

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-929]

**Small Diameter Graphite Electrodes From the People's Republic of China: Extension of Time Limit for the Final Results of the First Administrative Review of the Antidumping Duty Order**

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

**DATES:** *Effective Date:* June 21, 2011.

**FOR FURTHER INFORMATION CONTACT:** Frances Veith or Lindsey Novom, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4295 or (202) 482-5256, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On March 30, 2010, the Department of Commerce ("the Department") initiated the administrative review of the antidumping duty order on small diameter graphite electrodes from the People's Republic of China ("PRC") for the period August 21, 2008, through January 31, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 75 FR 15679 (March 30, 2010). The preliminary results of this review were published on March 7, 2011. *See Small Diameter Graphite Electrodes From the People's Republic of China: Preliminary Results of the First Administrative Review of the Antidumping Duty Order; Partial Rescission of Administrative Review; and Intent To Rescind Administrative Review, in Part*, 76 FR 12325 (March 7, 2011). The final results of this review are currently due by July 5, 2011.

**Statutory Time Limits**

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to make a final determination in an administrative review within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the 120-day period to 180 days for the final results.

**Extension of Time Limit of Final Results**

We determine that it is not practicable to complete the final results of this

review within the original time limit because the Department requires additional time to analyze issues raised in post-preliminary factual submissions concerning respondents' U.S. sales databases, case briefs, and rebuttal briefs. Therefore, the Department is extending the time limit for completion of the final results by 60 days. An extension of 60 days from the current deadline of July 5, 2011, would result in a new deadline of September 3, 2011. However, since September 3, 2011, falls on a Saturday, a non-business day, the final results will now be due no later than September 6, 2011, the next business day. *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: June 14, 2011.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

## International Trade Administration

**Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor**

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

**ACTION:** Announcement for change in methodology.

**SUMMARY:** This notice addresses the methodology used by the Department of Commerce ("the Department") to value the cost of labor in non-market economy ("NME") countries. After reviewing all comments received on the Department's interim, industry-specific wage calculation methodology that is currently applied in NME antidumping proceedings, the Department has determined that the *single* surrogate-country approach is best. In addition, the Department has decided to use International Labor Organization ("ILO") Yearbook Chapter 6A as its primary source of labor cost data in NME antidumping proceedings.

**FOR FURTHER INFORMATION CONTACT:**

Christopher Mutz, (202) 482-0235, Office of Policy, Import Administration, Julia Hancock, (202) 482-1394, Office of

Antidumping and Countervailing Duty Operations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****Background**

Section 733(c) of the Tariff Act of 1930, as amended ("the Act"), provides that the Department will value the factors of production ("FOP") in NME cases using the best available information regarding the value of such factors in a market economy ("ME") country or countries considered to be appropriate by the administering authority. The Act requires that when valuing FOP, the Department utilize, to the extent possible, the prices or costs of factors of production in one or more ME countries that are (1) At a comparable level of economic development, and (2) significant producers of comparable merchandise. *See* section 773(c)(4) of the Act.

Previously, the Department used regression-based wages that captured the worldwide relationship between *per capita* Gross National Income ("GNI") and hourly manufacturing wages pursuant to 19 CFR 351.408(c)(3).<sup>1</sup> However, on May 14, 2010, the Court of Appeals for the Federal Circuit ("CAFC"), in *Dorbest Ltd. v. United States*, 604 F.3d 1363, 1372 (Fed. Cir. 2010) ("*Dorbest*"), invalidated 19 CFR 351.408(c)(3). As a consequence of the CAFC's ruling in *Dorbest*, the Department no longer relies on the wage rate methodology described in its regulations.

In July 2010, the Department adopted an interim wage calculation methodology that averages wages across countries that are both economically comparable and significant producers of merchandise comparable to the subject merchandise.<sup>2</sup> In October 2010, the Department modified this interim methodology to limit the averaging to industry-specific wage rates.<sup>3</sup>

<sup>1</sup> The Department's regulations at 19 CFR 351.408(c)(3) provided that: For labor, the Secretary will use regression-based rates reflective of the observed relationship between wages and national income in market economy countries. The Secretary will calculate the wage rate to be applied in nonmarket economy proceedings each year. The calculation will be based on current data, and will be made available to the public.

<sup>2</sup> *See Certain Woven Electric Blankets From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 75 FR 38459 (July 2, 2010) ("*Blankets From the PRC*") and accompanying Issues and Decision Memorandum at Comment 13.

<sup>3</sup> Between July 2010 and October 2010, the Department implemented an interim wage rate methodology that reflected a simple average of national wage rates from countries found to meet