

UNITED STATES INTERNATIONAL TRADE COMMISSION

HOT ROLLED STEEL PRODUCTS FROM CHINA, INDIA, INDONESIA,  
KAZAKHSTAN, THE NETHERLANDS, ROMANIA, SOUTH AFRICA, TAIWAN,  
THAILAND, AND UKRAINE PRODUCT

Investigations Nos. 701-TA-405-408 (Final) and 731-TA-899-904 and 906-908 (Final)

DETERMINATION AND VIEWS OF THE COMMISSION  
(USITC Publication No. 3468, November 2001)

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### DETERMINATIONS

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1671d(b) and 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from India, Indonesia, South Africa, and Thailand of hot rolled steel products, provided for in subheadings 7208.10.15, 7208.10.30, 7208.10.60, 7208.25.30, 7208.25.60, 7208.26.00, 7208.27.00, 7208.36.00, 7208.37.00, 7208.38.00, 7208.39.00, 7208.40.60, 7208.53.00, 7208.54.00, 7208.90.00, 7211.14.00, 7211.19.15, 7211.19.20, 7211.19.30, 7211.19.45, 7211.19.60, and 7211.19.75,<sup>2</sup> of the Harmonized Tariff Schedule of the United States (HTS), that have been found by the Department of Commerce to be subsidized by the Governments of India, Indonesia, South Africa, and Thailand, respectively.

The Commission also determines, pursuant to section 735(b) of the Act (19 U.S.C. § 1673d(b)), that an industry in the United States is materially injured by reason of imports from China, India, Indonesia, Kazakhstan, Netherlands, Romania, Taiwan, Thailand, and Ukraine of hot rolled steel products, provided for in the HTS subheadings listed above, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

### BACKGROUND

The Commission instituted these investigations effective November 13, 2000, following receipt of a petition filed with the Commission and Commerce on behalf of Bethlehem Steel Corp.; Gallatin Steel Co.; IPSCO Steel, Inc.; LTV Steel Co., Inc.; National Steel Corp.; Nucor Corp.; Steel Dynamics, Inc.; U.S. Steel Group of USX Corp.; Weirton Steel Corp; and the labor union representing the organized workers at Weirton Steel Corp. known as the Independent Steelworkers Union. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of hot rolled steel products from China, India, Indonesia, Kazakhstan, the Netherlands, Romania,

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<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

<sup>2</sup> Certain hot-rolled flat-rolled carbon-quality steel covered by these investigations, including vacuum degassed fully stabilized, high strength low alloy, and the substrate for motor lamination steel, may also enter under the following tariff numbers: 7225.11.00, 7225.19.00, 7225.30.30, 7225.30.70, 7225.40.70, 7225.99.00, 7226.11.10, 7226.11.90, 7226.19.10, 7226.19.90, 7226.91.50, 7226.91.70, 7226.91.80, and 7226.99.00. Subject merchandise may also enter under 7210.70.30, 7210.90.90, 7211.14.00, 7212.40.10, 7212.40.50, and 7212.50.00.

South Africa, Taiwan, Thailand, and Ukraine were being subsidized and/or sold at LTFV within the meaning of sections 703(b) and 733(b) of the Act (19 U.S.C. § 1671b(b) and 1673b(b)). Notice of the scheduling of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of May 10, 2001 (66 FR 23950). The hearing was held in Washington, DC, on July 17, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on November 13, 2001. The views of the Commission are contained in USITC Publication 3468 (November 2001), entitled "Hot Rolled Steel Products from China, India, Indonesia, Kazakhstan, the Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine: Investigations Nos. 701-TA-405-408 (Final) and 731-TA-899-904 and 906-908 (Final)."

## VIEWS OF THE COMMISSION

Based on the record in the final phase of these investigations, we determine that an industry in the United States is materially injured by reason of imports of hot-rolled steel products from India, Indonesia, South Africa, and Thailand that have been found by the Department of Commerce (“Commerce”) to be subsidized and by reason of imports of hot-rolled steel products from China, India, Indonesia, Kazakhstan, Netherlands, Romania, Taiwan, Thailand, and Ukraine that Commerce has found to be sold in the United States at less than fair value (“LTFV”).

### **I. THE COMMISSION ADOPTS THE VIEWS STATED IN *HOT ROLLED STEEL PRODUCTS FROM ARGENTINA AND SOUTH AFRICA***

The instant investigations arose out of a group of simultaneously filed petitions that also included the petitions for our recently completed investigations regarding subsidized imports from Argentina and LTFV imports from Argentina and South Africa. We were required to issue our determination in the investigations of subsidized imports from Argentina and LTFV imports from Argentina and South Africa<sup>1</sup> in August 2001 because Commerce issued its final determinations in those investigations earlier than it did in the current investigations. Under section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), we are required to make our determinations in the instant investigations on the same record as that of the determinations regarding subsidized imports from Argentina and LTFV imports from Argentina and South Africa, except that the record in these investigations also includes Commerce’s final determinations in these investigations and the parties’ final comments concerning the significance of those determinations.<sup>2</sup> The record in these investigations is otherwise identical to that in the investigations regarding subsidized imports from Argentina and LTFV imports from Argentina and South Africa. Therefore, in these investigations, we adopt the findings and analysis in our determinations regarding subsidized imports from Argentina and LTFV imports from Argentina and South Africa for like product, domestic industry, related parties, negligibility, cumulation, material injury, conditions of competition, and captive production.

With respect to the injury analysis, we note that Commerce modified the dumping margins somewhat from its preliminary determinations.<sup>3</sup> The changes to the margins do not alter our conclusion that the domestic industry producing hot-rolled steel is materially injured by reason of cumulated subject imports.<sup>4</sup>

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<sup>1</sup> Hot Rolled Steel Products from Argentina and South Africa, Inv. Nos. 701-TA-404 (Final) and 731-TA-898 and 905 (Final), USITC Pub. 3446 (August 2001).

<sup>2</sup> 19 U.S.C. § 1677(7)(G)(iii).

<sup>3</sup> Commerce published its final countervailing duty determinations, finding margins as follows: India, 8.32 percent to 31.94 percent; Indonesia, 10.21 percent; South Africa, 0.45 percent to 6.37 percent; and Thailand, 2.38 percent. CR at I-2-I-3. Commerce published its final antidumping duty determinations, finding margins as follows: China, 64.20 percent to 90.83 percent; India, 29.35 percent to 43.07 percent; Indonesia, 47.86 percent; Kazakhstan, 243.46 percent; Netherlands, 2.59 percent; Romania, 16.88 percent to 88.62 percent; Taiwan, 20.28 percent to 29.14 percent; Thailand, 4.44 percent to 20.30 percent; and Ukraine, 90.33 percent. CR at I-2-I-3.

<sup>4</sup> Commissioner Bragg notes that she does not ordinarily consider the magnitude of the margin of dumping to be of particular significance in evaluating the effects of subject imports on the domestic producers. See Separate and Dissenting Views of Commissioner Lynn M. Bragg in Bicycles from China, Inv. No. 731-TA-731 (Final), USITC (continued...)

## CONCLUSION

For the foregoing reasons, we determine that an industry in the United States is materially injured by reason of imports of hot-rolled steel products from India, Indonesia, South Africa, and Thailand that are subsidized and by imports of hot-rolled steel products from China, India, Indonesia, Kazakhstan, Netherlands, Romania, Taiwan, Thailand, and Ukraine that are sold at less than fair value.

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<sup>4</sup> (...continued)

Pub. 2968 (June 1996); Anhydrous Sodium Sulfate from Canada, Inv. No. 731-TA-884 (Preliminary), USITC Pub. 3345 (Sept. 2000) at 11, n.63.