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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-954, C-570-955]

Certain Magnesia Carbon Bricks from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping and Countervailing Duty Orders

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

SUMMARY: In response to a request from the Magnesia Carbon Bricks Fair Trade Committee (the Committee) (the requester), the U.S. Department of Commerce (Commerce) is initiating a country-wide circumvention inquiry to determine whether imports of certain refractory bricks containing alumina in an amount greater than zero but less than five percent by weight (bricks with trace alumina) from the People's Republic of China (China) are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on certain magnesia carbon bricks (Bricks) from China.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Justin Enck or Cassie Graham, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1614 or (202) 482-2159, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 2026, pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(j), the requester[1] filed a circumvention inquiry request alleging that bricks with trace alumina produced in China and exported to the United States constitute

[1] The Committee is an *ad hoc* association of the following U.S. producers of Bricks: Magnesita Refractories Company; HarbisonWalker International, Inc.; and Resco Products, Inc.

merchandise altered in form or appearance in minor respects that is circumventing the AD and CVD orders on bricks from China[2] and, accordingly, should be included within the scope of the *Orders*.[3]

On October 1, 2026, FRC Global, Inc. (FRC Global) filed comments on the adequacy of the Circumvention Request.[4] On October 6, 2026, the requester filed rebuttal comments in response to FRC Global's comments.[5] On October 8, 2026, Commerce officials met with counsel to the requester to discuss the Circumvention Request.[6]

On October 9, 2026, Commerce issued a supplemental questionnaire to the requester.[7] On October 15, 2026, the requester filed its response to Commerce's requests for additional information.[8] On October 19, 2026, Commerce extended the initiation deadline by 15 days, in accordance with 19 CFR 351.226(d)(1).[9]

Scope of the *Orders*

The scope of the *Orders* includes 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

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[2] *See Certain Magnesia Carbon Bricks from Mexico and the People's Republic of China: Antidumping Duty Orders*, 75 FR 57257 (September 20, 2010); *see also Certain Magnesia Carbon Bricks from the People's Republic of China: Countervailing Duty Order*, 75 FR 57442 (September 21, 2010) (collectively, *Orders*).
[3] *See* Requester's Letter, "Request for Circumvention Inquiry Pursuant to Section 781(c) of the Tariff Act of 1930 and 19 C.F.R. § 351.226," dated September 21, 2026 (Circumvention Request).
[4] *See* FRC Global's Letter, "Comments in Opposition to Initiation of Anticircumvention Inquiry," dated October 1, 2026.
[5] *See* Requester's Letter, "Response to Comments and Factual Information of FRC Global," dated October 6, 2026.
[6] *See* Memorandum, "Meeting with Counsel to the Magnesia Carbon Bricks Fair Trade Committee," dated October 9, 2026.
[7] *See* Commerce's Letter, "Circumvention Inquiry Request Supplemental Questionnaire," dated October 9, 2026.
[8] *See* Requester's Letter, "Response to Supplemental Questionnaire," dated October 15, 2026.
[9] *See* Memorandum, "Extension of Circumvention Inquiry Initiation Deadline," dated October 19, 2026.

weight as various metals, metal alloys, and metal carbides). For a full description of the scope of the *Orders*, *see* the Circumvention Initiation Checklist.[10]

Merchandise Subject to the Circumvention Inquiry

The circumvention inquiry covers certain chemically bonded (resin or pitch) refractory bricks having a magnesia component of at least 70 percent magnesia (MgO) by weight and carbon levels ranging from trace amounts to 30 percent by weight, and containing alumina (Al_2O_3) in an amount greater than zero but less than five percent by weight upon importation, produced in China and exported to the United States. X-ray diffraction should be used to determine the amount of aluminum oxide under such condition that aluminum oxide would not be created from aluminum during the analysis.

Initiation of Circumvention Inquiry

Section 351.226(d)(1)(iii) of Commerce's regulations states that if Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce "will accept the request and initiate a circumvention inquiry." Section 351.226(c)(1) of Commerce's regulations, in turn, requires that each circumvention inquiry request allege "that the elements necessary for a circumvention determination under section 781 of the Act exist" and be "accompanied by information reasonably available to the interested party supporting these allegations." The requester alleged circumvention pursuant to section 781(c) of the Act (merchandise altered in form or appearance in minor respects).

Section 781(c)(1) of the Act provides that the class or kind of merchandise subject to an AD or CVD order shall include articles that have been "altered in form or appearance in minor respects . . . whether or not included in the same tariff classification." Section 781(c)(2) of the Act provides an exception that section 781(c)(1) of the Act "shall not apply with respect to altered merchandise if the administering authority determines that it would be unnecessary to

[10] *See* Checklist, "Certain Magnesia Carbon Bricks from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Circumvention Initiation Checklist), at Attachment I.

consider the altered merchandise within the scope of the {order}." Concerning the allegation of minor alterations under section 781(c) of the Act and 19 CFR 351.226(j), Commerce may consider criteria including, but not limited to: (1) the overall physical characteristics of the merchandise; (2) the expectations of the ultimate users; (3) the use of the merchandise; (4) the channels of marketing; and (5) the cost of any modification relative to the total value of the imported products.

In accordance with 19 CFR 351.226(m)(2), for companion AD and CVD proceedings, "the Secretary will initiate and conduct a single inquiry with respect to the product at issue for both orders only on the record of the antidumping proceeding." Further, once "the Secretary issues a final circumvention determination on the record of the AD proceeding, the Secretary will include a copy of that determination on the record of the CVD." Accordingly, once Commerce concludes this circumvention inquiry, Commerce intends to place its final circumvention determination on the record of the companion CVD proceeding.

Analysis

Based on our analysis of the requester's circumvention inquiry request and supplemental response, we determine that it has satisfied the criteria under 19 CFR 351.226(c), and thus, pursuant to 19 CFR 351.226(d)(1)(iii), we are initiating the requested circumvention inquiry. For a full discussion of the basis for our decision to initiate the circumvention inquiry, *see* the Circumvention Initiation Checklist. As explained in the Circumvention Initiation Checklist, the information provided by the requester warrants initiating the circumvention inquiry on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.[11]

Consistent with the approach in the prior circumvention inquiries that were initiated on a country-wide basis, Commerce intends to solicit information from certain companies in China

[11] *See, e.g.*, *Hydrofluorocarbon Blends from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty Order*, 88 FR 74150 (October 30, 2023).

concerning their production of bricks with trace alumina and their shipments thereof to the United States.

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), Commerce will notify U.S. Customs and Border Protection (CBP) of this initiation and direct CBP to continue the suspension of liquidation of entries of products subject to the circumvention inquiry that were already subject to the suspension of liquidation under the *Orders* and to apply the cash deposit rates that would be applicable if the products were determined to be covered by the scope of the *Orders*.

Should Commerce issue an affirmative preliminary or final circumvention determination, Commerce will follow the suspension of liquidation rules under 19 CFR 351.226(l)(2)-(4). In the event that Commerce issues an affirmative preliminary or final circumvention determination that the products are circumventing the *Orders*, Commerce will instruct CBP to continue the suspension of liquidation of previously suspended entries and to apply the applicable cash deposit rate. Commerce will also instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the notice of initiation of the circumvention inquiry pursuant to 19 CFR 351.226(l)(2)(ii) and (l)(3)(ii). In addition, pursuant to 19 CFR 351.226(l)(2)(iii)(A) and (l)(3)(iii)(A), Commerce may instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, prior to the date of initiation of the circumvention inquiry, but not for such entries prior to November 4, 2021, the effective date of these provisions in the *Final Rule*.[12] These rules will not affect CBP's authority to take any additional action with respect to the suspension of liquidation or related measures for these entries, as stated in 19 CFR 351.226(l)(5).

[12] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300, 52345 (September 20, 2021) (*Final Rule*).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(c) of the Act, Commerce determines that the requester's request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of the circumvention inquiry to determine whether bricks with trace alumina are circumventing the *Orders*. In addition, we have included a description of the products that are subject to this inquiry, and an explanation of Commerce's decision to initiate the inquiry is provided in the accompanying Circumvention Initiation Checklist.[13]

In accordance with 19 CFR 351.226(e)(1), unless the circumvention inquiry is rescinded, in whole or in part, or extended, Commerce intends to issue its preliminary circumvention determination no later than 150 days from the date of publication of the notice of initiation of this circumvention inquiry in the *Federal Register*. Furthermore, in accordance with section 781(f) of the Act and 19 CFR 351.226(e)(2), unless the circumvention inquiry is rescinded, in whole or in part, or extended, Commerce intends to issue its final determination within 300 days from the date of publication of the notice of initiation of the circumvention inquiry in the *Federal Register*.

This notice is published in accordance with section 781(c) of the Act and 19 CFR 351.226(d)(1)(iii).

Dated: November 5, 2026.

Scot Fullerton,
Acting Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations.
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[13] *See* Circumvention Initiation Checklist.