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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-677 (Final)]

### Coumarin from the People's Republic of China

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the Commission determines, 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 materially injured by reason of imports from the People's Republic of China of coumarin,<sup>2</sup> provided for in subheading 2932.21.00 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). Chairman Watson, Vice Chairman Nuzum, and Commissioner Bragg find that critical circumstances exist with respect to subject imports from China. Commissioner Rohr, Commissioner Newquist, and Commissioner Crawford find that critical circumstances do not exist with respect to subject imports from China.

#### Background

The Commission instituted this investigation effective August 2, 1994, following a preliminary determination by the Department of Commerce that imports of coumarin from the People's Republic of China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1676b(b)). Notice of the institution 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

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

<sup>2</sup> For purposes of this investigation, coumarin is an aroma chemical with the chemical formula C<sub>9</sub>H<sub>6</sub>O<sub>2</sub> that also known by other names, including 2H-1-benzopyran-2-one, 1, 2-benzopyrone, cis-o-coumarinic acid lactone, coumarinic anhydride, 2-Oxo-1, 2-benzopyran, 5, 6-benzo-alpha-pyrone, ortho-hydroxy-cinnamic acid lactone, cis-ortho-coumarinic acid anhydride, and tonka bean camphor. All forms and variations of coumarin are included within the scope of the investigation, such as coumarin in crystal, flake, or powder form, and "crude" or unrefined coumarin (i.e., prior to purification or crystallization). Excluded from the scope are ethylcoumarins (C<sub>11</sub>H<sub>10</sub>O<sub>2</sub>) and methylcoumarins (C<sub>10</sub>H<sub>8</sub>O<sub>2</sub>).

publishing the notice in the **Federal Register** of August 24, 1994 (59 FR 43590). The hearing was held in Washington, DC, on December 13, 1994, 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 February 1, 1995. The views of the Commission are contained in USITC Publication 2852 (February 1995), entitled "Coumarin from the People's Republic of China: Investigation No. 731-TA-677 (Final)."

Issued: February 3, 1995.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 95-3141 Filed 2-7-95; 8:45 am]

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[Investigation No. 337-TA-364]

### Certain Curable Fluoroelastomer Compositions and Precursors Thereof; Notice of Decision not to Review Initial Determination Finding a Violation of Section 337 and Schedule for the Filing of Written Submissions on Remedy, the Public Interest, and Bondings

**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 initial determination (ID) issued on December 15, 1994, by the presiding administrative law judge (ALJ) in the above-captioned investigation finding a violation of section 337 in the importation into the United States and the sale within the United States after importation of certain curable fluoroelastomer compositions and precursors thereof.

**FOR FURTHER INFORMATION CONTACT:** Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3106. Copies of the nonconfidential version of the ID 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 S.W., Washington, D.C. 20436, telephone 202-205-2000. 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:** On March 16, 1994, the Commission instituted an investigation of a complaint filed by Minnesota Mining and Manufacturing Company ("3M") under section 337 of the Tariff Act of 1930. The complaint alleged that Ausimont, S.p.A., of Milan, Italy, and Ausimont U.S.A., Inc., of Morristown, NJ, imported, sold for importation, or sold in the United States after importation certain curable fluoroelastomer compositions and precursors thereof that infringed certain claims of U.S. Letters Patent 4,287,320 ("the '320 patent"). The Commission's notice of investigation named as respondents Ausimont Italy and Ausimont U.S.A., each of which was alleged to have committed one or more unfair acts in the importation or sale of curable fluoroelastomer compositions and precursors thereof that infringe claims of the asserted patent.

The ALJ conducted an evidentiary hearing commencing on September 23, 1994, and issued his final ID on December 15, 1994. He found that: (1) The '320 patent is not invalid; (2) respondents' imported products infringe the claims in issue of the '320 patent; and (3) complainant 3M satisfied the economic requirements for existence of a domestic industry. Based upon his findings of validity, infringement, and domestic industry, the ALJ concluded that there was a violation of section 337.

Respondents filed a petition for review of the ALJ's findings on the questions of validity of the '320 patent and infringement. Complainant and the Commission investigative attorneys filed responses to the petition for review. No other petitions for review of the ID or government comments were received by the Commission.

In connection with final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents 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 either are adversely affecting it or are likely to do so. For