

STATEMENT
COMMISSIONER CAROL T. CRAWFORD
MELAMINE FROM JAPAN
INV. NO. AA1921-162 (Review)
November 5, 1998

I have determined that aggregate respondent and domestic interested party responses to the Commission's Notice of Institution in Melamine from Japan; Inv. No. AA1921-162(Review) are inadequate. Furthermore, I have determined that this case should proceed to an expedited Sunset review. This statement provides a brief explanation of my decisions.

Respondent Interested Party Responses

None of the known Japanese producers of melamine responded to the Notice. No other respondent interested party responded to the Notice with the exception of one importer. Taiyo America, Inc. is a specialty U.S. importer that in 1997 imported only 1,829 pounds of a unique, small particle size grade of melamine that, according to Taiyo America, no U.S. producer can supply. There is conflicting information regarding the level of total subject imports from Japan and therefore uncertainty regarding the share of total imports represented by this one importer. However, even if imports by Taiyo America represented a large share of subject imports, I do not find that the single response by Taiyo America, which imports only a unique specialty product, indicates a sufficient willingness among respondent interested parties to participate in the Commission review process or an adequate indication that they will submit information requested throughout the proceeding. Circumstances may exist where adequate responses from importers accounting for a significant portion of subject imports would represent an adequate overall response from "respondent" interested parties. In this

review, however, I find the aggregate response by respondent interested parties to be inadequate.

Domestic Interested Party Responses

One domestic interested party, a producer, (Melamine Chemicals, Inc. (“MCI”)) responded. It submitted a response that I find to be individually adequate. However, it represents a minority of domestic production. The only other domestic producer did not respond. Moreover, the non-responding domestic producer likely has different interests since it is jointly owned by a foreign firm, it reportedly has a different cost structure, and it captively consumes some of its production. These facts lead me to find that the response by MCI does not by itself indicate a sufficient willingness among domestic interested parties to participate in the Commission review process or an adequate indication that they will submit information requested throughout the proceeding. Therefore, I find the aggregate response by domestic interested parties to be inadequate.

Expedited Review

Given the inadequate aggregate responses from both respondent and domestic interested parties, I determine that this review should be expedited. Uncertainties regarding the quality of information we have received, and whether it is “sufficient” to make a well-grounded final determination, are inherent in inadequate responses. However, these uncertainties do not provide a sound basis for proceeding to a costly and time-consuming full review.