

EXPLANATION OF COMMISSION DETERMINATIONS ON ADEQUACY

in

*Certain Steel Concrete Reinforcing Bar from Belarus, China,
Indonesia, Korea, Latvia, Moldova, Poland, and Ukraine*

Inv. Nos. 873-875, 877-880 and 882 (Review)

On November 6, 2006, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. §1675(c)(3)(B).

The Commission unanimously determined that the domestic interested party group response to the notice of institution was inadequate in these reviews. The Commission received responses to the notice of institution filed jointly on behalf of the Rebar Trade Action Coalition, a trade association comprised of domestic producers Nucor Corp., Commercial Metals Co., and Gerdau Ameristeel Corp., and two other domestic producers, Cascade Steel Inc., and TAMCO Steel (collectively “domestic interested parties”). However, domestic interested parties failed to provide individual production or association data as required by the notice of institution and Commission Rule 207.62(a) in their joint response and did not respond to a subsequent request by the Commission to remedy this deficiency. The Commission therefore determined that the domestic interested party individual responses and group response were inadequate.

The Commission received an adequate individual response from the following respondent interested parties: Republican Unitary Enterprise (“Byelorussian Steel Works”), a producer of steel concrete reinforcing bar (“rebar”) in Belarus; Joint Stock Co. Liepajas Metalurgs, a producer of rebar in Latvia; JSCC Moldova Steel Works, a producer of rebar in Moldova; and Mittal Steel Kryvij Rih, a producer and exporter of rebar in Ukraine. Each of these respondent interested parties accounted for a significant share of the production of subject merchandise in their respective countries. Therefore, the Commission found that the respondent interested party group responses were adequate with respect to the orders on rebar from Belarus, Latvia, Moldova, and Ukraine.

The Commission did not receive a response from any respondent interested parties in the reviews concerning subject imports from China, Indonesia, Korea, and Poland. It therefore determined that the respondent interested party group response for these countries was not adequate.

Although the Commission found that the domestic interested parties group response was inadequate in these reviews and that the respondent interested parties group response from China, Indonesia, Korea, and Poland were inadequate, it found that other circumstances warranted conducting full reviews. Specifically, there is a question of whether appropriate circumstances exist to conduct a regional industry analysis in these reviews. The Commission also noted that, while the domestic interested parties’ individual responses were inadequate, producers accounting for a significant share of domestic production expressed their willingness to participate in these reviews by providing information to the Commission. Finally, with respect to China, Indonesia, Korea, and Poland, the Commission voted to conduct full reviews

concerning subject imports from these countries to promote administrative efficiency in light of the Commission's determination to conduct full reviews of orders on subject imports from the other four countries in these grouped reviews. Therefore, the Commission unanimously voted to conduct full reviews in these group reviews.

A record of the Commissioners' votes is available from the Office of the Secretary and at the Commission's web site (www.usitc.gov).