

UNITED STATES INTERNATIONAL TRADE COMMISSION

STRUCTURAL STEEL BEAMS FROM KOREA
Investigations Nos. 701-TA-401 and 731-TA-854 (Final)

DETERMINATION AND VIEWS OF THE COMMISSION
(USITC Publication No. 3326, August 2000)

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigations Nos. 701-TA-401 (Final) and 731-TA-854 (Final)

CERTAIN STRUCTURAL STEEL BEAMS FROM KOREA

DETERMINATIONS

On the basis of the record¹ 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 injured² or threatened with material injury³ by reason of imports from Korea of certain structural steel beams, provided for in subheadings 7216.32.00, 7216.33.00, 7216.50.00, 7216.61.00, 7216.69.00, 7216.91.00, 7216.99.00, 7228.70.30, and 7228.70.60 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be subsidized by the Government of Korea and sold in the United States at less than fair value (LTFV).

BACKGROUND

The Commission instituted these investigations effective July 7, 1999, following receipt of petitions filed with the Commission and the Department of Commerce by Northwestern Steel & Wire Co., Sterling, IL; Nucor-Yamato Steel Co., Blytheville, AR; TXI-Chaparral Steel Co., Midlothian, TX; and The United Steelworkers of America AFL-CIO, Pittsburgh, PA. The final phase of the investigations was scheduled by the Commission following notification of a preliminary determination by the Department of Commerce that imports of certain structural steel beams from Korea were being sold in the United States at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)).⁴ 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 March 1, 2000 (65 FR 11092). The hearing was held in Washington, DC, on April 25, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

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

² Vice Chairman Deanna Tanner Okun, Commissioner Marcia A. Miller, and Commissioner Jennifer A. Hillman find that an industry in the United States is materially injured.

³ Chairman Stephen Koplan, Commissioner Lynn M. Bragg, and Commissioner Thelma J. Askey find that an industry in the United States is threatened with material injury. Further, Chairman Koplan and Commissioners Bragg and Askey determine, under sections 705(b)(4)(B) and 735(b)(4)(B) of the Act (19 U.S.C. 1671d(b)(4)(B) and 19 U.S.C. 1673d(b)(4)(B)), that they would not have made affirmative material injury determinations but for the suspension of liquidation.

⁴ Commerce made a preliminary negative determination regarding subsidies on subject imports from Korea. The Commission noted that in the event Commerce made an affirmative final determination regarding subsidies, the final phase of the Commission's countervailing duty investigation would be activated. Commerce's final determination regarding subsidized imports was affirmative, thus activating the final phase of the Commission's countervailing duty investigation.

IEWS OF THE COMMISSION

Based on the record in these investigations, we find that an industry in the United States is materially injured or threatened with material injury by reason of imports of structural steel beams from Korea that are subsidized and sold in the United States at less than fair value (“LTFV”).⁵

ADOPTION OF VIEWS IN CERTAIN STRUCTURAL STEEL BEAMS FROM JAPAN

The instant investigations arose out of a group of simultaneously filed petitions that also included the petition for the Commission’s recently completed investigation of structural steel beams from Japan.⁶ We were required to issue our determination in the investigation of structural steel beams from Japan in June 2000 because Commerce issued its final determination in that investigation earlier than it did in the current investigations. We cumulated subject imports from Japan and Korea in making our determination with respect to subject imports from Japan. Under section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), we are required to make our material injury determinations in the instant investigations on the same record as that of the determination regarding imports from Japan, 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.⁷ The record in these investigations is otherwise identical to that in the investigation regarding imports from Japan. Therefore, in these investigations, we adopt the findings and analyses in our determination and views regarding imports from Japan for domestic like product, domestic industry, cumulation, material injury, and threat of material injury.

With respect to the material injury and threat of material injury analyses, we note that Commerce modified the dumping margins and net subsidy rates somewhat from its preliminary determinations.⁸ The changes to the margins do not alter our conclusion that the domestic industry producing structural

⁵ Vice Chairman Okun, Commissioner Miller, and Commissioner Hillman find that an industry in the United States is materially injured by reason of subsidized and LTFV imports of structural steel beams from Korea. Chairman Koplun, Commissioner Bragg, and Commissioner Askey find that an industry in the United States is threatened with material injury by reason of subsidized and LTFV imports of structural steel beams from Korea.

⁶ *Certain Structural Steel Beams from Japan*, Inv. No. 731-TA-853 (Final), USITC Pub. 3308 (June 2000).

⁷ 19 U.S.C. §1677(7)(G)(iii). See also Memorandum INV-X-155 (July 7, 2000), reflecting Commerce’s antidumping margins and subsidy rates for Korea.

⁸ Commerce’s preliminary dumping margins for the Korean producers were 14.95 percent *ad valorem* for Inchon, 47.55 percent *ad valorem* for Kangwon, and 30.30 percent *ad valorem* for all others. 65 Fed. Reg. 6984, 6991 (February 11, 2000). Commerce’s final antidumping duty margins were 25.51 percent *ad valorem* for Inchon, 49.73 percent *ad valorem* for Kangwon, and 37.72 percent *ad valorem* for all others. 65 Fed. Reg. 41437, 41439 (July 5, 2000). Commerce preliminarily determined that no countervailable subsidies were being provided to the production or exportation of structural steel beams in Korea, finding the total estimated net countervailable subsidy rates to be *de minimis*: 0.35 percent *ad valorem* for Inchon, 0.80 percent *ad valorem* for Kangwon, and 0.93 percent *ad valorem* for DSM. 64 Fed. Reg. 69731, 69741 (December 14, 1999). In its final determination, however, Commerce determined that the total estimated net subsidy rates were 0.15 percent *ad valorem* for Inchon, 3.88 percent *ad valorem* for Kangwon, 1.34 percent *ad valorem* for DSM, and 3.87 percent *ad valorem* for all others and, thus, that the rates for Korean producers other than Inchon were more than *de minimis*. 65 Fed. Reg. 41051, 41052 (July 3, 2000).

steel beams is materially injured or threatened with material injury by reason of cumulated subject imports from Japan and Korea.⁹

CONCLUSION

For the foregoing reasons, we determine that the domestic industry producing structural steel beams is materially injured or threatened with material injury by reason of subsidized and/or LTFV imports of structural steel beams from Korea.

⁹ 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 domestic producers. See Separate and Dissenting Views of Commissioner Lynn M. Bragg in *Bicycles from China*, Inv. No. 731-TA-731 (Final), USITC Pub. 2968 (June 1996).