

- 1. Likelihood of Continuation or Recurrence of Dumping
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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 of the Expedited Second Five-Year Sunset Review of the Countervailing Duty Order**

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

**SUMMARY:** As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain magnesia carbon bricks (bricks) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the "Final Results of Review" section of this notice.

**DATES:** Applicable May 10, 2021.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3148.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 21, 2010, Commerce published its CVD order on bricks from

China in the **Federal Register**.<sup>1</sup> On January 4, 2021, Commerce published the notice of initiation of the second sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> Commerce received a notice of intent to participate from Magnesia Carbon Bricks Fair Trade Committee (the Committee), an *ad hoc* association of U.S. producers of magnesia carbon bricks, within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>3</sup> The Committee claimed interested party status under section 771(9)(E) of the Act, as a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States and stated that each member of the Committee is a manufacturer of the domestic like product and thus, are domestic interested parties pursuant to section 771(9)(C) of the Act.<sup>4</sup>

Commerce received a substantive response from the Committee<sup>5</sup> within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive response from any other domestic or interested parties in this proceeding, nor was a hearing requested.

On February 22, 2021, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.<sup>6</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order*.

**Scope of the Order**

The merchandise subject to this *Order* includes certain chemically-bonded (resin or pitch), magnesia carbon bricks. Certain magnesia carbon bricks that are

the subject of this order are currently classifiable under subheadings 6902.10.1000, 6902.10.5000, 6815.91.0000, 6815.99.2000 and 6815.99.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise covered by the scope of the *Order* is dispositive. For a complete description of the scope of the *Order*, see the accompanying Issues and Decision Memorandum.<sup>7</sup>

**Analysis of Comments Received**

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/>.

**Final Results of Sunset Review**

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the CVD order on bricks from China would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
RHI Refractories Liaoning Co., Ltd. (RHIL), RHI Refractories (Dailian) Co., Ltd. (RHID), and Liaoning RHI Jinding Magnesia Co., Ltd. (RHIJ) (collectively, RHI) .....	3.00
Liaoning Mayerton Refractories (LMR) and Dalian Mayerton Refractories Co. Ltd. (DMR) (collectively, Mayerton) .....	253.87
All Others .....	3.00

<sup>1</sup> See *Certain Magnesia Carbon Bricks from the People's Republic of China: Countervailing Duty Order*, 75 FR 57442 (September 21, 2010) (*Order*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Review*, 86 FR 60 (January 4, 2021).

<sup>3</sup> See Committee's Letter, "Second Five-Year ('Sunset') Review of the Countervailing Duty Order On Magnesia Carbon Bricks From The People's Republic of China: Domestic Industry's Notice Of

Intent To Participate In Sunset Review," dated January 14, 2021.

<sup>4</sup> *Id.*

<sup>5</sup> See Committee's Letter, "Second Five-Year (Sunset) Review of the Countervailing Duty Order On Magnesia Carbon Bricks From The People's Republic Of China: Domestic Industry's Substantive Response," dated February 2, 2021.

<sup>6</sup> See Commerce's Letter, "Sunset Reviews Initiated on January 4, 2021," dated February 22, 2021.

<sup>7</sup> See Memorandum, "Issues and Decision Memorandum for the Expedited Second Sunset Review of the Countervailing Duty Order on Magnesia Carbon Bricks from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

**Administrative Protective Order (APO)**

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

**Notification to Interested Parties**

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: May 3, 2021.

**Christian Marsh,**

*Acting Assistant Secretary for Enforcement and Compliance.*

**Appendix****List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. History of the Order
- IV. Scope of the Order
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
- VII. Final Results of Sunset Review
- VIII. Recommendation

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-552-818]

**Certain Steel Nails From the Socialist Republic of Vietnam: Rescission of Antidumping Duty Administrative Review; 2019-2020**

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

**SUMMARY:** The Department of Commerce (Commerce) is rescinding its administrative review of the antidumping duty (AD) order on certain steel nails from the Socialist Republic of Vietnam (Vietnam) for the period of review (POR) July 1, 2019, through June 30, 2020.

**DATES:** Applicable May 10, 2021.

**FOR FURTHER INFORMATION CONTACT:** Mark Flessner, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-6312.

**SUPPLEMENTARY INFORMATION:****Background**

On July 1, 2020, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order<sup>1</sup> on certain steel nails from Vietnam for the POR.<sup>2</sup> On July 31, 2020, Commerce received a timely request from Mid Continent Steel & Wire, Inc. (the petitioner), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an administrative review of this AD order for 23 companies.<sup>3</sup> No other party requested an administrative review.

On September 3, 2020, Commerce published in the **Federal Register** a notice of initiation with respect to the following 23 companies:

1. Atlantic Manufacture Inc.
2. Chia Pao Metal Co., Ltd.
3. Delmar International (Vietnam) Ltd.
4. Dicha Sombrilla Co., Ltd.
5. Easylink Industrial Co., Ltd.
6. Expeditors Vietnam Company Limited
7. Gia Linh Logistics Services Co., Ltd.
8. Global Logistics Solution Co., Ltd.
9. Inmax Industries SDN. BHD
10. Jinhai Hardware Co., Ltd.
11. K-Apex Logistics (HK) Co., Limited
12. KPF Vietnam Co., Ltd.
13. KPF Vina Co., Ltd.
14. Orient Star Transport Int'l Ltd.
15. Oriental Multiple Enterprise Ltd.
16. Pudong Prime Int'l Logistics Inc.
17. Region Industries Co., Ltd.
18. Rich State, Inc.
19. Top Shipping Company Limited
20. Topy Fasteners Vietnam Co., Ltd.
21. Truong Vinh Ltd.
22. United Nail Products Co., Ltd.
23. Vina Hardwares Joint Stock Company<sup>4</sup>

<sup>1</sup> See *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 85 FR 39531 (July 1, 2020).

<sup>3</sup> See Petitioner's Letter, "Certain Steel Nails from SR of Vietnam: Request for Administrative Review," dated July 31, 2020. There were 24 listings in this letter, but one company, Top Shipping Company Limited, was listed twice; consequently, only 23 individual companies were named.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 54983 (September 3, 2020).

On September 24, 2020, the petitioner timely withdrew its request for an administrative review for all 23 companies.<sup>5</sup>

**Rescission of Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The petitioner withdrew its request for review for all companies by the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of the AD order on certain steel nails from Vietnam covering the period July 1, 2019, through June 30, 2020, in its entirety.

**Assessment**

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Consistent with its recent notice,<sup>6</sup> Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

**Notification to Importers**

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the

<sup>5</sup> See Petitioner's Letter, "Certain Steel Nails from Vietnam—Withdrawal of Request for Administrative Review," dated September 24, 2020.

<sup>6</sup> See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 3995 (January 15, 2021).