

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 731-TA-894 (Review)]

**Certain Ammonium Nitrate From
Ukraine****Determination**

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on certain ammonium nitrate from Ukraine would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on August 1, 2006 (71 FR 43516) and determined on November 6, 2006 that it would conduct a full review (71 FR 67366, November 21, 2006). Notice of the scheduling of the Commission's review 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** on December 15, 2006 (71 FR 75579). The hearing was held in Washington, DC, on April 17, 2007, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on June 19, 2007. The views of the Commission are contained in USITC Publication 3924 (June 2007), entitled *Certain Ammonium Nitrate from Ukraine: Investigation No. 731-TA-894 (Review)*.

Issued: June 20, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7-12427 Filed 6-26-07; 8:45 am]

BILLING CODE 7020-02-P

**INTERNATIONAL TRADE
COMMISSION**

[Inv. No. 337-TA-546]

**In the Matter of Certain Male
Prophylactic Devices****Order**

This investigation was instituted on August 5, 2005, based on a complaint filed on behalf of Portfolio Technologies, Inc., of Chicago, Illinois. 70 FR 45422. The complaint, as amended and supplemented, 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 male prophylactic devices by reason of infringement of claims 1-27, 31-33, and 36 of U.S. Patent No. 5,082,004. The respondents named in the investigation are Church & Dwight Co., Inc., of Princeton, New Jersey ("C&D"); Reddy Medtech, Ltd., of Tamil Nadu, India; and Intellx, Inc., of Petoskey, Michigan.

On June 30, 2006, the presiding administrative law judge ("ALJ") issued a final initial determination ("ID") in which he ruled that there is no violation of section 337 of the Tariff Act of 1930, as amended. He found that certain valid claims were infringed, but concluded that there was no domestic industry under the economic prong of the domestic industry requirement. All parties petitioned for review of various parts of the final ID.

On September 29, 2006, the Commission determined to review the issues of claim construction, infringement, invalidity due to anticipation, and domestic industry, and requested briefing on these issues and certain subissues. 71 FR 58875 (Oct. 5, 2006). On December 5, 2006, the Commission determined to affirm in part, reverse in part, and remand in part the final ID. Among other things, the Commission reversed the ALJ's finding of no domestic industry under the economic prong. The Commission also determined to extend the target date for completion of the investigation until June 5, 2007. The date was subsequently moved to June 21, 2007, by an unreviewed ID.

On March 19, 2007, the ALJ issued his remand ID ("IDR"), in which he ruled that there is a violation of section 337 based on the infringement of certain valid claims and the finding that there is a domestic industry. In further briefing before the Commission, all parties claimed error.

Having examined the parties' submissions and the record in this proceeding, it is hereby *ordered* that —

(1) The ALJ's finding of violation of section 337 is reversed;

(2) The ALJ's finding that the accused products infringe certain claims of U.S. Patent No. 5,082,004 is reversed;

(3) The ALJ's finding that the Twisted Pleasure product fails to meet the thickness limitation of claims 22 and 25 of the asserted patent is reversed;

(4) The ALJ's finding that C&D waived its argument that claim 31 of the asserted patent is invalid as anticipated by the prior art is reversed;

(5) The ALJ's finding that claims 1, 6, and 9 of the asserted patent are invalid in view of the prior art are reversed;

(6) The IDR is vacated except where consistent with the determination of the Commission;

(7) The motion of the Office of Unfair Import Investigations to file its reply out of time is granted;

(8) The investigation is terminated with a finding of no violation of section 337;

(9) The Secretary shall serve a copy of this Order and the Commission Opinion in support thereof, as soon as it is issued, upon each party to the investigation; and

(10) The Secretary shall publish notice of this order and termination of the investigation in the **Federal Register**.

Issued: June 21, 2007.

By order of the Commission.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E7-12400 Filed 6-26-07; 8:45 am]

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**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 332-492]

**China: Description of Selected
Government Practices and Policies
Affecting Decision-Making in the
Economy**

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request on May 29, 2007, from the Committee on Ways and Means of the U.S. House of Representatives (Committee) for a series of three reports under section 332(g) of the Tariff Act of 1930 (19 U.S.C. (332(g)) on U.S.-China trade, the Commission instituted investigation No. 332-492, China: Description of Selected

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

Government Practices and Policies Affecting Decision-Making in the Economy, for the purpose of preparing the first report.

DATES: August 17, 2007: Deadline for filing requests to appear at the public hearing.

August 17, 2007: Deadline for filing pre-hearing briefs and statements.

September 6, 2007: Public hearing.

September 20, 2007: Deadline for filing post-hearing briefs and statements and other written submissions.

December 29, 2007: Transmittal of Commission report to the Committee on Ways and Means.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street, SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

FOR FURTHER INFORMATION CONTACT:

Project leaders James Stamps (202-205-3227 or james.stamps@usitc.gov) or John Fry (202-708-4157 or john.fry@usitc.gov) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or margaret.olaughlin@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). 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.

Background

In its May 23, 2007, letter, the Committee noted that it had earlier, in a letter dated September 21, 2006, requested that the Commission prepare three reports relating to U.S.-China trade. In its May 23, 2007 letter, the Committee requested that the Commission augment the September 21, 2006, letter by adding two more components to its investigation in order

to provide an in-depth assessment of the causes of the U.S.-China trade imbalance and whether and to what extent China uses various forms of government intervention to promote investment, employment, and exports. The Committee indicated that it may supplement its request with additional questions, including questions related to the functioning of China's labor market. The Committee also allotted more time to the Commission to submit its reports, with the first report under the revised schedule to be delivered 7 months after receipt of the letter and the second and third reports, 14 and 24 months after receipt of the letter, respectively.

This notice announces institution of an investigation related to preparation of the first report described in the Committee's May 23, 2007, letter. The Commission will issue notices concerning investigations that relate to preparation of the second and third reports at a later date. In its letter the Committee also expanded the scope of ongoing Commission investigation No. 332-478, U.S.-China Trade: Implications of U.S.-Asia-Pacific Trade and Investment Trends. The report in that investigation will be the third in the series of three reports, and the Committee has extended the transmittal date to May 29, 2009.

As requested by the Committee, in its first report the Commission will describe and where possible quantify the practices and policies that central, provincial, and local government bodies in China use to support and attempt to influence decision making in China's agricultural, manufacturing and services sectors, and by individual firms. The Commission's report will include, but not be limited to, chapters describing government policies and interventions related to: (1) The privatization of state-owned enterprises and private ownership; (2) price coordination; (3) industrial development, particularly policies that target specific industries; (4) the banking and finance sectors, including policies and interventions to promote indicative lending and on the treatment of nonperforming loans; (5) utility rates; (6) infrastructure development; (7) taxation; (8) restraints on imports and exports; (9) research and development; (10) worker training and retraining; and (11) the rationalization and closure of uneconomic enterprises. The Committee also requested that the Commission include an analysis of the likely impact of a recently announced policy directive from China's State-Owned Assets Supervision and Administration Commission, which the Committee indicated raises serious

concerns about China's interventions in a number of sectors.

As requested by the Committee, the Commission will provide its first report to the Committee by December 29, 2007.

Public Hearing

A public hearing in connection with this investigation and report will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on September 6, 2007. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., August 17, 2007, in accordance with the requirements in the "Written Submissions" section below. In the event that, as of the close of business on August 17, 2007, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant may call the Secretary to the Commission (202-205-2000) after August 17, 2007, for information concerning whether the hearing will be held.

The Commission is also interested in receiving public comments, through hearing testimony or written submissions, identifying the industries, products, or services in which Chinese government policies and interventions are prevalent and in which leading U.S. exports have not penetrated the Chinese market, as well as public comments regarding the sectors that are perceived to be the primary drivers of the U.S.-China trade deficit.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements and briefs concerning this investigation. All written submissions, including requests to appear at the hearing, statements, and briefs, should be addressed to the Secretary to the Commission. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., August 17, 2007; and all post-hearing briefs and statements and all other written submissions should be filed not later than 5:15 p.m., September 20, 2007. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the

following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000 or <http://www.usitc.gov/secretary/edis.htm>).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

In its request letter, the Committee stated that it intends to make the Commission's reports available to the public in their entirety, and asked that the Commission not include any confidential business information or national security classified information in the reports that the Commission sends to the Committee. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

Issued: June 21, 2007.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7-12428 Filed 6-26-07; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on June 15, 2007, a proposed Consent Decree in *United States v. Beehive Barrel and Drum, Inc. d/b/a Cascade Cooperaage, Inc.* (D. Utah), C.A. No. 2:04-CV-00570

(TC), was lodged with the United States District Court for the District of Utah, Central Division.

In this action, the United States seeks response costs incurred and to be incurred by the Environmental Protection Agency ("EPA"), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607, in connection with the Service First Barrel and Drum Site, located in Salt Lake City, Utah. The United States also seeks punitive damages for non-compliance with a unilateral administrative order issued to the Estate of Stanley Pope and Stanco Enterprises, L.C. pursuant to Sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. 9606(b), 9607(c)(3), and civil penalties for Bryan Pope's and S.R.P. Gifting Trust's failure to answer EPA's information requests pursuant to Section 104(e) of CERCLA, 42 U.S.C. 9604(e). Defendants Estate of Stanley Pope, Bryan Pope, S.R.P. Gifting Trust and Stanco Enterprises have resolved the United States' response cost claims, punitive damages claims and civil penalties claims through this Consent Decree.

The settlement is based on a documented inability-to-pay analysis. Based upon the analysis, EPA determined that the Rossomondo Defendants had the financial ability to pay the proceeds from a sale of the Diatlect Stock owned by the Estate to reimburse EPA for the EPA's response costs that were incurred in connection with the clean-up of the Site. Defendants Estate of Stanley Pope and Stanco Enterprises, L.C. will pay \$2,500 in punitive damages to settle their liability for failure to comply with a unilateral order. Defendants Bryan Pope and S.R.P. Gifting Trust will pay \$7,500 in civil penalties for failure to respond to EPA's information requests.

The Department of Justice will receive, for a period of 30 days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Beehive Barrel and Drum, Inc. d/b/a Cascade Cooperaage, Inc.*, DOJ Ref. No. 90-11-3-08170.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 185 South State, Ste. 400, Salt Lake City, Utah 84111; and U.S. EPA Region 8, 1595 Wynkoop

Street, Denver, Colorado 80202. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decree.html. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$6.75 (25 cents per page reproduction costs), payable to the U.S. Treasury.

Robert D. Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07-3147 Filed 6-26-07; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Between the United States of America and the City of New Haven, MO Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Under 28 CFR 50.7, notice is hereby given that on June 15, 2007, a proposed Consent Decree (Consent Decree) with Defendant the City of New Haven, Missouri (New Haven) in the case of *United States v. the City of New Haven, Missouri*, Civil Action No. 4:06CV01429-ERW, has been lodged in the United States District Court for the Eastern District of Missouri.

This Consent Decree resolves the United States' claims against New Haven under Section 107 of CERCLA, 42 U.S.C. 9607, for the recovery of response costs incurred by the United States in connection with releases of hazardous substances at or from the Old City Dump Site, operable unit three of the Riverfront Superfund Site, located in New Haven (OU3). Under the decree, New Haven agrees to implement the remedy selected by the United States Environmental Protection Agency (EPA) for OU3 and pay \$19,500 of EPA's response costs for OU3, based on New Haven's limited ability to pay. Pursuant to the decree, the United States covenants not to sue or take administrative action against New Haven for OU3, as well as for operable