

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 NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING COMPLAINANT'S MOTION TO
TERMINATE THE INVESTIGATION IN PART AS TO THE TRADE SECRET
MISAPPROPRIATION ALLEGATIONS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 56), granting a motion of complainant United States Steel Corporation of Pittsburgh, Pennsylvania ("U.S. Steel") to terminate the above-captioned investigation in part as to its trade secret misappropriation allegations.

FOR FURTHER INFORMATION CONTACT: Megan M Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 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.* 35381-82 (June 2, 2016). The notice of investigation named numerous respondents, including Baosteel America, Inc. of Montvale, New Jersey, and Shanghai Baosteel Group Corporation and Baoshan Iron & Steel Co., Ltd. both of Shanghai, China (collectively, "Baosteel"). The Office of Unfair Import Investigations ("OUII") was also named as a party. 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. The Commission later found several of the distributor respondents to be in default. Notice (Oct. 14, 2016); Notice (Oct. 18, 2016); Notice (Nov. 18, 2016).

On February 15, 2017, U.S. Steel filed a motion to partially terminate the investigation on the basis of withdrawal of its trade secret allegations, which are directed toward only the Baosteel respondents. The motion stated that the Baosteel respondents do not oppose the motion. On February 21, 2017, OUII filed a response supporting the motion.

On February 22, 2017, the ALJ issued the subject ID, granting U.S. Steel's motion pursuant to section 210.21(a)(1) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.21(a)(1)). The ID notes that the motion states that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this investigation. The ALJ also found that there are no extraordinary circumstances that would prevent granting the requested partial termination.

No petitions for review were filed. The Commission has determined not to review the subject ID.

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.



Lisa R. Barton
Secretary to the Commission

Issued: March 24, 2017