

provided for in subheading 3802.10.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

### Background

The Commission instituted this investigation effective March 8, 2006, following receipt of a petition filed with the Commission and Commerce by Calgon Carbon Corporation, Pittsburgh, PA, and Norit Americas, Inc., Marshall, TX. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of certain activated carbon from China 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 final phase of the Commission's investigation 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 16, 2006 (71 FR

chemical impregnation or other treatment), or product form. Unless specifically excluded, this definition covers all physical forms of certain activated carbon, including powdered activated carbon ("PAC"), granular activated carbon ("GAC"), and pelletized activated carbon.

Excluded from this definition are chemically-activated carbons. The carbon-based raw material used in the chemical activation process is treated with a strong chemical agent, including but not limited to phosphoric acid, zinc chloride sulfuric acid or potassium hydroxide, that dehydrates molecules in the raw material, and results in the formation of water that is removed from the raw material by moderate heat treatment. The activated carbon created by chemical activation has internal porosity developed primarily due to the action of the chemical dehydration agent. Chemically activated carbons are typically used to activate raw materials with a lignocellulosic component such as cellulose, including wood, sawdust, paper mill waste and peat.

To the extent that an imported activated carbon product is a blend of steam and chemically activated carbons, products containing 50 percent or more steam (or CO<sub>2</sub> gas) activated carbons are within this definition, and those containing more than 50 percent chemically activated carbons are outside this definition. This exclusion language regarding blended material applies *only* to mixtures of steam and chemically activated carbons.

Also excluded from this definition are reactivated carbons. Reactivated carbons are previously used activated carbons that have had adsorbed materials removed from their pore structure after use through the application of heat, steam and/or chemicals.

Also excluded from this definition is activated carbon cloth. Activated carbon cloth is a woven textile fabric made of or containing activated carbon fibers. It is used in masks and filters and clothing of various types where a woven format is required.

Any activated carbon meeting the physical description of subject merchandise provided above that is not expressly excluded from this definition is included within the definition.

66793). The hearing was held in Washington, DC, on February 27, 2007, 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 April 16, 2007. The views of the Commission are contained in USITC Publication 3913 (April 2007), entitled *Certain Activated Carbon from China: Investigation No. 731-TA-1103 (Final)*.

Issued: April 13, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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### INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-592]

#### In the Matter of Certain Nand Flash Memory Devices and Components Thereof, and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation

**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 an initial determination ("ID") of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The Commission has terminated the investigation based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., telephone 202-708-2310, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Copies of all 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. 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 the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on February 15, 2007, based on a complaint filed on January 9, 2007, by Toshiba Corporation ("Toshiba") of Japan. 72 FR 7457-8. 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 NAND flash memory devices and components thereof, and products containing same, by reason of infringement of U.S. Patent No. 6,703,658; U.S. Patent No. 6,424,588; and U.S. Patent No. 5,627,782. The complaint names two respondents: Hynix Semiconductor Inc. of Korea and Hynix Semiconductor America Inc. of San Jose, California (collectively "Hynix"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

On March 22, 2007, respondent Hynix filed a joint motion to terminate the investigation on the basis of a settlement agreement. The Commission Investigative Attorney filed a response in support of the motion on March 30, 2007.

The ALJ issued the subject ID on April 3, 2007, granting the joint motion for termination. No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 CFR 210.44. Accordingly, the Commission has determined not to review the ID.

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 sections 210.21(a)(2), (b) and 210.42(h)(3) of the Commission's Rules of Practice and Procedure.

Issued: April 16, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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