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Case No. A-823-812
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§ 751(b) Changed-Circumstances Administrative Review
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DELIVERY BY HAND

Secretary of Commerce
U.S. Department of Commerce
Attn: Import Administration
Central Records Unit, Room 1870
14th Street and Constitution Avenue, N.W.
Washington, DC 20230

Attn: Mr. Lawrence Norton; Ms. Shauna Lee-Alaia

Re: Carbon and Certain Alloy Steel Wire Rod From Ukraine

Dear Mr. Secretary:

On behalf of Gerdau Ameristeel, Keystone Consolidated Industries, Inc., and ISG Georgetown Inc., Petitioners in the underlying investigation and domestic producers of carbon and certain alloy steel wire rod ("Petitioners"), and in accordance with the Department's January 18, 2006 notice of opportunity to submit additional comments in this review, 71 Fed. Reg. 2994 (Jan. 18, 2006), we present the following rebuttal to the comment concerning Ukraine's status as a non-market economy country that were filed on January 25, 2006.¹ We also respond to

¹ Comments were presented to the Department January 25, 2006 by the undersigned, and by the American Iron & Steel Institute, the Ukrainian Association of Ferrous Metallurgy Enterprises, and R&J Trading Company.

comments that were published on the Department's Internet site on January 25, 2006, but that were presented to the Department prior to date.²

The latest supplemental comments continue to support a determination that Ukraine's status as a non-market economy country should not be changed. The submissions from Motorola, GE, ADM, American Chamber of Commerce in Ukraine, P&G, AES, Cargill and the Ukraine-United States Business Council are anecdotal in nature. They provide no evidence or analysis of the statutory criteria on which the Department's determination must be based. 19 U.S.C. § 1677(18)(B). To the extent they have any place on this record, they cannot serve as the basis for a substantive, fact-based determination.

The submission from the Ukrainian Association of Metallurgical Enterprises ("UAME") is slightly more substantive but still fails to overcome the ample evidence already on the record

² Specifically, on January 25, 2006, the Department posted seven sets of comments that were filed before the Department's January 18, 2006 notice, when the record was closed. See Letter from Ukraine-United States Business Council (Dec. 8, 2005); Letter from United Technologies (Dec. 12, 2005); Letter from The PBM Company (Dec. 29, 2005); Letter from Motorola Ukraine (Jan. 4, 2006); Letter from Proctor & Gamble (Jan. 4, 2006); Letter from General Electric Company (Jan. 6, 2006); Letter from Archer Daniela Midland Company (Jan. 9, 2006); Letter from American Chamber of Commerce in Ukraine (Jan. 10, 2006). These comments were filed when the record in this matter was closed, and were never served on interested parties as required by the Department's regulations. 19 C.F.R. § 351.303(f). Thus, pursuant to 19 C.F.R. § 351.302(d), because no request for extension of time was sought or granted, the Secretary is required to remove these submissions from the record and return them to the presenting parties. See *id.* Section 351.302(d) is mandatory in nature, and does not permit the Secretary to unilaterally accept these submissions nunc pro tunc.

Two other undated letters, from AES Corporation and from Cargill Ukraine, were posted by the Department on its Internet site on January 25, 2006. It is impossible to determine when they were submitted, however, because they were not served on interested parties and because there is no trace of them in the Department's public record. By all appearances these also were presented to the Department when the record was closed, and must be removed and returned to the submitters.

supporting continuation of Ukraine's non-market economy status. The EBRD report upon which UAME relies has been discussed in earlier submissions in this review, and does not support a determination that Ukraine is a market economy country. The news articles that UAME presents similarly fail to overcome the record evidence supporting continuation of Ukraine's status as a non-market economy country; they simply do not provide evidence or analysis supporting a finding of market economy status.

In contrast to these comments, the comments presented by R&J Trading Company International provide a far more accurate description of the state of Ukraine's economy. The asset stripping and subsequent failures of the Ukrainian legal system experienced by R&J highlights the fundamental problems that continue to exist in Ukraine and that serve as continued obstacles to the development of a market-based economy. The experience of this company reflects the real and continued challenges facing Ukraine as it attempts to transform itself into a market economy country, and is consistent with the substantial record evidence requiring continuation of Ukraine's status as a non-market economy country.

Respectfully submitted,



PAUL C. ROSENTHAL
ADAM H. GORDON

Counsel to Petitioners

PUBLIC CERTIFICATE OF SERVICE

Carbon and Certain Alloy Steel Wire Rod from Ukraine
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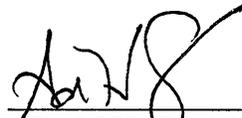
I hereby certify that on February 1, 2006, copies of the foregoing public submission were served upon the following by hand delivery:

On behalf of the Embassy of Ukraine:

Yevgen Burkat
Trade Representative
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On behalf of Krivorozhstal Iron & Steel Integrated Works ("Krivorozhstal"):

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