

## EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

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### *Cut-to-Length Carbon Steel Plate from China, Russia, South Africa, and Ukraine* Investigations. Nos. 731-TA-753-756 (Review)

On December 9, 2002, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)(5)). The Commission, in consultation with the Department of Commerce, grouped these reviews because they involve similar domestic like products.<sup>1</sup>

With regard to each of the reviews, the Commission determined that the domestic interested party group response to the notice of institution was adequate and the respondent interested party group response was adequate.

Regarding domestic interested parties, the Commission received adequate responses containing company specific information from Bethlehem Steel Corp., United States Steel Corp., IPSCO Steel Inc., and Nucor Corp. These companies account for a significant share of U.S. production of cut-to-length (“CTL”) carbon steel plate. With regard to respondent interested parties, the Commission received adequate responses containing company specific information from Wuyang Iron and Steel Co., Ltd., a producer and exporter of CTL carbon steel plate in China; Shanghai Baosteel Group Corp., a producer and exporter of CTL carbon steel plate in China; China Iron & Steel Industry & Trade Group Corp. (“China Steel”), on behalf of its subsidiary, China Metallurgical Import and Export Liaoning Co. (“China Metallurgical”), an exporter of CTL carbon steel plate in China;<sup>2 3 4</sup> Anshan Iron & Steel Group Corp., a

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<sup>1</sup> See 19 U.S.C. § 1675(c)(5)(D); 63 Fed. Reg. 29372, 29374 (May 29, 1998).

<sup>2</sup> Chairman Okun, Vice Chairman Hillman, and Commissioner Miller found that the response filed by China Steel on behalf of its subsidiary, China Metallurgical, contained the information requested in the notice of institution and was an adequate response on behalf of China Metallurgical for purposes of this adequacy determination. They note that China Steel’s submission contained a certification of completeness and accuracy pursuant to Commission rule 207.3. On the facts of this case, they found that the submission provided: (1) adequate assurance that the data supplied was accurate, and (2) a sufficient expression of willingness to participate in a full investigation.

<sup>3</sup> Commissioner Bragg notes that in response to a request for additional information, counsel for China Steel stated that “China Steel is a trading company and has never produced or exported the subject merchandise to the United States.” *Supplemental Information Filed by White & Case in Letter dated November 8, 2002*. Counsel for China Steel further stated that China Steel’s subsidiary, *i.e.*, China Metallurgical, has exported subject merchandise to the United States; in addition, China Steel stated that China Metallurgical “will respond to the Commission’s questionnaire” and that China Steel intends to participate in the review investigation on behalf of China Metallurgical. *See id.* However, China Metallurgical itself did not certify that the information being submitted was accurate and complete to the best of its knowledge, as required by Commission rule 207.3.

Commissioner Bragg has determined in previous review investigations that a third party may file a response to the Commission’s notice of institution on behalf of an interested party. *See* Explanation of Commission Determinations on Adequacy at 1 n.5 (June 1999) in *Fresh Cut Flowers from Ecuador and Mexico*, Inv. Nos. 731-TA-331 and 333 (Review); *Standard Carnations from Chile*, Inv. Nos. 701-TA-276 (Review) and 731-TA-328 (Review); and *Pompom Chrysanthemums from Peru*, Inv. No. 303-TA-18 (Review). In order for a submission filed by a third party on behalf of an interested party to be deemed individually adequate, however, Commissioner Bragg has required that the interested party itself must certify that the information being submitted is accurate and complete to the best of the interested party’s knowledge, just as if the interested party had filed the submission itself. *See id.*; *see also* Commission rule 207.3. Because China Metallurgical itself did not submit the requisite

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producer and exporter of CTL carbon steel plate in China; and Wuhan Iron and Steel Group Co., a producer and exporter of CTL carbon steel plate in China. These companies account for a significant share of Chinese production and Chinese exports to the United States of CTL carbon steel plate. The Commission received adequate responses containing company specific information from JSC Severstal, a producer and exporter of CTL carbon steel plate in Russia, as well as Severstal Inc. and Severstal Trade, Inc., U.S. importers of the subject merchandise from Russia. These companies account for a significant share of Russian production and Russian exports to the United States of CTL carbon steel plate, as well as U.S. imports of the subject merchandise. The Commission received an adequate response containing company specific information from Highveld Steel and Vanadium Corp. Ltd., a producer and exporter of CTL carbon steel plate in South Africa; Iscor, Ltd., a producer and exporter of CTL carbon steel plate in South Africa; and Newco Steel Trading, a U.S. importer of the subject merchandise from South Africa. These companies account for a significant share of South African production and South African exports to the United States of CTL carbon steel plate, as well as U.S. imports of the subject merchandise. The Commission received adequate responses containing company specific information from JSC Azovstal Iron & Steel Works and JSC Ilich Iron & Steel Works, producers and exporters of CTL carbon steel plate in Ukraine. These companies account for a significant share of Ukrainian production and Ukrainian exports to the United States of CTL carbon steel plate.

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

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<sup>3</sup> (...continued)

certification as provided for in the notice of institution (67 Fed. Reg. 56311, 56312 (Sept. 3, 2002)) and in conformance with Commission rule 207.3, Commissioner Bragg finds the response filed by China Steel on behalf of China Metallurgical to be individually inadequate.

<sup>4</sup> Commissioner Koplan found the response on behalf of China Metallurgical to be individually inadequate because China Metallurgical itself did not submit the requisite certification as required by the notice of institution and Commission rule 207.3.