

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

Investigation No. 731-TA-1143 (Preliminary)

SMALL DIAMETER GRAPHITE ELECTRODES FROM CHINA

DETERMINATION

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of small diameter graphite electrodes,² provided for in subheading 8545.11.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

COMMENCEMENT OF FINAL PHASE INVESTIGATION

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the *Federal Register* as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

BACKGROUND

On January 17, 2008, a petition was filed with the Commission and Commerce by SGL Carbon LLC, Charlotte, NC and Superior Graphite Co., Chicago, IL, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of small diameter graphite electrodes from China. Accordingly, effective January 17, 2008, the Commission instituted antidumping duty investigation No. 731-TA-1143 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of January 25, 2008 (73 FR 4627). The conference was held in Washington, DC, on February 7, 2008, and all persons who requested the opportunity were permitted to appear in person or by counsel.

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² Chairman Daniel R. Pearson and Commissioner Dean A. Pinkert made affirmative determinations based on a reasonable indication that an industry in the United States is threatened with material injury by reason of subject imports of small diameter graphite electrodes from China that are alleged to be sold in the United States at less than fair value.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on March 3, 2008. The views of the Commission are contained in USITC Publication 3985 (March 2008), entitled *Small Diameter Graphite Electrodes from China*: Investigation No. 731-TA-1143 (Preliminary).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

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