

INTERNATIONAL TRADE COMMISSION

Certain Cooking Ware From China, Korea, Mexico, and Taiwan¹

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the countervailing duty and antidumping duty orders on certain cooking ware from China, Korea, Mexico, and Taiwan.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the countervailing duty and antidumping duty orders on certain cooking ware from China, Korea, Mexico, and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at <http://www.usitc.gov/rules.htm>.

EFFECTIVE DATE: May 6, 1999.

FOR FURTHER INFORMATION CONTACT: George Deyman (202-205-3197), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by

accessing its internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION: On May 6, 1999, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission, in consultation with the Department of Commerce, grouped these reviews because they involve similar domestic like products. See 19 U.S.C. 1675(c)(5)(D); 63 FR 29372, 29374 (May 29, 1998).

With regard to certain cooking ware from Korea and Mexico, the Commission found that both the domestic interested party group response and the respondent interested party group responses to its notice of institution² were adequate and voted to conduct full reviews.

With regard to certain cooking ware from China and Taiwan, the Commission found that the domestic interested party group response was adequate and the respondent interested party group responses were inadequate. The Commission also found that other circumstances warranted conducting full reviews.³

A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: May 11, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99-12598 Filed 5-18-99; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-392]

Certain Digital Satellite System (DSS) Receivers and Components Thereof; Notice of Commission Decision To Terminate the Investigation and To Vacate Portions of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

² The notice of institution for all of the subject reviews was published in the **Federal Register** on Feb. 1, 1999 (64 FR 4896).

³ Commissioner Crawford dissenting.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant complainant's motion to terminate the investigation, to grant complainant's motion to vacate the final initial determination (ID) of the presiding administrative law judge (ALJ) on the issues of invalidity for anticipation and for lack of enablement, and to deny the motion to vacate in all other respects.

FOR FURTHER INFORMATION CONTACT: John A. Wasleff, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3094. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION: This investigation was instituted on December 18, 1996, based on a complaint filed by Personalized Media Communications, LLC (PMC). 61 FR 66695-96. The respondents are DirectTV, Inc., United Satellite Broadcasting Co., Hughes Network Systems, Hitachi Home Electronics (America), Inc., Thomson Consumer Electronics, Inc., Toshiba America Consumer Products, Inc., and Matsushita Electric Corporation of America. The complaint alleges, inter alia, that respondents engaged in unlawful activities in violation of section 337 through the unlicensed importation and sale of goods infringing claim 1-7 of U.S. Letters Patent 5,335,277.

On October 20, 1997, the presiding ALJ issued a final ID in which he concluded that the asserted claims were invalid as indefinite under 35 U.S.C. 112 ¶2, that the asserted claims were invalid as not enabled under 35 U.S.C. 112 ¶1, that claim 7 is invalid as anticipated under 35 U.S.C. 102, and that no asserted claim was infringed. The Commission adopted the ALJ's claim constructions, his finding of invalidity for indefiniteness, and his finding of no infringement, but took no position on the other invalidity findings.

The Commission's determination was appealed to the U.S. Court of Appeals for the Federal Circuit, and on November 24, 1998, the Federal Circuit issued its opinion on appeal. The Court's mandate issued on February 26, 1999. The Court upheld the Commission as to three of the four claims at issue on appeal. The Court reversed the Commission with respect to its

¹ The porcelain-on-steel cooking ware investigation numbers are as follows: China (731-TA-298 (Review)), Mexico (701-TA-265 (Review) and 731-TA-297 (Review)), and Taiwan (731-TA-299 (Review)). The top-of-the-stove stainless steel cooking ware investigation numbers are as follows: Korea (701-TA-267 (Review) and 731-TA-304 (Review)) and Taiwan (701-TA-268 (Review) and 731-TA-305 (Review)).

determination that claim 7 of U.S. Letters Patent 5,335,277 is invalid for indefiniteness. The Court also vacated the Commission's determination that claim 7 is not infringed by the accused devices and remanded for further consideration by the Commission.

On March 26, 1999, complainant PMC filed a motion to terminate the investigation and vacate the ID. On April 5, 1999, several respondents filed a brief in opposition, in which the balance of the respondents joined. The Commission's Office of Unfair Import Investigations filed a response on April 7, 1999.

The Commission determined to grant the complainant's motion to terminate the investigation. The Commission further determined to grant complainant's motion to vacate the ID, but only with respect to the findings of invalidity for anticipation and lack of enablement, as to which findings the Commission took no position. The Commission determined to deny the motion to vacate in all other respects.

This action is taken under the authority of the Administrative Procedure Act (5 U.S.C. 500 *et. seq.*), section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), and section 210.41 of the Commission's Rules of Practice and Procedure (19 CFR. 210.41).

Copies of the Commission's order and all other nonconfidential 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.

Issued: May 13, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99-12602 Filed 5-18-99; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-794-796 (Final)]

Certain Emulsion Styrene-Butadiene Rubber From Brazil, Korea, and Mexico

Determination

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission

determines,² pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Brazil, Korea, or Mexico of certain emulsion styrene-butadiene rubber, provided for in subheading 4002.19.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective April 1, 1998, following receipt of a petition filed with the Commission and the Department of Commerce by Ameripol Synpol Corp. of Akron, OH, and DSM Copolymer of Baton Rouge, LA. The final phase of these investigations was scheduled by the Commission following notification of preliminary determinations by the Department of Commerce that imports of certain emulsion styrene-butadiene rubber from Brazil, Korea, and Mexico were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 25, 1998 (63 FR 65219). The hearing was held in Washington, DC, on March 30, 1999, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 11, 1999. The views of the Commission are contained in USITC Publication 3190 (May 1999), entitled Certain Emulsion Styrene-butadiene Rubber from Brazil, Korea, and Mexico: Investigations Nos. 731-TA-794-796 (Final).

Issued: May 11, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99-12599 Filed 5-18-99; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-411]

Certain Organic Photo-Conductor Drums and Products Containing the Same; Notice of Commission Determination To Affirm an Initial Determination Terminating the Investigation Based on Withdrawal of the Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm the initial determination (ID) of the presiding administrative law judge (ALJ) terminating the above-captioned investigation on the basis of complainants' withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3104. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 4, 1998, based on a complaint filed by Mitsubishi Chemical Corporation of Japan and Mitsubishi Chemical Corporation America of White Plains, New York (collectively, Mitsubishi). 58 FR 30513. Twelve firms were named as respondents.

On December 4, 1998, Mitsubishi filed an unopposed motion to terminate the investigation based on withdrawal of its complaint with prejudice. By that date, only respondents Dainippon Ink and Chemicals of Japan and DIC Trading (USA) of Fort Lee, New Jersey (collectively, DIC) remained in the investigation. Some of the respondents had been terminated based on consent order agreements with Mitsubishi or had had the complaint withdrawn as to them. Others had entered into agreements with Mitsubishi to be terminated from the investigation that had not yet been acted upon by the ALJ. On December 7, 1998, the presiding ALJ issued an ID granting complainants' motion.

No petitions for review of the ID's determination to terminate the investigation were filed. However, on

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² Chairman Bragg dissenting. Chairman Bragg determines that an industry in the United States is materially injured by reason of the subject imports.