

of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (2) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of \$2.63 per kilogram; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice serves as a final 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to the 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 notification of the 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 these results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: September 10, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

The following companies are not eligible for separate rate status in this administrative review and are considered part of the PRC-wide Entity:

1. Ahcof Industrial Development Corp., Ltd.
2. Alfred L. Wolff (Beijing) Co., Ltd.

3. Anhui Changhao Import & Export Trading
4. Anhui Honghui Import & Export Trade Co., Ltd.
5. Anhui Cereals Oils and Foodstuffs I/E (Group) Corporation
6. Anhui Hundred Health Foods Co., Ltd.
7. Anhui Native Produce Imp & Exp Corp.
8. Anhui Time Tech Co., Ltd.
9. APM Global Logistics (Shanghai) Co.
10. Baiste Trading Co., Ltd.
11. Cheng Du Wai Yuan Bee Products Co., Ltd.
12. Chengdu Stone Dynasty Art Stone
13. Damco China Limited Qingdao Branch
14. Dongtai Peak Honey Industry Co., Ltd.
15. Eurasia Bee's Products Co., Ltd.
16. Feidong Foreign Trade Co., Ltd.
17. Fresh Honey Co., Ltd. (formerly Mgl. Yun Shen)
18. Golden Tadco Int'l
19. Hangzhou Golden Harvest Health Industry Co., Ltd.
20. Hangzhou Tienchu Miyuan Health Food Co., Ltd.
21. Haoliluck Co., Ltd.
22. Hengjide Healthy Products Co. Ltd.
23. Hubei Yusun Co., Ltd.
24. Inner Mongolia Altin Bee-Keeping
25. Inner Mongolia Youth Trade Development Co., Ltd.
26. Jiangsu Cereals, Oils Foodstuffs Import Export (Group) Corp.
27. Jiangsu Kanghong Natural Healthfoods Co., Ltd.
28. Jiangsu Light Industry Products Imp & Exp (Group) Corp.
29. Jilin Province Juhui Import
30. Maersk Logistics (China) Company Ltd.
31. Nefelon Limited Company
32. Ningbo Shengye Electric Appliance
33. Ningbo Shunkang Health Food Co., Ltd.
34. Ningxia Yuehai Trading Co., Ltd.
35. Product Source Marketing Ltd.
36. Qingdao Aolan Trade Co., Ltd.
37. QHD Sanhai Honey Co., Ltd.
38. Qinhuangdao Municipal Dafeng Industrial Co., Ltd.
39. Renaissance India Mannite
40. Shaanxi Youthsun Co., Ltd.
41. Shanghai Bloom International Trading Co., Ltd.
42. Shanghai Foreign Trade Co., Ltd.
43. Shanghai Hui Ai Mal Tose Co., Ltd.
44. Shanghai Luyuan Import & Export
45. Shine Bal Co., Ltd.
46. Sichuan-Dujiangyan Dubao Bee Industrial Co., Ltd.
47. Sichuan Hasten Imp Exp. Trading Co., Ltd.
48. Silverstream International Co., Ltd.
49. Sunnice Honey
50. Suzhou Aiye IE Trading Co., Ltd.
51. Suzhou Shanding Honey Product Co. Ltd.
52. Tianjin Weigeda Trading Co., Ltd.
53. Wanxi Haohua Food Co., Ltd.
54. Wuhan Shino-Food Trade Co., Ltd.
55. Wuhu Anjie Food Co., Ltd.
56. Wuhu Deli Foods Co. Ltd.
57. Wuhu Fenglian Co., Ltd.
58. Wuhu Haoyikuai I & E Co.
59. Wuhu Haoyikuai Import & Export Co., Ltd.
60. Wuhu Haoyikuai Food Products Co., Ltd.
61. Wuhu Qinshi Tangye
62. Wuhu Qinshi Tangye Co., Ltd.
63. Wuhu Xinrui Bee-Product Co., Ltd.

64. Xinjiang Jinhui Food Co., Ltd.
65. Youngster International Trading Co., Ltd.
66. Zhejiang Willing Foreign Trading Co.

[FR Doc. 2013-22477 Filed 9-13-13; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-909]

Certain Steel Nails From the People's Republic of China: Preliminary Results of the Fourth Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("Department") is conducting the fourth administrative review of the antidumping duty order on certain steel nails ("nails") from the People's Republic of China ("PRC").¹ The Department has preliminarily determined that sales have been made below normal value ("NV") by the respondents examined during the period of review ("POR"), August 1, 2011, through July 31, 2012. If these preliminary results are adopted in the final results, the Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* September 16, 2013.

FOR FURTHER INFORMATION CONTACT:

Javier Barrientos or Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202-482-2243 or 202-482-2312, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the order are currently classified under the Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 7317.00.55, 7317.00.65 and 7317.00.75. While the HTSUS subheadings are provided for convenience and customs

¹ See *Notice of Antidumping Duty Order: Certain Steel Nails From the People's Republic of China*, 73 FR 44961 (August 1, 2008).

purposes, the written description of the scope of the order is dispositive.

For a full description of the scope, *see* “Certain Steel Nails From the People’s Republic of China: Decision Memorandum for the Preliminary Results of the 2011–2012 Antidumping Duty Administrative Review,” dated concurrently with this notice (“Preliminary Decision Memorandum”).

Methodology

The Department has conducted these reviews in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (“Act”). Constructed export prices and export prices have been calculated in accordance with section 772 of the Act. Because the PRC is a

nonmarket economy (“NME”) within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, which is dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (“IA ACCESS”). IA ACCESS is available to registered users at <http://iaaccess.trade.gov>, and is available to all

parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period August 1, 2011, through July 31, 2012:

Exporter	Weighted-average margin (percent)
(1) Stanley ²	22.90
(2) JISCO ³	43.45
(3) Cana (Tianjin) Hardware Industrial Co., Ltd	26.41
(4) Chieeh Yung Metal Ind. Corp.	26.41
(5) China Staple Enterprise (Tianjin) Co., Ltd	26.41
(6) Dezhou Hualude Hardware Products Co., Ltd	26.41
(7) Hebei Cangzhou New Century Foreign Trade Co., Ltd	26.41
(8) Huanghua Jinhai Hardware Products Co., Ltd	26.41
(9) Huanghua Xionghua Hardware Products Co., Ltd	26.41
(10) Nanjing Yuechang Hardware Co., Ltd	26.41
(11) Qingdao D&L Group Ltd	26.41
(12) SDC International Australia Pty., Ltd	26.41
(13) Shandong Dinglong Import & Export Co., Ltd	26.41
(14) Shandong Oriental Cherry Hardware Group Co., Ltd	26.41
(15) Shandong Oriental Cherry Hardware Import and Export Co., Ltd	26.41
(16) Shanghai Curvet Hardware Products Co., Ltd	26.41
(17) Shanghai Yueda Nails Industry Co., Ltd	26.41
(18) Shanxi Hairui Trade Co., Ltd	26.41
(19) Shanxi Pioneer Hardware Industrial Co., Ltd	26.41
(20) Shanxi Tianli Industries Co., Ltd	26.41
(21) S-Mart (Tianjin) Technology Development Co., Ltd	26.41
v22) Suntec Industries Co., Ltd	26.41
(23) Suzhou Xingya Nail Co., Ltd	26.41
(24) Tianjin Jinchai Metal Products Co., Ltd	26.41
(25) Tianjin Jinghai County Hongli Industry & Business Co., Ltd	26.41
(26) Tianjin Lianda Group Co., Ltd	26.41
(27) Tianjin Universal Machinery Imp & Exp Corporation	26.41
(28) Tianjin Zhonglian Metals Ware Co., Ltd	26.41
(29) Xi'an Metals & Minerals Import and Export Co., Ltd	26.41
(30) Zhejiang Gem-Chun Hardware Accessory Co., Ltd	26.41
PRC-Wide Rate	118.04

Disclosure, Public Comment and Opportunity To Request a Hearing

The Department intends to disclose the calculations used in our analysis to parties in these reviews within five days

of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties are invited to comment on the preliminary results of this review. However, we plan to issue post-preliminary supplemental questionnaires and, therefore, will be extending the case brief deadline. The Department will inform interested parties of the updated briefing schedule when it has been confirmed.⁴ Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be

filed within five days after the time limit for filing case briefs.⁵ Parties who submit arguments are requested to submit with the argument (a) a statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.⁶ Parties submitting briefs should do so pursuant to the Department’s electronic filing system, IA ACCESS.

Any interested party may request a hearing within 30 days of publication of

² The Stanley Works (Langfang) Fastening Systems Co., Ltd. (“Stanley Langfang”), and Stanley Black & Decker, Inc. (“SBD”) (collectively, “Stanley”).

³ Qingdao JISCO Co., Ltd. and ECO System Corporation (d/b/a JISCO Corporation) (collectively, “JISCO”).

⁴ See 19 CFR 351.309(c)(1)(ii).

⁵ See 19 CFR 351.309(d)(1)–(2).

⁶ See 19 CFR 351.309(c)(2), (d)(2).

this notice.⁷ Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.⁸

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

Deadline for Submission of Publicly Available Surrogate Value Information

In accordance with 19 CFR 351.301(c)(3)(ii), the deadline for submission of publicly available information to value the factors of production under 19 CFR 351.408(c) is 20 days after the date of publication of the preliminary results. In accordance with 19 CFR 351.301(c)(1), if an interested party submits factual information less than 10 days before or on the applicable deadline for submission of such factual information, an interested party may submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department generally will not accept in the rebuttal submission additional or alternative surrogate value ("SV") information not previously on the record, if the deadline for submission of SV information has passed.⁹ Furthermore, the Department generally will not accept business proprietary information in either the SV submissions or the rebuttals thereto, as the regulation regarding the submission of SVs allows only for the submission of publicly available information.¹⁰ Finally, for each piece of factual information submitted with SV rebuttal comments, the interested party must provide a written explanation of what information that is already on the record of the ongoing proceeding that the

factual information is rebutting, clarifying, or correcting.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.¹¹ The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For assessment purposes, the Department applied the assessment rate calculation method 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). For any individually examined respondent whose weighted average dumping margin is above *de minimis* (i.e., 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation.¹² Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific *ad valorem* is zero or *de minimis*, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹³ For the respondents that were not selected for individual examination in this administrative review and that qualified for a separate rate, the assessment rate will be based on the average of the mandatory respondents.¹⁴ We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate.

The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during the administrative review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter

had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (i.e., at that exporter's rate) will be liquidated at the PRC-wide rate.¹⁵

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these reviews for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that established in the final results of these reviews (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary 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 the POR. 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.

This preliminary determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

⁷ See 19 CFR 351.310(c).

⁸ See 19 CFR 351.310(d).

⁹ See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission*, in Part, 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

¹⁰ See 19 CFR 351.301(c)(3).

¹¹ See 19 CFR 351.212(b).

¹² See 19 CFR 351.212(b)(1).

¹³ See 19 CFR 351.106(c)(2).

¹⁴ See Preliminary Decision Memorandum.

¹⁵ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

Dated: September 3, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Case History
2. Scope of the Order
3. Preliminary Determination of No Shipments
4. Non-Market Economy Country Status
5. Separate Rates
6. Separate Rate Calculation for Companies Not Individually Examined
7. PRC-Wide Entity
8. Facts Available
9. Surrogate Country and Surrogate Value Data
10. Date of Sale
11. Determination of Comparison Method
12. Results of the Differential Pricing Analysis
13. Comparisons to Normal Value
14. U.S. Price
15. Normal Value
16. Factor Valuations
17. Currency Conversion

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-929]

Small Diameter Graphite Electrodes From the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order and Rescission of Later-Developed Merchandise Anticircumvention Inquiry

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) determines that imports from the People's Republic of China (PRC) of graphite electrodes, produced and/or exported by Sinosteel Jilin Carbon Co., Ltd. and Jilin Carbon Import & Export Company (collectively, Jilin Carbon), with an actual or nominal diameter of 17 inches, and otherwise meeting the description of in-scope merchandise, constitute merchandise altered in form or appearance in such minor respects that it should be included within the scope of the *Order*, pursuant to section 781(c) of the Tariff Act of 1930, as amended (the Act).¹

DATES: *Effective Date:* September 16, 2013.

¹ See *Antidumping Duty Order: Small Diameter Graphite Electrodes From the People's Republic of China*, 74 FR 8775 (February 26, 2009) (*Order*).

FOR FURTHER INFORMATION CONTACT:

Thomas Schauer or Minoo Hatten, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone: (202) 482-0410, and (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 17, 2013, the Department published in the *Federal Register* the affirmative *Preliminary Determination* that graphite electrodes produced and/or exported by Jilin Carbon, with an actual or nominal diameter of 17 inches, and otherwise meeting the description of in-scope merchandise, constitute merchandise altered in form or appearance in such minor respects that it should be included within the scope of the *Order*, pursuant to section 781(c) of the Act.²

On May 15, 2013, and May 17, 2013, SGL Carbon LLC and Superior Graphite Co. (Petitioners), Jilin Carbon, and Ceramark Technology, Inc. (Ceramark) filed case briefs.³ On May 22, 2013, Petitioners filed a rebuttal brief.⁴

On June 27, 2013, we initially contacted U.S. International Trade Commission (ITC) staff via telephone to discuss our preliminary affirmative circumvention determination⁵ and on August 2, 2013, we formally notified the ITC of our *Preliminary Determination*.⁶ On August 16, 2013, the ITC sent a letter in reply.⁷

Scope of the Antidumping Duty Order

The merchandise subject to the order is small diameter graphite electrodes.

² See *Small Diameter Graphite Electrodes From the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order and Intent To Rescind Later-Developed Merchandise Circumvention Inquiry*, 78 FR 22843 (April 17, 2013) (*Preliminary Determination*).

³ See Petitioners' case brief dated May 17, 2013, Jilin Carbon's case brief dated May 17, 2013, and Ceramark's case brief dated May 15, 2013.

⁴ See Petitioners' rebuttal brief dated May 22, 2013.

⁵ See Memorandum to the file, "Circumvention Inquiry of the Antidumping Duty Order on Small Diameter Graphite Electrodes From the People's Republic of China: Informal Telephone Consultation With the International Trade Commission" (August 2, 2013).

⁶ See Letter to Irving A. Williamson, Chairman, U.S. International Trade Commission, "Small Diameter Graphite Electrodes From the People's Republic of China: Notification of Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order" (August 2, 2013).

⁷ See Letter from Lisa R. Barton, "Small Diameter Graphite Electrodes From China, Commerce Anticircumvention Inquiry A-570-929" (August 16, 2013).

The small diameter graphite electrodes subject to the order is currently classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 8545.11.0010,⁸ 3801.10,⁹ and 8545.11.0020.¹⁰ The HTSUS subheadings are provided for convenience and customs purposes. A full description of the scope of the order is contained in the Issues and Decision Memorandum, which is hereby adopted by this notice. The written description is dispositive.

The Issues and Decision Memorandum is a public document and is on file electronically *via* Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Anticircumvention Inquiry

The merchandise subject to this anticircumvention inquiry consists of graphite electrodes from the PRC, produced and/or exported by Jilin Carbon, Beijing Fangda Carbon-Tech Co., Ltd. and Fangda Carbon New Material Co., Ltd., and Fushun Jinly Petrochemical Carbon, with diameters

⁸ The scope described in the *Order* refers to the HTSUS subheading 8545.11.0000. Petitioners have informed the Department 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. See Letter from Petitioners, "Small Diameter Graphite Electrodes: Request for Scope/Circumvention Ruling" (April 5, 2012) at 5.

⁹ HTSUS subheading 3801.10 was added to the scope of the *Order* based on a determination in a prior anticircumvention proceeding. 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 (August 9, 2012).

¹⁰ We have added this HTSUS subheading in order to capture the merchandise subject to this inquiry. See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, "Anticircumvention Inquiry Regarding the Antidumping Duty Order on Small Diameter Graphite Electrodes From the People's Republic of China: Issues and Decision Memorandum for the Final Determination of the Anticircumvention Inquiry" dated concurrently with this notice (Issues and Decision Memorandum) at Comment 2.