

EXPLANATION OF COMMISSION DETERMINATIONS ON ADEQUACY

in

Sparklers From China, Investigation No. 731-TA- 464 (Review)

On October 1, 1999, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Tariff Act Of 1930, as amended (19 U.S.C. §1675(c)(5)).¹

Regarding domestic interested parties, the Commission received responses from two domestic producers, Diamond Sparkler Company, which supports the continuation of the antidumping duty order, and Elkton Sparkler Company (“Elkton”), which seeks the revocation of the antidumping duty order against China. Together these two producers account for all 1998 U.S. production of sparklers. Regarding respondent interested parties, the Elkton response also states that Elkton is an importer of the subject merchandise from China. The Commission did not receive a response from any other respondent interested party.²

The Commission determined that the domestic interested party group response was adequate. Because no respondent interested party other than Elkton responded to the notice of institution in the review, and Elkton accounts for only a *de minimis* share of the subject imports, the Commission determined that the respondent interested party group response was inadequate.³ However, the Commission determined to exercise its discretion to conduct a full review based upon information received from the parties regarding structural changes taking place in the U.S. industry.

¹ Chairman Bragg and Commissioner Crawford dissented from the decision to conduct a full review and determined that the Commission should conduct an expedited review.

² Commissioner Crawford determined that Elkton is not a respondent interested party. Elkton did not specifically file its response to the notice of institution as an importer of the subject merchandise. In addition, Elkton has provided particular information and data in its response that establishes its role as a U.S. producer of sparklers. Although Elkton reports that its is an importer subject merchandise, omissions of critical data, as well as specific information provided by Elkton, support a conclusion that Elkton is not an importer of subject merchandise. Thus, Commissioner Crawford determined that the Commission did not receive a respondent interested party response to its notice of institution.

³ As previously noted, Commissioner Crawford determined that the Commission did not receive a respondent interested party response to its notice of institution. Therefore, she determined that the respondent interested party group response was inadequate.

