

FOR FURTHER INFORMATION: Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3098.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on a complaint by Corning, Inc. ("Corning") alleging that Chromatic Technologies, Inc., ("CTI") and Plasma Optical Fibre, B.V. ("POF") had violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling in the United States after importation certain coated optical waveguide fibers that infringe claim 1 of Corning's U.S. Letters Patent 4,792,347. On July 17, 1998, the Commission determined not to review an ID adding Yangtze Optical Fiber and Cable Company, Ltd. ("YOFC") as a respondent.

On August 21, 1998, complainant Corning and respondents CTI, POF, and YOFC filed a joint motion to terminate the investigation by consent order. The Commission investigative attorney stated she would support the joint motion if an executed copy of the consent order stipulation was filed. An executed copy of the consent order stipulation was later filed.

On September 10, 1998, the presiding administrative law judge ("ALJ") issued an ID (Order No. 9) terminating the investigation on the basis of the proposed consent order. No party petitioned for review of the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.42, 19 CFR 210.42. Copies of the ALJ's 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 this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

By order of the Commission.

Issued: October 6, 1998.

Donna R. Koehnke,

Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-383 (Preliminary) and Investigation No. 731-TA-805 (Preliminary)]

Elastic Rubber Tape From India

Determination

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission determines,² pursuant to section 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1671b(a) and 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from India of elastic rubber tape, provided for in subheading 4008.21.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of India and sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. 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 investigations under section 703(b) or 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in these investigations under section 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. 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 investigations.

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

² Commissioner Askey dissenting.

Background

On August 18, 1998, a petition was filed with the Commission and the Department of Commerce by Fulflex, Inc., Middletown, RI; and two subsidiaries of M-Tec Corp., Elastomer Technologies Group, Inc., Stuart, VA, and RM Engineered Products, Inc., North Charleston, SC, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and LTFV imports of elastic rubber tape from India. Accordingly, effective August 18, 1998, the Commission instituted countervailing duty investigation No. 701-TA-383 (Preliminary) and antidumping investigation No. 731-TA-805 (Preliminary).

Notice of the institution of the Commission's investigations 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 August 25, 1998 (63 FR 45255). The conference was held in Washington, DC, on September 8, 1998, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on October 2, 1998. The views of the Commission are contained in USITC Publication 3133 (October 1998), entitled "Elastic Rubber Tape from India: Investigation No. 701-TA-383 (Preliminary) and Investigation No. 731-TA-805 (Preliminary)."

Issued: October 5, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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INTERNATIONAL TRADE COMMISSION

Import Investigations; Five Year Reviews Termination

Steel Jacks from Canada (AA1921-49 (Review))
Fish Netting of Manmade Fiber From Japan (AA1921-85 (Review))
Large Power Transformers From France, Italy, and Japan (AA1921-86-88 (Review))
Bicycle Speedometers From Japan (AA1921-98 (Review))
Canned Bartlett Pears From Australia (AA1921-110 (Review))