

declined to review the ALJ's determination that respondent Sinochem, the only respondent named in the investigation, defaulted.

On August 9, 2006, Roadmaster filed a declaration requesting immediate relief in the form of a limited exclusion order against the defaulting respondent. Section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission Rule 210.16(c) (19 CFR 210.16(c)) authorize the Commission to order limited relief against a respondent found in default, unless after consideration of the public interest factors, it finds that such relief should not issue. The Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry are either adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the

amount of the bond that should be imposed if a remedy is ordered.

*Written Submissions:* The parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is requested to state the dates that the intellectual property rights at issue expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on September 6, 2006. Reply submissions must be filed no later than the close of business on September 13, 2006. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.5. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 §§ 210.16 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.16 and 210.50).

Issued: August 23, 2006.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6-14269 Filed 8-28-06; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-579]

### **In the Matter of Certain Nickel Metal Hydride Consumer Batteries, Components Thereof, and Consumer Electronic Products Containing Same; Notice of Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 26, 2006, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Ovonic Battery Company, Inc. of Rochester Hills, Michigan. A supplement was filed on August 17, 2006. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain nickel metal hydride consumer batteries, components thereof, and consumer electronic products containing same by reason of infringement of one or more of claims 11-13, 18, and 19 of U.S. Patent No. 5,536,591. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Thomas S. Fusco, *Esq.*, Office of Unfair

Import Investigations, U.S. International Trade Commission, telephone (202) 205-2571.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2006).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on August 22, 2006, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain nickel metal hydride consumer batteries, components thereof, and consumer electronic products containing same by reason of infringement of one or more of claims 11-13, 18, and 19 of U.S. Patent No. 5,536,591, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Ovonic Battery Company, Inc., 2968 Waterview Drive, Rochester Hills, MI 48309.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Varta Aktiengesellschaft, Am Leineufer 51, 30419 Hanover, Germany.

Varta Microbattery GmbH, Daimlerstr. 1, Ellwangen Germany 73479.

Varta Microbattery, Inc., 1311 Mamaroneck Avenue, Suite 120, White Plains, New York 10605.

(c) The Commission investigative attorney, party to this investigation, is Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such

responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 24, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6-14306 Filed 8-28-06; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-477]

### Sub-Saharan Africa: Factors Affecting Trade Patterns of Selected Industries

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of hearing.

**SUMMARY:** Following receipt on July 27, 2006 of a request from the United States Trade Representative (USTR) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission ("the Commission") instituted investigation No. 332-477, *Sub-Saharan Africa: Factors Affecting Trade Patterns of Selected Industries*.

**EFFECTIVE DATE:** August 18, 2006.

*Background:* As requested by the USTR, the Commission will conduct an investigation under section 332(g) and prepare three annual reports providing certain information on the competitive factors affecting industries within Sub-Saharan Africa (SSA) that have experienced significant shifts in exports.

In each of the reports, the Commission will provide an overview of the trends in SSA exports in the (1)

Agriculture, (2) mining and manufacturing, and (3) services sectors, as well as profiles of SSA industries within those sectors that produce products (as identified by the USTR) that have shown significant export shifts in recent years. The reports will be based on the most recent 5-year period for which data are available.

Each industry profile will provide the following information, to the extent data are available:

- A description of the leading industries within SSA that export the subject products, including their position relative to global competitors;
- Identification of the leading SSA exporting countries and their key markets; and
- Analysis of the competitive factors, by country, that have contributed to the shift in exports. (Such factors may include access to inputs, labor, technology, investment, trade policies—e.g., tariffs and trade preference programs such as the African Growth and Opportunity Act (AGOA), privatization, and liberalization.)

As specified in the USTR's letter, the first annual report will cover industries producing the following products: (1) Agriculture—cut flowers, cocoa butter and paste, nuts (coconuts, Brazil nuts, and cashews), and prepared and preserved fish; (2) mining and manufacturing—acyclic alcohol, unwrought aluminum, textiles and apparel, petroleum gas (liquified natural gas), flat-rolled steel, and wood veneer sheets; and (3) services—financial services and tourism.

The Commission expects to deliver the first annual report to the USTR by April 3, 2007. The second and third reports will be delivered 12 and 24 months, respectively, after delivery of the first annual report.

The Commission anticipates that industry coverage for the subsequent reports will be determined in consultation with the USTR no later than 2 months after delivery of the previous year's report.

**FOR FURTHER INFORMATION CONTACT:** Project Leader: Brad C. Gehrke (202-3329 or [brad.gehrke@usitc.gov](mailto:brad.gehrke@usitc.gov)). Deputy Project Leader: Joanne E. Guth (202-205-3264 or [joanne.guth@usitc.gov](mailto:joanne.guth@usitc.gov)).

Industry-specific information may be obtained from the above persons. For more information on legal aspects of the investigation, contact William Gearhart of the Commission's Office of the General Counsel at 202-205-3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations at 202-205-1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov).