

MESSAGE NO: 3113301 MESSAGE DATE: 04/23/2013
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC NON-PUBLIC
SUB-TYPE: AFF-Affirmative
FR CITE: 78 FR 22843 FR CITE DATE: 04/17/2013

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-929

EFFECTIVE DATE: 06/25/2012 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 affirmative preliminary determination of circumvention of the antidumping duty order on small diameter graphite electrodes from the People's Republic of China (A-570-929)

1. On 04/17/2013, Commerce published in the Federal Register its notice of affirmative preliminary determination of circumvention of the antidumping duty order on small diameter graphite electrodes from the People's Republic of China ("PRC") (78 FR 22843).

2. Scope of the antidumping duty order

The merchandise covered by the order includes all small diameter graphite electrodes of any length, whether or not finished, of a kind used in furnaces, with a nominal or actual diameter of 400 millimeters (16 inches) or less, and whether or not attached to a graphite pin joining system or any other type of joining system or hardware. The merchandise covered by the order also includes graphite pin joining systems for small diameter graphite electrodes, of any length, whether or not finished, of a kind used in furnaces, and whether or not the graphite pin joining system is attached to, sold with, or sold separately from, the small diameter graphite electrode. Small diameter graphite electrodes and graphite pin joining systems for small diameter graphite electrodes are most commonly used in primary melting, ladle metallurgy, and specialty furnace applications in industries including foundries, smelters, and steel refining operations. Small diameter graphite electrodes and graphite pin joining systems for small diameter graphite electrodes that are subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8545.11.0010 (see Footnote 1), 3801.10 (see Footnote 2), and 8545.11.0020 (see Footnote 3). The HTSUS numbers are provided for convenience and customs purposes, but the written description of the scope is dispositive.

Footnote 1: The scope described in the order refers to the HTSUS subheading 8545.11.0000. We note that, starting in 2010, imports of small diameter graphite electrodes are classified in the HTSUS under subheading 8545.11.0010 and imports of large diameter graphite electrodes are classified under subheading 8545.11.0020.

Footnote 2: See Small Diameter Graphite Electrodes From the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order, 77 FR 47596
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(August 9, 2012).

Footnote 3: The merchandise discussed in paragraphs 3 through 6, below, is likely to enter under this subheading.

3. Scope of the circumvention inquiry

The merchandise subject to this antidumping circumvention inquiry are graphite electrodes from the PRC, produced and/or exported by Sinosteel Jilin Carbon Co., Ltd. and/or Jilin Carbon Import & Export Company (collectively, Jilin Carbon), Beijing Fangda Carbon-Tech Co., Ltd. and/or Fangda Carbon New Material Co., Ltd. (collectively, Fangda Carbon), and Fushun Jinly Petrochemical Carbon (Fushun Jinly), with diameters between 16 inches and 18 inches and otherwise meeting the description of the scope of the order as listed in paragraph 2 above.

4. Commerce has preliminarily determined that imports of certain graphite electrodes from the PRC, produced and/or exported by Jilin Carbon, that have an actual or nominal diameter of 17 inches and otherwise meeting the description of the scope of the order as listed in paragraph 2 above are subject to the antidumping order on small diameter graphite electrodes from the PRC.

5. For imports of certain graphite electrodes from the PRC, produced and/or exported by Jilin Carbon, that have an actual or nominal diameter of 17 inches and otherwise meeting the description of the scope of the order as listed in paragraph 2 above, entered, or withdrawn from warehouse, for consumption on or after 06/25/2012, CBP shall suspend liquidation of such shipments. In addition, CBP shall require for such entries, a cash deposit at the rate applicable for the antidumping duty order with respect to Jilin Carbon.

6. Entries of certain graphite electrodes from the PRC, produced and/or exported by Jilin Carbon, that have an actual or nominal diameter of 17 inches and otherwise meeting the requirements of the scope of the order as listed in paragraph 2 above, entered, or withdrawn from warehouse, for consumption on or after 06/25/2012, which are set for liquidation need to be unset immediately.

7. If there are any questions by the importing public regarding this message, please contact the call center for the office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (Generated by O1:TES).

8. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

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