

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-811 (Final)]

Drams of One Megabit and Above From Taiwan; Notice of Commission Determination To Conduct a Portion of the Hearing in Camera**AGENCY:** U.S. International Trade Commission.**ACTION:** Closure of a portion of a Commission hearing.

SUMMARY: Upon request of respondent Taiwan Semiconductor Industry Association ("TSIA") and its member companies, the Commission has determined to conduct a portion of its hearing in the above-captioned investigation scheduled for October 19, 1999, in camera. See Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR §§ 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT:

Shara L. Aranoff, Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3090, e-mail saranoff@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202-205-3105.

SUPPLEMENTARY INFORMATION: The Commission believes that TSIA has justified the need for a closed session. TSIA seeks a closed session to allow for a discussion of market share data; financial performance data of individual domestic producers including the petitioner, Micron; market trends data; and data regarding product differentiation and market segmentation on a company-specific basis. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will begin with public presentations by the petitioner Micron Technology, Inc. and respondents, with questions from the Commission. In addition, the hearing will include a 15-minute in camera session for a confidential presentation by TSIA and for questions from the Commission relating to the BPI, followed by a 15-minute in camera rebuttal presentation by petitioner. For any in camera session the room will be cleared of all persons

except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the in camera session will be taken from their respective overall allotments for the hearing. All persons planning to attend the in camera portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in DRAMs of One Megabit and Above from Taiwan, Inv. No. 731-TA-811 (Final), may be closed to the public to prevent the disclosure of BPI.

Issued: October 15, 1999.

By order of the Commission.

Donna R. Koehnke,*Secretary.*

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-372 (Enforcement Proceeding)]

Certain Neodymium-Iron-Boron Magnets, Magnet Alloys, and Articles Containing Same; Notice of Commission Decision Vacating an Order Imposing a Civil Penalty for Violation of a Consent Order and Dismissing Formal Enforcement Proceeding**AGENCY:** International Trade Commission.**ACTION:** Notice.

SUMMARY: Notice is hereby given that the Commission has vacated its September 26, 1997, order imposing a civil penalty in the amount of \$1,550,000 on San Huan New Materials High Tech, Inc.; Ningbo Konit Industries, Inc.; and Tridus International, Inc. for violation of the consent order issued on October 11, 1995, and that the Commission has dismissed the formal enforcement proceeding instituted on May 16, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3095.

SUPPLEMENTARY INFORMATION: On October 11, 1995, the Commission terminated this investigation as to respondents San Huan New Materials

High Tech, Inc.; Ningbo Konit Industries, Inc.; and Tridus International, Inc. ("respondents") on the basis of a consent order. The order provided that respondents shall not sell for importation into the United States, import into the United States, or sell in the United States after importation neodymium-iron-boron magnets that infringe any of claims 1-3 of U.S. Letters Patent 4,588,439, (the "'439 patent"), except under consent or license from the complainant.

On March 6, 1996, complainant alleged that respondents were in violation of the consent order. The matter was referred to the administrative law judge ("ALJ") who presided over the original investigation, and on December 24, 1996, the ALJ issued a recommended determination ("RD") that respondents had violated the consent order, and that a civil penalty of \$1.625 million should be levied.

On September 26, 1997, the Commission determined that respondents had violated the consent order and assessed a civil penalty of \$1.55 million.

On June 8, 1999, complainant's successor in interest, YBM Magnex, Inc., and respondents executed an agreement providing a license for respondents to manufacture, import, and sell magnets covered by the '439 patent. On June 17, 1999, the parties filed a Joint Motion to Vacate the Commission's Civil Penalty Order. On June 29, 1999, the Commission's Office of Unfair Import Investigations ("OUII") filed its response to the joint motion. On July 9, 1999, respondents filed their Motion for Leave to File a Reply to OUII's Response to Joint Motion to Vacate the Commission's Civil Penalty Order, and attached the reply to the motion.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.76 of the Commission's Rules of Practice and Procedure (19 CFR 210.76).

Copies of the Commission's order and all other nonconfidential documents filed in connection with this proceeding 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. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal at 202-205-1810.

Issued: October 13, 1999.