

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Pure Magnesium from China

Inv. No. 731-TA-895 (Review)

On January 5, 2007, the Commission determined that it should conduct an expedited 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

The Commission received a response to its notice of institution from US Magnesium LLC, a domestic producer of pure magnesium. The Commission determined that this response was individually adequate. The Commission also determined that the domestic interested party group response was adequate.² The Commission received no response from any respondent interested party and determined that the respondent interested party group response was inadequate. In the absence of an adequate respondent interested party group response, or any other circumstances that warranted a full review, the Commission determined to conduct an expedited review.

A record of the Commissioners' votes is available from the Office of the Secretary and the Commission's web site (<http://www.usitc.gov>).

¹ Chairman Pearson and Commissioner Okun voted to conduct a full review in order to reconsider the like product definition.

² In her determination in the original investigation, Commissioner Hillman defined the domestic like product as granular pure magnesium (the Commission majority found a broader like product consisting of both granular and ingot pure magnesium). Therefore, she defined the domestic industry to be producers of granular pure magnesium (the Commission majority defined the domestic industry to include producers of granular pure magnesium and producers of ingot pure magnesium). In this review, no domestic producer of granular pure magnesium responded to the Commission's Notice of Institution. Therefore, Commissioner Hillman found an inadequate domestic interested party group response as well as an inadequate respondent interested party group response and voted for an expedited review.