

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-279 and 347
(Second Review)]

Malleable Cast Iron Pipe Fittings From Japan and Korea

AGENCY: United States International
Trade Commission.

ACTION: Termination of five-year
reviews.

SUMMARY: The subject five-year reviews were initiated in January 2005 to determine whether revocation of the antidumping duty orders on malleable cast iron pipe fittings from Japan and Korea would be likely to lead to continuation or recurrence of material injury to a domestic industry. On April 11, 2005, the Department of Commerce published notice that it was revoking the orders effective February 28, 2005 because "the domestic interested parties did not participate in this sunset review" (70 FR 18368). Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), the subject reviews are terminated.

EFFECTIVE DATE: February 28, 2005.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202-205-3172), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. 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 (<http://www.usitc.gov>).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR 207.69).

Issued: April 15, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-7927 Filed 4-19-05; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1089
(Preliminary)]

Certain Orange Juice From Brazil

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil of certain orange juice,² provided for in subheadings 2009.11.00, 2009.12.25, 2009.12.45, and 2009.19.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).³

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of

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 The imported product subject to this investigation is certain orange juice for transport and/or manufacturing, produced in two different forms: (1) Frozen orange juice in a highly concentrated form, referred to as frozen concentrated orange juice for further manufacturing ("FCOJM"); and (2) pasteurized single-strength orange juice which has not been concentrated, referred to as not-from-concentrate orange juice ("NFCOJ").

³ Vice Chairman Deanna Tanner Okun, Commissioner Jennifer A. Hillman, and Commissioner Daniel R. Pearson find two domestic like products in this investigation—FCOJM and NFCOJ. They determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of FCOJM from Brazil. They also determine that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports of NFCOJ from Brazil.

the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On December 27, 2004, a petition was filed with the Commission and Commerce on behalf of Florida Citrus Mutual, Lakeland, FL; A. Duda & Sons (d/b/a Citrus Belle) Oviedo, FL; Citrus World, Inc., Lake Wales, FL; Peace River Citrus Products, Inc., Arcadia, FL;⁴ and Southern Garden Citrus Processing Corp. (d/b/a Southern Gardens), Clewiston, FL, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of certain orange juice from Brazil. Accordingly, effective December 27, 2004, the Commission instituted antidumping duty investigation No. 731-TA-1089 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference 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 January 4, 2005 (70 FR 387, January 4, 2005). The conference was held in Washington, DC, on January 19, 2005, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on March 7, 2005, and its views were transmitted on March 14, 2005. The views of the Commission are contained in USITC Publication 3757 (February 2005), entitled Certain Orange Juice from Brazil: Investigation No. 731-TA-1089 (Preliminary).

Issued: April 15, 2005.

⁴ On January 31, 2005, petitioners submitted a letter to the Commission modifying the petition to remove Peace River as a petitioner. In a letter sent to Commerce on January 27, 2005, Peace River stated that it opposes the petition until resolution of the ongoing sunset review of the existing order on frozen concentrated orange juice from Brazil. It reserves its right to change its position on the petition based on the outcome of the sunset review.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-7938 Filed 4-19-05; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-511]

In the Matter of Certain Pet Food Treats; Notice of Commission Decision Not To Review an Initial Determination Granting the Commission Investigative Attorney's Motion for Summary Determination of No Violation; Termination of Investigation as to One Respondent; Request for Written Submissions on Remedy, the Public Interest, and Bonding With Respect to a Respondent Found in Default

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") in the above-captioned investigation granting the Commission investigative attorney's ("IA") motion for summary determination of no violation because of noninfringement of U.S. Design Patent No. 383,866 ("the '866 patent"). Notice is also hereby given that the Commission is requesting briefing on remedy, public interest, and bonding with respect to a respondent previously found in default.

FOR FURTHER INFORMATION CONTACT: Rodney Maze, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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 (<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>. 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: This patent-based section 337 investigation was instituted by the Commission based on a complaint filed by complainants Thomas J. Baumgartner and Hillbilly Smokehouse, Inc., both of Rogers, Arkansas (collectively "complainants"). 69 FR 32044 (June 8, 2004). The complainants alleged 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 pet food treats by reason of infringement of the '866 patent. The complaint named six respondents including Pet Center, Inc. ("Pet Center") of Los Angeles, California, and Tsingtao Shengrong Seafood, Inc. of China ("Tsingtao China"). The Commission has terminated the investigation as to four other respondents. No petitions for review of the ALJ's IDs were filed. On November 10, 2004, the ALJ found Tsingtao China in default (Order No. 8).

On January 31, 2005, the IA filed a motion for summary determination of noninfringement of the '866 patent with respect to Pet Center. The complainants filed an opposition to the IA's motion on February 11, 2005. On March 18, 2005, the ALJ issued an ID (Order No. 16) granting the IA's motion for summary determination. No petitions for review of the ID were filed. The Commission has determined not to review this ID and to terminate the investigation as to Pet Center.

On November 22, 2004, the complainants filed a declaration requesting immediate relief against defaulting respondent Tsingtao China. Section 337(g)(1), 19 U.S.C. 1337(g)(1), and Commission Rule 210.16(c), 19 CFR 210.16(c), authorizes the Commission to order limited relief against a respondent found in default unless, after consideration of public interest factors, it finds that such relief should not issue. The Commission may issue an order that could result in the exclusion of Tsingtao China's pet food treats from entry into the United States, and/or issue one or more cease and desist orders that could result in Tsingtao China being required to cease and desist from engaging in unfair acts in the importation and sale of its pet food treats. 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 either are adversely

affecting it or are 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).

When 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 orders 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.

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. Complainants and the IA are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than close of business on April 25, 2005. Reply submissions must be filed no later than the close of business on May 2, 2005. 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