

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 FINDING THE BENXI RESPONDENTS
IN DEFAULT**

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. 37), finding the Benxi Respondents in default.

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 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 numerous respondents, including the following: Benxi Iron and Steel (Group) International Economic and Trading Co. Ltd. and Benxi Steel (Group) Co. Ltd., both of Benxi City, China ("the Benxi Respondents"). *Id.* at 35382. The Office of Unfair Import Investigations ("OUII") was also named as a party. *Id.* 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 September 23, 2016, U.S. Steel filed a motion for an order to show cause why the Benxi Respondents should not be found in default. On October 5, 2016, OUII filed a response in support of the motion. No other responses were received.

On October 6, 2016, the ALJ issued Order No. 36, granting U.S. Steel's motion. The ALJ noted that the Commission issued the Notice of Investigation on May 26, 2016. The ALJ further noted that, on that date, the Office of the Secretary attempted to serve a copy of the Complaint and Notice of Investigation upon each named respondent, and service was unsuccessful on the Benxi Respondents. On August 18, 2016, U.S. Steel attempted to serve the Complaint and Notice of Investigation on the Benxi Respondents pursuant to Commission Rule 210.11(b) (19 C.F.R. § 210.11(b)), and service was successful on August 23, 2016. The ALJ noted that no response has been filed by the Benxi Respondents and ordered the Benxi Respondents to show cause by October 17, 2016, why they should not be held in default.

On October 20, 2016, the ALJ issued the subject ID (Order No. 37), finding the Benxi Respondents in default pursuant to Commission rule 210.16(a)(1) (19 C.F.R. § 210.16(a)(1)). The ALJ noted that the Benxi Respondents failed to answer the Complaint and Notice of Investigation and failed to show cause why they should not be found in default.

No petitions for review were filed and 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: November 18, 2016