise Inquiry—EAPA Inv. 7412," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

##### Methodology

Commerce is conducting this covered merchandise inquiry in accordance with section 517 of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.227. For a full description of the methodology underlying Commerce's preliminary results, see the Preliminary Decision Memorandum.

##### Preliminary Findings

We preliminarily determine, pursuant to 19 CFR 351.227(f), that certain bricks tested by CBP laboratories do not constitute (non-subject) MAC bricks and are subject to the scope of the *Orders*. Although we can make such a determination for two of the eleven brick samples, the information on the remaining nine samples is indeterminate regarding the proper scope classification for the underlying product tested by CBP. In reaching this preliminary determination, we relied on information placed on the record by the Magnesia Carbon Bricks Fair Trade Committee and Fedmet, as well as the documents included with the referral from CBP. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

##### Suspension of Liquidation

As stated above, Commerce has made a preliminary affirmative finding that certain bricks tested by CBP, which were the subject of this referral from CBP, are subject to the scope of the *Orders*. This affirmative in-scope finding applies on a country-wide basis, regardless of the producer, exporter, or importer, to all products from the same country with the same relevant physical characteristics as the products at issue. Therefore, in accordance with 19 CFR 351.227(l)(2), Commerce will direct CBP to: (1) continue the suspension of liquidation of previously suspended entries and apply the applicable cash deposit rate; (2) begin the suspension of liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product not yet suspended, entered, or withdrawn from warehouse, for consumption on or after July 20, 2022, the date of publication of the notice of initiation of this covered merchandise inquiry in the **Federal Register**; and (3) begin the suspension of liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product not yet suspended, entered, or withdrawn from warehouse, for consumption prior to July 20, 2022.<sup>3</sup>

<sup>3</sup> See *Initiation Notice*.