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January 23, 2009

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VIA HAND/ELECTRONIC MAIL DELIVERY

Assistant Secretary for Import Administration
Central Records Unit
Room 1870
U.S. Department of Commerce
14th Street & Pennsylvania Ave. NW.
Washington, DC 20230

Re: *Comments on the Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations*

Dear Assistant Secretary:

On behalf of Nucor Corporation (“Nucor”), a domestic steel producer, we submit the following comments in response to the Department of Commerce’s (“Department”) publication of its interim final rule to withdraw the regulatory provisions governing targeted dumping in antidumping duty investigations.¹ As discussed in more detail below, targeted dumping is an important issue that presents significant implications for domestic steel producers. Nucor supports the Department’s withdrawal of its regulatory provisions governing targeted dumping in antidumping duty investigations, but wants the Department to develop an

¹ Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations, 73 Fed. Reg. 74,930 (Dep’t Commerce Dec. 10, 2008) (“Targeted Dumping Withdrawal Notice”); *See also* Withdrawal of the Regulatory Provisions Governing Targeted Dumping in Antidumping Duty Investigations; Extension of Time to Comment, 74 Fed. Reg. 2,059 (Dep’t Commerce January 14, 2009) (extending the deadline for comments until January 23, 2009).



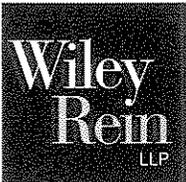
approach that will allow for the use of the targeted dumping procedures in appropriate cases.

In recent years, there have been many instances of foreign producers selling their products at dumped prices to particular purchasers, to particular regions, or at particular periods of time. Targeted dumping is injurious wherever and whenever it occurs. With each case of targeted dumping, the steel industry, a vital sector of the U.S. economy, suffers significant import-induced economic injury. For these very reasons, many U.S. trading partners, most notably the European Union, have implemented procedures to address targeted dumping in a flexible and reasonable manner.

Despite the prevalence of targeted dumping and the injury that these actions cause, the Department's approach to targeted dumping thus far has been ineffective. As the Department concedes, "Until recently, there have been very few allegations or findings of targeted dumping. This situation has caused the Department to question whether, in the absence of any practical experience, it established an appropriate balance of interests in the provisions."² Nucor concurs that the current regulatory provisions governing targeted dumping act "to deny relief to domestic industries suffering material injury from unfairly traded imports."³

² *See id.*

³ *Id.*



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Given the need for a more reasonable approach to addressing targeted dumping and the ineffectiveness of the Department's current system, Nucor strongly supports the Department's removal of its regulatory provisions governing targeted dumping. Targeted dumping is a serious issue that requires a serious Departmental response. By withdrawing its current provisions, Nucor is confident that the Department will gain a valuable opportunity "to analyze extensively the concept of targeted dumping and develop a meaningful practice" to effectively address this critical issue.⁴

Sincerely,

A handwritten signature in black ink, appearing to read "Alan H. Price", with a long horizontal flourish extending to the right.

Alan H. Price
Timothy C. Brightbill

Counsel to Nucor Corporation