

the Secretary of Commerce on July 27, 2009. The views of the Commission are contained in USITC Publication 4090 (July 2009), entitled *Certain Tow-Behind Lawn Groomers and Parts Thereof from China: Investigation Nos. 701-TA-457 and 731-TA-1153 (Final)*.

By order of the Commission.

Issued: July 27, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. E9-18251 Filed 7-30-09; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-617]

### In the Matter of Certain Digital Television Products and Certain Products Containing Same and Methods of Using Same; Order: Denial of Motion for a Stay of Exclusion Order and Cease and Desist Orders

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") against several respondents including Vizio, Inc. of Irvine, California ("Vizio"); AmTran Technology Co., Ltd. of Taiwan ("AmTran"); Syntax-Brilliant Corporation of Tempe, Arizona ("SBC"); Taiwan Kolin Co., Ltd. of Taiwan ("Taiwan Kolin"); Proview International Holdings, Ltd. of Hong Kong ("Proview International"); Proview Technology (Shenzhen) Co., Ltd. of China ("Proview Shenzhen"); Proview Technology, Ltd. of Garden Grove, California ("Proview Technology"); TPV Technology, Ltd. of Hong Kong ("TPV Technology"); TPV International (USA), Inc. of Austin, Texas ("TPV USA"); Top Victory Electronics (Taiwan) Co., Ltd. of Taiwan ("Top Victory"); and Envision Peripherals, Inc. of Fremont, California ("Envision"). 72 FR 64240 (2007). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 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 television products and certain products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 6,115,074 ("the '074 patent") and 5,329,369.

On April 10, 2009, the Commission terminated this investigation with a finding of violation of Section 337 as to

the '074 patent. The Commission determined that the appropriate form of relief is (1) a limited exclusion order under 19 U.S.C. 1337(d)(1) prohibiting the unlicensed entry of certain digital television products and certain products containing the same that infringe one or more of claims 1, 5, and 23 of the '074 patent, and are manufactured abroad by or on behalf of, or imported by or on behalf of, Vizio, AmTran, SBC, Taiwan Kolin, Proview International, Proview Shenzhen, Proview Technology, TPV Technology, TPV USA, Top Victory, and Envision; and (2) cease and desist orders directed to Vizio, SBC, Proview Technology, TPV USA, and Envision.

On June 2, 2009, respondents Vizio, AmTran, TPV Technology, TPV USA, Top Victory, and Envision (collectively "Respondents") filed a motion to stay the limited exclusion and cease and desist orders pending appeal of the Commission's determination to the U.S. Court of Appeals for the Federal Circuit. Funai and the Commission investigative attorney ("IA") filed responses opposing the motion on June 12, 2009. On June 18, 2009, Respondents filed a motion for leave to file a joint reply in support of their motion to stay. The IA filed an opposition to this motion on June 29, 2009.

Upon consideration of this matter, the Commission hereby *orders* that:

1. Respondents' motion to stay enforcement of the limited exclusion order and cease and desist orders pending appeal is *denied*.
2. Respondents' motion for leave to file a joint reply in support of motion to stay enforcement of the limited exclusion order and cease and desist order pending appeal is *denied*.
3. Notice of this Order and a Commission Opinion to be issued at a later date shall be served on the parties to this investigation.

By order of the Commission.

Issued: July 28, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. E9-18329 Filed 7-30-09; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-466 and 731-TA-1162 (Preliminary)]

### Wire Decking From China

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured, by reason of imports from China of wire decking, provided for in subheading 9403.90.80 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV) and subsidized by the Government of China.

#### 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 affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 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.

#### Background

On June 5, 2009, a petition was filed with the Commission and Commerce 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)).

AWP Industries, Inc., Frankfort, KY; ITC Manufacturing, Inc., Phoenix, AZ; J&L Wire Cloth, Inc., St. Paul, MN; Nashville Wire Products Mfg. Co., Inc., Nashville, TN; and Wireway Husky Corp., Denver, NC, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of wire decking from China.

Accordingly, effective June 5, 2009, the Commission instituted countervailing duty investigation No. 701-TA-466 and antidumping duty investigation No. 731-TA-1162 (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 June 11, 2009 (74 FR 27823). The conference was held in Washington, DC, on June 26, 2009, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 20, 2009. The views of the Commission are contained in USITC Publication 4092 (July 2009), entitled *Wire Decking from China: Investigation Nos. 701-TA-466 and 731-TA-1162 (Preliminary)*.

By order of the Commission.

Issued: July 27, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. E9-18252 Filed 7-30-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

Notice is hereby given that on July 21, 2009, a proposed Consent Decree in *United States v. Princeton Gamma-Tech, Inc., et al.* (D.N.J.) No. 91-809 (AET), was lodged with the United States District Court for the District of New Jersey.

In this action, the United States sought the recovery of response costs pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C.

9607(a), from certain Defendants for response costs incurred at the Rocky Hill Municipal Wellfield Superfund Site and the Montgomery Township Housing Development Superfund Site (the "Sites"), located in Somerset County, New Jersey. Pursuant to the proposed Consent Decree, Frederick Van Cleef and Cornelius DeCicco ("Settling Defendants") will pay to the United States \$234,500 in reimbursement of past and future response costs incurred by the United States with respect to the Sites. In addition, the Settling Defendants will pay \$155,000 to the State of New Jersey in reimbursement of past and future response costs and natural resources damages related to the Sites. The proposed Consent Decree provides the Settling Defendants with a covenant not to sue pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Princeton Gamma-Tech, Inc., et al.* (D.N.J.) No. , D.J. Ref. 90-11-2-290.

The consent decree may be examined at the Office of the United States Attorney, District of New Jersey, Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 E. State Street, Trenton, New Jersey 08608 (contact AUSA Irene Dowdy), and at U.S. EPA Region II, 290 Broadway, New York, New York 10007-1866 (contact Amelia Wagner). During the public comment period, the consent decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$13.25 (25 cents per

page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

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In this action, the United States sought the recovery of response costs pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Recovery Act, as amended ("CERCLA"), 42 U.S.C. 9607(a), from Defendants for response costs incurred at the Rocky Hill Municipal Wellfield Superfund Site and the Montgomery Township Housing Development Superfund Site (the "Sites"), located in Somerset County, New Jersey. Pursuant to the proposed Consent Decree, the Settling Defendants will pay to the United States \$1,842,500 in reimbursement of past and future response costs incurred by the United States with respect to the Sites. In addition, the Settling Defendants will pay \$907,500 to the State of New Jersey in reimbursement of past and future response costs and natural resources damages related to the Sites. The proposed Consent Decree provides the Settling Defendants with a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Princeton Gamma-Tech, Inc., et al.* (D.N.J.) No., D.J. Ref. 90-11-2-290.

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