

MESSAGE NO: 0081306 MESSAGE DATE: 03/22/2010
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE: AFF-Affirmative
FR CITE: 75 FR 11517 FR CITE DATE: 03/11/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): A-201-837

EFFECTIVE DATE: 03/11/2010 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF A PRELIMINARY DETERMINATION IN AN ANTIDUMPING DUTY INVESTIGATION OF CERTAIN MAGNESIA CARBON BRICKS FROM MEXICO

1. ON 03/11/2010, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE AND POSTPONEMENT OF THE FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN MAGNESIA CARBON BRICKS FROM MEXICO (75 FR 11517).

2. THE MERCHANDISE UNDER INVESTIGATION CONSISTS OF CERTAIN CHEMICALLY BONDED (RESIN OR PITCH), MAGNESIA CARBON BRICKS WITH A MAGNESIA COMPONENT OF AT LEAST 70 PERCENT MAGNESIA (MGO) BY WEIGHT, REGARDLESS OF THE SOURCE OF RAW MATERIALS FOR THE MGO, WITH CARBON LEVELS RANGING FROM TRACE AMOUNTS TO 30 PERCENT BY WEIGHT, REGARDLESS OF ENHANCEMENTS (FOR EXAMPLE, MAGNESIA CARBON BRICKS CAN BE ENHANCED WITH COATING, GRINDING, TAR IMPREGNATION OR COKING, HIGH TEMPERATURE HEAT TREATMENTS, ANTI-SLIP TREATMENTS OR METAL CASING) AND REGARDLESS OF WHETHER OR NOT ANTIOXIDANTS ARE PRESENT (FOR EXAMPLE, ANTIOXIDANTS CAN BE ADDED TO THE MIX FROM TRACE AMOUNTS TO 15 PERCENT BY WEIGHT AS VARIOUS METALS, METAL ALLOYS, AND METAL CARBIDES). CERTAIN MAGNESIA CARBON BRICKS THAT ARE THE SUBJECT OF THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 6902.10.10.00, 6902.10.50.00, 6815.91.00.00, AND 6815.99 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). WHILE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-201-837.

4. FOR IMPORTS OF CERTAIN MAGNESIA CARBON BRICKS FROM MEXICO, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 03/11/2010. EFFECTIVE 03/11/2010,

CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS FOR THE PRODUCER AND/OR EXPORTER LISTED IN THE COMPANY-DETAILS TABLE APPENDED TO THE BOTTOM OF THIS MESSAGE.

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER CURRENTLY HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE 'ALL OTHERS' RATE OF 54.73 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O2: TKS).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

ALICE J. BUCHANAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-201-837-000	54.73%	M		All-Others
A-201-837-001	54.73%	E		RHI-Refmex S.A. de C.V.
A-201-837-001	54.73%	M		RHI-Refmex S.A. de C.V.