

Co., Ltd; and, (12) Yu Shin Development Co. Ltd. For those exporters named in the *Initiation Notice* for which all administrative review requests have been withdrawn, but which have not previously received separate rate status, the Department's practice is to refrain from rescinding the administrative review with respect to these exporters at this time.<sup>7</sup> As stated above, requests for review of several exporters belonging to the PRC-wide entity were timely withdrawn. While the requests for review were timely withdrawn, the exporters remain part of the PRC-wide entity. The PRC-wide entity is under review for these preliminary results. Therefore, at this time, we are not rescinding this administrative review with respect to those exporters belonging to the PRC-wide entity for which a request for review has been withdrawn.

### Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the period September 1, 2012, through August 31, 2013.

Exporter	Weighted-average dumping margin (percent)
PRC-wide entity <sup>8</sup> .....	247.65

### Public Comment and Opportunity To Request a Hearing

Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.<sup>9</sup> Rebuttals briefs may be filed no later than five days after the written comments are filed and all rebuttal comments must be limited to comments raised in the case briefs.<sup>10</sup>

Any interested party may request a hearing within 30 days of publication of this notice.<sup>11</sup> Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S.

<sup>7</sup> See, e.g., *Small Diameter Graphite Electrodes from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*; 2011–2012, 78 FR 55680 (September 11, 2013).

<sup>8</sup> The PRC-wide entity includes, among other companies, Yangzhou Bestpak Gifts & Crafts Co., Ltd.

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

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

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

Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.<sup>12</sup>

The Department will issue the final results of this AR, which will include the results of its analysis of issues raised in any briefs received, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

With regard to the partial rescission of this review, the Department will instruct Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. The Department intends to issue appropriate partial rescission assessment instructions directly to CBP 15 days after publication of these preliminary results of review in the **Federal Register**.

Upon issuing the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by these reviews.<sup>13</sup> The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

The Department announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales database submitted by companies individually examined during the administrative review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter had no shipments of subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.<sup>14</sup>

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For any previously reviewed or investigated PRC and non-PRC exporter not listed above that received a separate rate in a previous segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate published

<sup>12</sup> See 19 CFR 351.310(d).

<sup>13</sup> See 19 CFR 351.212(b).

<sup>14</sup> For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

for the most recently completed period; (2) for all PRC exporters that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.*, 247.65 percent); and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied the non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary 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 could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: June 2, 2014.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I

*List of Topics Discussed in the Preliminary Decision Memorandum*

1. Background
2. Period of Review
3. Scope of the Order
4. Respondent Selection
5. Partial Rescission of Review
6. Intent Not To Rescind Review, in Part
7. Separate Rates Determination
8. The PRC-Wide Entity
9. Rate for the PRC-Wide Entity

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–930]

### Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

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

**SUMMARY:** As a result of this sunset review, the Department of Commerce (“the Department”) finds that revocation of the antidumping (“AD”) duty order on circular welded austenitic stainless pressure pipe from the People’s Republic of China (“PRC”) would be likely to lead to continuation or recurrence of dumping. The magnitude of the margins of dumping likely to prevail is indicated in the “Final Results of Sunset Review” section of this notice.

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

**FOR FURTHER INFORMATION CONTACT:** Lori Apodaca or Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4551 or (202) 482–5193, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 17, 2009, the Department published the AD order on circular welded austenitic stainless pressure pipe from the PRC.<sup>1</sup> On February 3, 2014, the Department published the notice of initiation of the sunset review of this AD order, pursuant to section 751(c) of the Act.<sup>2</sup> On February 14, 2014, pursuant to 19 CFR 351.218(d)(1), the Department received a timely and complete notice of intent to participate in the sunset review of the order from Bristol Metals LLC, Felker Brothers Corporation, and Outokumpu Stainless Pipe, Inc. (collectively “Domestic Producers”). On March 4, 2014, pursuant to 19 CFR 351.218(d)(3), Domestic Producers filed a timely and adequate substantive response. The

Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of this AD order.

**Scope of the Order**

The merchandise covered by this order is circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. This merchandise includes, but is not limited to, the American Society for Testing and Materials (ASTM) A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. ASTM A–358 products are only included when they are produced to meet ASTM A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A–554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A–249, ASTM A–688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A–269, ASTM A–270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005; 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also enter under HTSUS subheadings 7306.40.1010; 7306.40.1015; 7306.40.5042, 7306.40.5044,

7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only, the written description of the scope of this order is dispositive.

**Analysis of Comments Received**

A complete discussion of all issues raised in this sunset review is provided in the accompanying I&D Memorandum, which is hereby adopted by this notice.<sup>3</sup> The issues discussed in the I&D Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the order is revoked. The I&D 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”). Access to IA ACCESS is available to registered users at <http://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 I&D Memorandum can be accessed at <http://enforcement.trade.gov/frn/>. The signed I&D Memorandum and the electronic version of the I&D Memorandum are identical in content.

**Final Results of Sunset Review**

The Department determines that revocation of the AD order on circular welded austenitic stainless pressure pipe from the PRC would be likely to lead to continuation or recurrence of dumping, and magnitude of the margins of dumping likely to prevail are at the following rates:

Exporter and producer	Weighted-average margin (percent)
Zhejiang Jiuli Hi-Tech Metals Co., Ltd. Produced by: Zhejiang Jiuli Hi-Tech Metals Co., Ltd .....	10.53
PRC-Wide Entity—All Other Exporters and Producers .....	55.21

**Notification Regarding Administrative Protective Orders**

This notice also serves as the only reminder to parties subject to administrative protective orders (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR

351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective orders 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 these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

<sup>1</sup> See *Antidumping Duty Order: Circular Welded Austenitic Stainless Pressure Pipe from the People’s Republic of China*, 74 FR 11351 (March 17, 2009) (“*Antidumping Duty Order*”).

<sup>2</sup> See *Initiation of Five-Year (“Sunset”) Review*, 79 FR 6163 (February 3, 2014) (“*Sunset Initiation*”).

<sup>3</sup> See “Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Circular Welded Austenitic Stainless Pressure Pipe from the People’s Republic of China,” from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty

Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (“I&D Memorandum”).

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