

in connection with these preliminary results of review within five days after the date of publication of this notice.<sup>11</sup> Interested parties may submit case briefs not later than 30 days after the date of publication of this notice in the **Federal Register**.<sup>12</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>13</sup> Parties who submit case 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>14</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>15</sup>

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice.<sup>16</sup> Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, we intend to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.<sup>17</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case and rebuttal briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (i.e., 0.50 percent), we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR

351.212(b)(1).<sup>18</sup> We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis*. If a respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review where applicable.

Regarding entries of subject merchandise during the period of review that were produced by Maquilacero and Regiopytsa and for which they did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate of 3.76 percent, as established in the less-than-fair-value investigation, if there is no rate for the intermediate company(ies) involved in the transaction.<sup>19</sup> For a full discussion of this matter, see *Assessment Policy Notice*.<sup>20</sup>

In accordance with 19 CFR 356.8, we intend to issue liquidation instructions to CBP on or after 41 days after publication of the final results of this review.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently

completed segment of this proceeding in which they were reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 3.76 percent. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a 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.

#### Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: October 10, 2019.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

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

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination of No Shipments
- V. Companies Not Selected for Individual Examination
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

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#### DEPARTMENT OF COMMERCE

#### International Trade Administration

[C-570-955]

#### Certain Magnesia Carbon Bricks From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017

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

determined that Perfiles LM, S.A. de C.V. is the successor-in-interest to Perfiles y Herrajes).

<sup>11</sup> See 19 CFR 351.224(b).

<sup>12</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>13</sup> See 19 CFR 351.309(d)(1).

<sup>14</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>15</sup> See 19 CFR 351.303.

<sup>16</sup> See 19 CFR 351.310(c).

<sup>17</sup> See 19 CFR 351.310(d).

<sup>18</sup> In these preliminary results, Commerce applied the assessment rate calculation methodology adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>19</sup> See *Order*, 73 FR at 45405.

<sup>20</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

**SUMMARY:** The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain magnesia carbon bricks (magnesia carbon bricks) from the People's Republic of China (China) for the period of review January 1, 2017, through December 31, 2017 (POR).

**DATES:** Applicable October 17, 2019.

**FOR FURTHER INFORMATION CONTACT:** Gene H. Calvert, 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) 482-3586.

**SUPPLEMENTARY INFORMATION:**

**Background**

On September 11, 2018, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on magnesia carbon bricks from China for the POR.<sup>1</sup> On October 1, 2018, the Magnesia Carbon Bricks Fair Trade Committee (MC Bricks Committee) timely submitted a request to review the Companies Subject to Review, in accordance with 19 CFR 351.213(b).<sup>2</sup> No other party submitted a request for an administrative review of magnesia carbon bricks from China for the POR. On November 15, 2018, Commerce published in the **Federal Register** a notice of initiation of this administrative review.<sup>3</sup> In the *Initiation Notice*, we stated that in the event we limited the number of respondents for individual examination, we intended to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of magnesia carbon bricks from

China during the POR.<sup>4</sup> On December 4, 2018, we notified interested parties that CBP's database, which is comprised of actual U.S. entries of subject merchandise, indicated that there were no entries of magnesia carbon bricks from China that are subject to CVD duties with respect to the Companies Subject to Review during the POR.<sup>5</sup> Commerce solicited comments from interested parties on the CBP Entry Data.<sup>6</sup> On December 11, 2018 the MC Bricks Committee filed timely comments on the CBP Entry Data stating that Commerce should obtain CBP entry information for "Type-1" entries that were imported or exported by Fedmet and place that information on the record as Commerce did in the most-recently completed administrative review of magnesia carbon bricks from China.<sup>7</sup> On December 13, 2018, Fedmet and the Fengchi Companies each submitted timely certifications of no shipments, and they both requested that Commerce rescind the administrative review of the respective entities.<sup>8</sup> In its certification of no shipments, Fedmet stated that it is a U.S. importer and distributor of non-subject merchandise from China and an importer of various types of refractory bricks from non-subject sources.<sup>9</sup> Fedmet also requested that Commerce terminate this administrative review with respect to Fedmet, arguing that the MC Bricks Committee had no grounds to request an administrative review of Fedmet, and that Commerce has no lawful basis to conduct this review with respect to Fedmet.<sup>10</sup>

On June 28, 2019, Commerce requested that CBP confirm whether any shipments of magnesia carbon bricks from China entered the United States during the POR with respect to the Companies Subject to Review.<sup>11</sup> On this same day, CBP responded to

Commerce's inquiry and confirmed that there were no shipments of magnesia carbon bricks from China during the POR with respect to the Companies Subject to Review.<sup>12</sup> On September 12, 2019, Commerce issued a memorandum stating that it intended to rescind this administrative review based on the lack of suspended entries with respect to the Companies Subject to Review, and invited comments from interested parties.<sup>13</sup> No interested party commented on Commerce's intent to rescind this administrative review.

**Rescission of Review**

It is Commerce's practice to rescind an administrative review of a CVD order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.<sup>14</sup> Normally, upon completion of an administrative review, the suspended entries are liquidated at the assessment rate calculated for the review period.<sup>15</sup> Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry for which Commerce can instruct CBP to liquidate at the newly calculated assessment rate.<sup>16</sup> Based on our examination of the record, we continue to find that there is no evidence of reviewable entries, shipments, or U.S. sales of subject merchandise during the POR.<sup>17</sup> Accordingly, in the absence of suspended entries of subject merchandise during the POR for this administrative review, Commerce is rescinding this administrative review of the CVD order on magnesia carbon bricks from China, pursuant to 19 CFR 351.213(d)(3). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 83 FR 45888 (September 11, 2018).

<sup>2</sup> See Letter from the MC Bricks Committee, "Certain Magnesia Carbon Bricks from the People's Republic of China: Request for Administrative Review," dated October 1, 2018. The MC Bricks Committee is an ad hoc association comprised of three U.S. producers of magnesia carbon bricks: Resco Products, Inc.; Magnesita Refractories Company; and HarbisonWalker International, Inc. The Companies Subject to Review are: Fedmet Resources Corporation (Fedmet); Fengchi Imp. and Exp. Co., Ltd., Fengchi Imp. and Exp. Co., Ltd. of Haicheng City, Fengchi Mining Co., Ltd. of Haicheng City, and Fengchi Refractories Co., of Haicheng City (collectively, the Fengchi Companies); Liaoning Zhongmei High Temperature Material Co., Ltd.; Liaoning Zhongmei Holding Co., Ltd.; RHI Refractories Liaoning Co., Ltd.; Shenglong Refractories Co., Ltd.; Yingkou Heping Samwha Minerals, Co., Ltd.; and Yingkou Heping Sanhua Materials Co., Ltd.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 83 FR 57411 (November 15, 2018) (*Initiation Notice*).

<sup>4</sup> *Id.* at the section, "Respondent Selection."

<sup>5</sup> See Memorandum, "Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China; 2017: Release of U.S. Customs and Border Protection (CBP) Data for Respondent Selection," dated December 4, 2018 (CBP Entry Data).

<sup>6</sup> *Id.*

<sup>7</sup> See Letter from the MC Bricks Committee, "Certain Magnesia Carbon Bricks from the People's Republic of China: Comments on CBP Data Query," dated December 11, 2018.

<sup>8</sup> See Letter from Fedmet, "Magnesia Carbon Bricks from the People's Republic of China, Case No. C-570-955: No Shipments Certification," dated December 13, 2018 (Fedmet's Certification of No Shipments); see also Letter from the Fengchi Companies, "Magnesia Carbon Bricks from the People's Republic of China, Case No. C-570-955: No Shipments Certification," dated December 13, 2018.

<sup>9</sup> See Fedmet's Certification of No Shipments.

<sup>10</sup> *Id.*

<sup>11</sup> See CBP message no. 9179316, dated June 28, 2019.

<sup>12</sup> See Memorandum, "Certain magnesia carbon bricks from the People's Republic of China (China) (C-570-955)," dated July 2, 2019.

<sup>13</sup> See Memorandum, "Administrative Review of the Countervailing Duty Order on Certain Magnesia Carbon Bricks from the People's Republic of China: Intent to Rescind the 2017 Administrative Review," dated September 12, 2019 (Intent to Rescind Memorandum).

<sup>14</sup> See, e.g., *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review*; 2017, 84 FR 14650 (April 11, 2019); *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review*; 2015, 82 FR 14349 (March 20, 2017); and *Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review*, 81 FR 50683 (August 2, 2016).

<sup>15</sup> See 19 CFR 351.212(b)(2).

<sup>16</sup> See, e.g., *Certain Magnesia Carbon Bricks from the People's Republic of China: Rescission of Countervailing Duty Administrative Review*; 2016, 84 FR 22437 (May 17, 2019).

<sup>17</sup> See Intent to Rescind Memorandum.

date of publication of this notice in the **Federal Register**.

### 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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: October 8, 2019.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-867]

#### Large Power Transformers From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2017-2018

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that both Hyosung Heavy Industries Corporation (Hyosung) and Hyundai Electric & Energy Systems Co. (Hyundai) made sales of subject merchandise at less than normal value during the period of review (POR) August 1, 2017 through July 31, 2018. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable October 17, 2019.

**FOR FURTHER INFORMATION CONTACT:** Joshua DeMoss or John Drury, 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) 482-3362 or (202) 482-0195, respectively.

**SUPPLEMENTARY INFORMATION:**

### Background

Commerce initiated this review on October 4, 2018.<sup>1</sup> We selected two mandatory respondents in this review, Hyosung and Hyundai. On January 29, 2019, Commerce exercised its discretion to toll all deadlines affected by the partial closure of the Federal Government from December 22, 2018, through January 25, 2019.<sup>2</sup> On September 19, 2019, we extended the deadline for issuing the preliminary results of the review to October 9, 2019. For a more detailed description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice.<sup>3</sup>

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 to ACCESS is available to registered users at <http://access.trade.gov> and is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. A list of topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

### Scope of the Order

The scope of this order covers large liquid dielectric power transformers having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete.

The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 83 FR 50077 (October 4, 2018) (*Initiation Notice*).

<sup>2</sup> See Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Partial Shutdown of the Federal Government," dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

<sup>3</sup> See Memorandum, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Large Power Transformers from the Republic of Korea; 2017-2018" (Preliminary Decision Memorandum), dated concurrently with this notice.

United States at subheadings 8504.23.0040, 8504.23.0080 and 8504.90.9540. This tariff classification is provided for convenience and Customs purposes; however, the written description of the scope of the order is dispositive. For a complete description of the scope of the order, see the Preliminary Decision Memorandum.

### Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

### Facts Available

Pursuant to section 776(a) of the Act, Commerce is preliminarily relying upon facts otherwise available to assign an estimated weighted-average dumping margin to Hyundai in this review. Preliminarily, Commerce finds that Hyundai withheld necessary information that was requested by Commerce, significantly impeded the review, and provided information that could not be verified. Further, Commerce preliminarily determines that Hyundai failed to cooperate by not acting to the best of its ability to comply with requests for information and, thus, Commerce is applying adverse facts available (AFA) to Hyundai, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusions regarding the application of AFA, see the Preliminary Decision Memorandum.

### Rate for Non-Selected Companies

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle Corp. v. United States*,<sup>4</sup> we are applying to the non-selected companies the rate preliminarily applied to Hyosung in this administrative review.<sup>5</sup> This is the only rate determined in this review for individual respondents, and thus we are preliminarily applying it to the four non-selected companies. For a detailed

<sup>4</sup> See *Albemarle Corp. v. United States*, 821 F.3d 1345 (Fed. Cir. 2016).

<sup>5</sup> See, e.g., *Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4 1/2 Inches) from Japan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2014-2015*, 81 FR 45124, 45124 (July 12, 2016), unchanged in *Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4 1/2 Inches) from Japan: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014-2015*, 81 FR 80640, 80641 (November 16, 2016).