[Investigation No. 337-TA-1175]

Certain Bone Cements and Bone Cement Accessories; Notice of Request for Statements on the Public Interest


ACTION: Notice.

SUMMARY: Notice is hereby given that on February 11, 2021, the presiding administrative law judge (“ALJ”) issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://edis.usitc.gov. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at https://www.usitc.gov. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION:

Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

    unless, after considering the effect of such exclusion upon the

    public health and welfare, competitive conditions in the United
States economy, the production of like or directly competitive
articles in the United States, and United States consumers, it finds
that such articles should not be excluded from entry.

1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the
recommended relief should the Commission find a violation, specifically: a limited exclusion
order directed to certain bone cements and bone cement accessories imported, sold for
importation, and/or sold after importation by respondents Heraeus Medical GmbH of Wehrheim,
Germany and Heraeus Medical LLC of Yardley, Pennsylvania (collectively, “Heraeus”); and
cease and desist orders directed to Heraeus.

The Commission is interested in further development of the record on the public interest
in this investigation. Accordingly, members of the public are invited to file submissions of no
more than five (5) pages, inclusive of attachments, concerning the public interest in light of the
ALJ’s Recommended Determination on Remedy and Bonding issued in this investigation on
February 11, 2021. Comments should address whether issuance of the recommended remedial
orders in this investigation, should the Commission find a violation, would affect the public
health and welfare in the United States, competitive conditions in the United States economy, the
production of like or directly competitive articles in the United States, or United States
consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders
    are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating
    to the recommended orders;
(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on March 9, 2021.


Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission
including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract
personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate
nondisclosure agreements. All nonconfidential written submissions will be available for public
inspection on EDIS.

This action is taken under the authority of 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 CFR Part 210).

By order of the Commission.


Lisa Barton,
Secretary to the Commission.

[FR Doc. 2021-04067 Filed: 2/26/2021 8:45 am; Publication Date: 3/1/2021]