

Dated: May 29, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-955]

#### **Certain Magnesia Carbon Bricks From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2012**

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

**SUMMARY:** The Department of Commerce (the Department) is conducting 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. We preliminarily determine that the application of 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), is necessary because they failed to cooperate to the best of their ability in this proceeding. The Department also preliminarily finds that certain companies made no shipments of subject merchandise to the United States during the POR. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* June 9, 2014.

**FOR FURTHER INFORMATION CONTACT:** Brandon Steele, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4956.

#### **Scope of the Order**

The merchandise subject to 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 to Paul Piquado, Assistant Secretary for Enforcement and Compliance from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Certain Magnesia Carbon Bricks from the People's Republic of China," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

The Preliminary Decision Memorandum is a public document and is made available to the public 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 is available to all parties in the Department's Central Records Unit, located in Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at <http://enforcement.trade.gov/frn/>. The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### **Preliminary Determination of No Shipments**

On December 13, 2013, the Department received timely no shipment certifications from 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).<sup>1</sup> Because there is no evidence on the record to indicate that these companies had sales of subject merchandise during the POR, we preliminarily determine that the RHI Companies had no shipments during the POR. As a result, pursuant to 19 CFR 351.213(d)(3), the Department intends to rescind the review with respect to the RHI Companies. However, the Department finds that it is not appropriate to rescind the review with respect to the RHI

<sup>1</sup> See the December 13, 2013, Letter to the Secretary, "Certain Magnesia Carbon Bricks from China: Notice of No Sales." In our *Initiation Notice*, we stated that any company named in the notice of initiation that had no exports, sales, or entries during the POR must notify the Department within 60 days of publication of the notice in the **Federal Register**. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 78 FR 67104, 67104 (November 8, 2013) (*Initiation Notice*).

Companies at this time; instead, consistent with our practice, the Department will complete the review with respect to the RHI Companies and issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on the final results of the review.<sup>2</sup> Information on the record shows that Fengchi did have sales of subject merchandise during the POR.<sup>3</sup>

#### **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 each subsidy program under review, we preliminarily determine there are countervailable subsidies, *i.e.*, that there is a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>4</sup> In making these findings, we relied on AFA for Fengchi, because it did not act to the best of its ability to respond to our request for information; as such, we drew an adverse inference in selecting among the facts available.<sup>5</sup>

With respect to the remaining companies for which we initiated reviews and that did not file no-shipment certifications, we will assign to entries made by these companies the all-others rate from the investigation. Accordingly, and consistent with section 705(c)(5)(A)(ii) of the Act, we relied upon the all others rate from the investigation because the rate calculated for the sole mandatory respondent in these preliminary results of review is based entirely upon facts available. We consider the use of the all others rate from the investigation, which was based upon a calculated rate for one of the mandatory respondents in the investigation, to be a "reasonable method" for calculating the all others rate because it represents the only rate in the history of the countervailing duty order on MCBs from the PRC that is not zero, *de minimis*, or based entirely upon facts available.<sup>6</sup>

<sup>2</sup> See, e.g., *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 26922, 26923 (May 12, 2010), unchanged in *Magnesium Metal From the Russian Federation: Final Results of Antidumping Duty Administrative Review*, 75 FR 56989 (September 17, 2010).

<sup>3</sup> See the January 13, 2014, Memorandum to the File, "Certain Magnesia Carbon Bricks from the People's Republic of China: Customs Data of U.S. Imports of Magnesia Carbon Bricks."

<sup>4</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

<sup>5</sup> See sections 776(a) and (b) of the Act.

<sup>6</sup> For a list of topics discussed in the Preliminary Decision Memorandum, see Appendix I. For a full

Continued

### Preliminary Results of Review

We preliminarily determine the following margins exist for the POR:

Company	<i>Ad valorem</i> net 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 <sup>7</sup> .....	24.24

### Disclosure and Public Comment

We will disclose the calculations to parties in this proceeding within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b). Interested parties may submit written comments (case briefs) for this administrative review no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.<sup>8</sup> Rebuttal briefs must be limited to issues raised in the case briefs.<sup>9</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>10</sup>

Interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must file electronically a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the publication of this notice in the **Federal Register**.<sup>11</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we intend to hold it at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

<sup>7</sup> See Appendix II.

<sup>8</sup> See 19 CFR 351.309(c)(1)(ii) and 19 CFR 351.309(d)(1).

<sup>9</sup> See 19 CFR 351.309(d)(2).

<sup>10</sup> See 19 CFR 351.309(c)(2) and 19 CFR 351.309(d)(2).

<sup>11</sup> See 19 CFR 351.310(c).

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS, and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

### Assessment Rates and Cash Deposit Requirements

In accordance with 19 CFR 351.221(b)(4)(i), we assigned a subsidy rate for each producer/exporter subject to this administrative review. Upon issuance of the final results, the Department shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review.

Pursuant to section 751(a)(2)(C) of the Act, the Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amounts shown above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: June 2, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. 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  
 Changzong 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 Changzong 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 Magnesium 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 Almatiss Co., Ltd. (HQ)  
 Qingdao Almatiss Co., Ltd. (Manufacturing)  
 Qingdao Almatiss Trading Co., Ltd. (Sales Office)  
 Qingdao Blueshell Import & Export Corp  
 Qingdao Fujing Group Co., Ltd  
 Qingdao Huierde 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 Annec Industrial Co., Ltd  
 Zhengzhou Huachen Refractory Co., Ltd

Zhengzhou Huawei Refractories Co., Ltd  
 Zibo Lianzhu Refractory Materials Co., Ltd  
 [FR Doc. 2014-13259 Filed 6-6-14; 8:45 am]  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XD318

#### Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of SEDAR 39 post-data workshop webinar for Highly Migratory Species (HMS) Smoothhound sharks.

**SUMMARY:** The SEDAR 39 assessment of the HMS Smoothhound Sharks: A Data Workshop; a series of Assessment webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION.**

**DATES:** The SEDAR 39 post-data workshop webinar will be held on Tuesday, June 24, 2014, from 10 a.m. until 12 p.m. central standard time (EST).

**ADDRESSES:**

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; telephone: (843) 571-4366; email: [julie.neer@safmc.net](mailto:julie.neer@safmc.net).

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Workshop and a series of Assessment webinars; and (3) Review Workshop. The product

of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the data webinar are as follows:

Participants will discuss and review data analyses and decisions since the Data Workshop.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

**Authority:** 16 U.S.C. 1801 *et seq.*