

19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: July 13, 2011.

**James R. Holbein,**  
*Secretary to the Commission.*

[FR Doc. 2011-17966 Filed 7-15-11; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

### [Investigation No. 731-TA-1127 (Final) (Remand)]

### Certain Lightweight Thermal Paper From Germany; Remand Proceedings

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The U.S. International Trade Commission (“Commission”) hereby gives notice of the court-ordered remand of its final determination in Investigation No. 731-TA-1127 concerning certain lightweight thermal paper (“LWTP”) from Germany. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission’s Rules of Practice and Procedure, Part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207).

**DATES:** Effective Date: July 1, 2011.

**FOR FURTHER INFORMATION CONTACT:** Christopher Cassise, Office of Investigations, telephone 202-708-5408, or Marc A. Bernstein, Office of General Counsel, telephone 202-205-3087, U.S. International Trade

Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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>). The public record of Investigation No. 731-TA-1127 may be viewed on the Commission’s electronic docket (“EDIS”) at <http://edis.usitc.gov>.

### SUPPLEMENTARY INFORMATION:

**Background.**—In November 2008, the Commission determined that a domestic industry was threatened with material injury by reason of imports of certain lightweight thermal paper from Germany that the Department of Commerce found were sold at less than fair value (LTFV). *Papierfabrik August Koehler AG and Koehler America, Inc.* (collectively “Koehler”), respectively an exporter and importer of LWTP from Germany, contested the Commission’s determination before the Court of International Trade (CIT). The CIT affirmed the Commission’s determination. *Papierfabrik August Koehler AG v. United States*, 675 F. Supp.2d 1172 (Ct. Int’l Trade 2009). On appeal, the United States Court of Appeals for the Federal Circuit vacated the judgment of the CIT. The Federal Circuit held that the Commission improperly failed to consider certain materials Koehler introduced, consisting of a worksheet prepared in the Commerce dumping investigation containing intermediate dumping margin calculations concerning certain types of LWTP, including LWTP having basis weight of 48 grams per square meter (“48 gram LWTP”). *Papierfabrik August Koehler AG v. United States*, App. No. 2010-1147 (Fed. Cir. January 11, 2011) (non-precedential opinion).

The Federal Circuit subsequently denied the Commission’s petition for rehearing and rehearing *en banc*. *Papierfabrik August Koehler AG v. United States*, App. No. 2010-1147 (Fed. Cir. May 18, 2011). On June 15, 2011, the CIT remanded this matter to the Commission. It ordered the Commission to take “action consistent with the [Federal Circuit] decision” and “to revise its final determination with respect to the threat of material injury from subject merchandise from Germany, in accordance with the decision [of the Federal Circuit]. The Commission shall specifically explain

how its decision to deny Koehler’s request to exclude a subset of subject merchandise from the Commission’s threat of material injury determination complies with the Court of Appeals’ interpretation of 19 U.S.C.

1673d(c)(1)(A) and the decision in *Algoma Steel Corp. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)."

*Papierfabrik August Koehler AG v. United States*, Slip. Op. 11-67 (Ct. Int’l Trade June 15, 2011).

**Participation in the proceeding.**—Only those persons who were interested parties to the original investigation (*i.e.*, persons listed on the Commission Secretary’s service list) and participated in the appeal proceedings before the Federal Circuit may participate in the remand proceeding. Such persons need not re-file their appearance notices or protective order applications to participate in the remand proceeding. Business proprietary information (“BPI”) referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the original investigation.

**Written submissions.**—The Commission is reopening the record to obtain additional information pertinent to the issue on which the CIT has directed a remand. In addition, the Commission will permit the parties to file comments pertaining to any new factual information and the following issues:

1. The nature of the action the opinion of the Federal Circuit and the remand instructions of the CIT require the Commission to take on remand.

2. What factual findings and legal conclusions the Commission should make in light of the information in the remand record from Department of Commerce proceedings concerning dumping of imports of 48 gram LWTP from Germany.

Comments should be limited to no more than twenty (20) double-spaced and single-sided pages of textual material. The parties may not submit any new factual information in their comments and may not address any issue other than those listed above. Any such comments must be filed with the Commission no later than August 5, 2011.

All written submissions must conform with the provisions of section 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to

the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (Nov. 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Parties are also advised to consult with the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and Part 207, subpart A (19 CFR Part 207) for provisions of general applicability concerning written submissions to the Commission.

Issued: July 12, 2011.

By order of the Commission.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011-17937 Filed 7-15-11; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-617]

### **In the Matter of Certain Digital Television Products and Certain Products Containing Same and Methods of Using Same; Notice of Commission Determination to Rescind a Limited Exclusion Order and Cease and Desist Orders as to Certain Respondents**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to rescind the limited exclusion order and cease and desist orders issued in the above-captioned investigation as to TPV Technology, Ltd.; TPV International (USA), Inc.; Top Victory Electronics (Taiwan) Co., Ltd.; and Envision Peripherals, Inc. (collectively, "the TPV respondents") based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-1999. 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 at <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:** The Commission instituted this investigation on November 15, 2007, based on a complaint filed by Funai Electric Co., Ltd. of Japan and Funai Corporation of Rutherford, New Jersey (collectively "Funai"), alleging violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital televisions and certain products containing same by reason of infringement of certain claims of United States Patent Nos. 5,329,369 ("the '369 patent") and 6,115,074 ("the '074 patent"). The complaint named several respondents including the TPV respondents; and Vizio, Inc. and AmTran Technology Co., Ltd. (collectively, "the Vizio respondents").

On April 10, 2009, the Commission made its final determination in the investigation finding a violation of section 337 with regard to the '074 patent and no violation with respect to the '369 patent. The Commission issued a limited exclusion order and several cease and desist orders.

On August 9, 2010, the Commission determined to rescind the limited exclusion order and cease and desist orders as to the Vizio respondents based on a joint motion regarding a settlement between Funai and the Vizio respondents.

On December 21, 2010, the Commission modified the limited exclusion order and cease and desist orders based on a decision of the United States Court of Appeals for the Federal Circuit in *Vizio, Inc. v. Int'l Trade Comm'n*, 605 F.3d 1330 (Fed. Cir. 2010). On May 31, 2011, Funai and the TPV respondents filed a joint petition to rescind the modified remedial orders as to the TPV respondents. According to the joint petition, these parties have settled their dispute.

The Commission has determined that the settlement satisfies the requirement of Commission Rule 210.76 (a)(1) (19 CFR 210.76(a)(1)) that there be changed

conditions of fact or law. The Commission therefore has issued an order rescinding the limited exclusion order and cease and desist orders previously issued in this investigation as to the TPV respondents. The Commission's remedial orders remain in effect against the following respondents: Syntax-Brillian Corporation; Taiwan Kolin Co., Ltd.; Provieu International Holdings, Ltd.; Provieu Technology (Shenzhen) Co., Ltd.; and Provieu Technology, Ltd.

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 section 210.76(a)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.76(a)(1)).

By order of the Commission.

Issued: July 13, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011-17999 Filed 7-15-11; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### **Notice of Lodging of Consent Decree Under The Resource Conservation and Recovery Act (RCRA)**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 8, 2011, a proposed Consent Decree in *United States and State of Florida Department of Environmental Protection v. Hi-Acres, LLC, d/b/a Foremost Fertilizer*, Civil Action No. 5:11-cv-00389-WTH-KRS, was lodged with the United States District Court for the Middle District of Florida, Ocala Division.

The Consent Decree represents the settlement of claims brought by the United States and State of Florida Department of Environmental Protection ("FDEP") for violations by Hi-Acres at a retail sales outlet for pesticides, herbicides, and fertilizers located in Leesburg, Lake County, Florida. The Complaint alleged, *inter alia*, violations of the Resource Conservation and Recovery Act ("RCRA") Section 3008(a), 42 U.S.C. 6928(a), and the federal regulations promulgated at 40 CFR Parts 260 through 279; the authorized hazardous waste management regulations of the State of Florida, relating to the generation, transportation, treatment, storage, handling and disposal of hazardous wastes, Fla. Admin. Code Chapter 63-740, et seq; and Fla. Stat. § 403.727; and of RCRA Section 3004(d), 42 U.S.C. 6924(d), and Fla. Stat. Chapter 403