

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CARBON AND ALLOY STEEL
PRODUCTS**

Investigation No. 337-TA-1002

**NOTICE OF COMMISSION DECISION TO REVIEW AND ON REVIEW
TO REVERSE AN INITIAL DETERMINATION SUSPENDING
THE INVESTIGATION; VACATION OF SUSPENSION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 19), which suspended the investigation. On review, the Commission has determined to reverse the ID and to vacate the suspension.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. Copies of non-confidential 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 2, 2016, based on a complaint filed by United States Steel Corporation of Pittsburgh, Pennsylvania ("U.S. Steel"), alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. 81 *Fed. Reg.* 35381 (June 2, 2016). The notice of investigation named as respondents numerous Chinese steel producers and distributors, as well as certain Hong Kong and United States affiliates. *Id.* at 35381-82. The Office of Unfair Import Investigations was also named as a party. *Id.* at 35382. The alleged violation of section 337 is based upon the importation into the United States, or in the sale of certain carbon and alloy steel products by reason of: (1) a

conspiracy to fix prices and control output and export volumes, the threat or effect of which is to restrain or monopolize trade and commerce in the United States; (2) misappropriation and use of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States; or (3) false designation of origin or manufacturer, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 35381.

On July 6, 2016, the presiding Administrative Law Judge (“ALJ”) issued, *sua sponte*, an initial determination (“ID”) (Order No. 19) that suspended the investigation pursuant to section 337(b)(3), 19 U.S.C. § 1337(b)(3), and Commission Rule 210.23, 19 C.F.R. § 210.23. ID at 4. The ALJ provided two reasons for the suspension: (1) “to allow the Commission to provide the statutorily required notice to the Secretary of Commerce” given that the present matter comes at least “in part” within the purview of the antidumping and countervailing duty laws, *id.* at 7; and (2) due to “the pendency of proceedings before the Secretary of Commerce,” *id.* at 1.

On July 11, 2016, the Secretary of the U.S. Department of Commerce, the Honorable Penny Pritzker, sent the Commission a letter, which acknowledged the ALJ’s ID to suspend this investigation and which identified two investigations that “potentially could come within the scope of the Commission’s investigation.” Letter from Hon. Penny Pritzker, Secretary, U.S. Department of Commerce, to Hon. Irving A. Williamson, Chairman, U.S. International Trade Commission (July 11, 2016). The letter has been added to EDIS as part of the record of this investigation.

On July 13, 2016, U.S. Steel filed a petition for review of the ID, followed the next day by the Commission investigative attorney’s petition. On July 21, 2016, the respondents filed a joint response to the two petitions for review.

Having reviewed the record of the investigation, including the complaint, the responses to the complaint, Order No. 19, the petitions for review, and the responses thereto, and Secretary Pritzker’s submission, the Commission has determined to review the ID. On review, the Commission has determined to reverse the ID, vacate the suspension, and continue the investigation.

The investigation is remanded to the ALJ to resume the investigation. The Commission denies the respondents’ request for oral argument. The reasons for the Commission’s determinations will be set forth in the Commission’s forthcoming opinion.

The Commission hereby directs the Secretary to the Commission to serve a copy of this Notice upon the Secretary of Commerce.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: August 5, 2016

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached NOTICE has been served by hand upon the Commission Investigative Attorney, Reginald Lucas, Esq., and the following parties as indicated, on **August 5, 2016**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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Certificate of Service – Page 2

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