

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC**

In the Matter of

**CERTAIN STAINLESS STEEL
PRODUCTS, CERTAIN PROCESSES
FOR MANUFACTURING OR
RELATING TO SAME, AND CERTAIN
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-933
(Bond Forfeiture)**

**NOTICE OF COMMISSION DETERMINATION TO REVIEW
AN INITIAL DETERMINATION GRANTING COMPLAINANT'S MOTION TO
INSTITUTE BOND FORFEITURE PROCEEDINGS AND FORFEIT BOND AMOUNTS
AND, ON REVIEW, TO AFFIRM, ON MODIFIED GROUNDS;
TERMINATION OF THE BOND FORFEITURE PROCEEDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in its entirety the presiding administrative law judge's initial determination (Order No. 22) granting complainant's motion to institute bond forfeiture proceedings and forfeit bond amounts in the above-captioned investigation. On review, the Commission has determined to affirm, on modified grounds, the forfeiture of the full bond amount to the complainant. The proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202-205-3438. 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, SW, Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<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's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the original investigation on October 10, 2014, based on a complaint filed by Valbruna Slater Stainless, Inc. of Fort Wayne, Indiana; Valbruna Stainless Inc., of Fort Wayne, Indiana; and Acciaierie Valbruna S.p.A. of Italy (collectively, "Valbruna"). 79 *Fed. Reg.* 61339 (Oct. 10, 2014). The complaint

alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain stainless steel products, certain processes for manufacturing or relating to same, and certain products containing same by reason of the misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. The notice of investigation named as respondents Viraj Profiles Limited of Mumbai, India (“Viraj”); Viraj - U.S.A., Inc. of Garden City, New York; Viraj Holdings P. Ltd. of Mumbai, India; Flanschenwerk Bebitz GmbH of Könnern, Germany; Bebitz Flanges Works Pvt. Ltd. of Maharashtra, India; Bebitz U.S.A. of Garden City, New York; Ta Chen Stainless Pipe Co., Ltd. of Taiwan, Taiwan; and Ta Chen International, Inc. of Long Beach, California. The Office of Unfair Import Investigations (“OUII”) also was named as a party to the investigation.

On February 12, 2016, the Commission found Viraj in default for spoliation of evidence. 81 *Fed. Reg.* 7584 (Feb. 12, 2016) (determining to affirm with modification Order No. 17 (Dec. 8, 2016)).

On April 4, 2016, the Commission terminated the investigation in part based on withdrawal of the complaint against all respondents except Viraj. Notice (Apr. 4, 2016) (determining not to review Order No. 19 (Mar. 3, 2016)).

On May 25, 2016, the Commission found Viraj in violation of section 337 and issued a limited exclusion order and a cease and desist order directed to Viraj. 81 *Fed. Reg.* 35058 (June 1, 2016).

On December 1, 2017, Valbruna filed a motion to institute bond forfeiture proceedings and forfeiture of the full bond amount posted by Viraj. On December 13, 2017, OUII filed a response, supporting the motion. On December 18, 2017, Viraj opposed the motion.

On February 12, 2018, the presiding administrative law judge issued an initial determination (“ID”) (Order No. 22), granting Valbruna’s motion to institute bond forfeiture proceedings and forfeiture of the full bond amount posted by Viraj. No petitions for review of the ID were filed.

Having examined the record of this investigation, including the ID, the Commission has determined to review the ID in its entirety. On review, the Commission has determined to affirm, on modified grounds, the forfeiture of the full bond amount to Valbruna. Specifically, the Commission finds that the period of Presidential review is May 26, 2016 through July 25, 2016. *See* 19 U.S.C. § 1337(j)(2). The Commission affirms the ID’s finding on the number of covered products imported by Viraj during the period of Presidential review, but supplements the ID’s finding with reference to the entry data submitted by Viraj, the bill of lading data submitted by Valbruna, and the Customs information provided by OUII, and vacates the ID’s assumptions regarding imports, sales, distributions, and transfers (except for exportation) after the period of Presidential review. The Commission takes no position on the ID’s findings on Valbruna’s damages from Viraj’s imports during the period of Presidential review based on Valbruna’s lost profits or prejudgment interest on such damages. The Commission affirms the ID’s finding of Valbruna’s damages as measured by restitution and affirms the ID’s order that the full bond amount posted by Viraj be forfeited to Valbruna based on restitution.

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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: March 26, 2018