

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Pure Magnesium from China
Inv. No. 731-TA-696 (Third Review)

On September 6, 2011, the Commission determined that it should proceed to an expedited review in the subject five-year review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3)(B).¹

The Commission received one response from a U.S. producer of magnesium, US Magnesium LLC (“US Mag”). The Commission determined that the individual response of US Mag was adequate. The Commission also determined that the domestic interested party group response was adequate given that US Mag accounts for a substantial majority of domestic production.

The Commission received a response to the notice of institution from Tianjin Magnesium International Co., Ltd. (“TMI”), an exporter of pure magnesium from China. The Commission determined that TMI’s individual response was adequate. The Commission also determined that the respondent interested party group response was inadequate, notwithstanding the individually adequate response of TMI. We note that TMI was not an exporter of subject merchandise to the United States in 2010, and did not, and apparently cannot, provide information on subject producers in China. As we stated when promulgating final rules for the conduct of five-year reviews, “[w]hen interested parties do not show a sufficient willingness to participate in a review and to submit requested information, conducting a full review may not be an efficient exercise of the resources of either the Commission or the parties. That a single domestic interested party or respondent interested party has filed an adequate response to the notice of institution is not *per se* sufficient indication that either pertinent group of interested parties as a whole is interested in a full review. 63 Fed. Reg. 30599, 30603 (June 5, 1998). The Commission also stated that, in assessing respondent group adequacy, the Commission would examine “responding parties’ share . . . of subject imports or foreign production or exports to the United States of the subject merchandise . . . for the most recent calendar year.” *Id.* Accordingly, the Commission determined to proceed to 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 Commissioner Pinkert is not participating in this review.