

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-420]

Certain Beer Products; Notice of Commission Decision Not To Review an Initial Determination Granting Summary Determination on the Domestic Industry Requirement of Section 337 of the Tariff Act of 1930

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has decided not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting a motion for summary determination on the domestic industry requirement of section 337 of the Tariff Act of 1930.

FOR FURTHER INFORMATION CONTACT: Andrea C. Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205-3105. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 27, 1999, based on a complaint filed by Anheuser-Busch of St. Louis, Missouri ("Anheuser"), alleging a violation of section 337 in the importation and sale of certain beer products by reason of infringement of U.S. Trademark Registration Nos. 922,481, 952,277, or 666,637. The complaint named two firms as respondents, Argen-Wine Imports, Ltd. ("Argen"), and Budejovicky Budvar, N.P. ("Budvar"). On July 26, 1999, the ALJ terminated Argen from the investigation on the basis of a consent order.

On July 26, 1999, Anheuser moved for a summary determination that the domestic industry requirement set forth in section 337(a)(2) and (3) is met in this investigation. On August 5, 1999, the Commission investigative attorney filed a response in support of the motion. Budvar filed no response to the motion. On August 6, 1999, the ALJ issued an ID (Order No. 8) granting the motion pursuant to 19 CFR 210.18(b), based on the finding that Anheuser had demonstrated by undisputed facts that it met the domestic industry requirements.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.42 of the Commission's rules of practice and procedure (19 CFR 210.42). Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202-205-2000.

By order of the Commission.

Issued: August 23, 1999.

Donna R. Koehnke,
Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-384 (Final) and Investigations Nos. 731-TA-806 and 808 (Final)]

Certain Hot-Rolled Steel Products From Brazil and Russia**Determinations**

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission determines,² pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Brazil of certain hot-rolled steel products, provided for in headings 7208, 7210, 7211, 7212, 7225, and 7226 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 Brazil. The Commission also determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of such imports from Brazil³ and Russia³ that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV). The Commission further determines that critical circumstances do not exist with regard to such imports from Russia.⁴

¹ The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

² Commissioner Askey dissenting.

³ Commissioner Askey determines that an industry in the United States is threatened with material injury.

⁴ Chairman Bragg dissenting.

Background

The Commission instituted these investigations effective September 30, 1998, following receipt of petitions filed with the Commission and the Department of Commerce by Bethlehem Steel Corp., Bethlehem, PA; U.S. Steel Group, a unit of USX Corp., Pittsburgh, PA; Ispat Inland Steel, East Chicago, IN; LTV Steel Co., Inc., Cleveland, OH; National Steel Corp., Mishawaka, IN; California Steel Industries, Fontana, CA; Gallatin Steel Co., Ghent, KY; Geneva Steel, Vineyard, UT; Gulf States Steel, Inc., Gadsden, AL; IPSCO Steel, Inc., Muscatine, IA; Steel Dynamics, Butler, IN; Weirton Steel Corp., Weirton, WV; Independent Steelworkers Union, Weirton, WV; and the United Steelworkers of America, Pittsburgh, PA. The final phase of these investigations was scheduled by the Commission following notification of preliminary determinations by the Department of Commerce that imports of certain hot-rolled steel products from Brazil were being subsidized by the Government of Brazil within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports from Brazil and Russia were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).

Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the **Federal Register** of March 5, 1999 (64 FR 10722 and 10723). The hearing was held in Washington, DC, on May 4, 1999, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on August 23, 1999. The views of the Commission are contained in USITC Publication 3223 (August 1999), entitled *Certain Hot-rolled Steel Products from Brazil and Russia: Investigations Nos. 701-TA-384 and 731-TA-806 and 808 (Final)*.

Issued: August 24, 1999.

By order of the Commission.

Donna R. Koehnke,
Secretary.

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