

Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** On November 24, 1993, the Commission instituted an investigation of a complaint filed by Pro-Cut International, Inc. ("Pro-Cut") under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337). The complaint alleged that two respondents imported, sold for importation, or sold in the United States after importation certain portable on-car disc brake lathes and components thereof that infringed the sole claim of U.S. Letters Patent 4,226,146 ("the '146 patent"). The Commission's notice of investigation named as respondents Hunter Engineering Company ("Hunter") and Ludwig Hunger Maschinenfabrik GmbH ("Hunger"), each of which was alleged to have committed one or more unfair acts in the importation or sale of portable on-car disc brake lathes that infringe the asserted patent claim.

The ALJ conducted an evidentiary hearing on May 2-4, 1994, and issued his final ID on August 12, 1994. He found that: (1) respondents' imported product does not infringe the asserted patent claim; (2) complainant satisfied the economic requirements for existence of a domestic industry; but that (3) there is no domestic industry because complainant is not practicing the '146 patent. Based upon his findings of no infringement and no domestic industry, the ALJ concluded that there was no violation of section 337.

On September 29, 1994, the Commission determined to review the August 12 final ID and to remand the ID in part to the ALJ for further explanation of his findings of no infringement under the doctrine of equivalents and no domestic industry. The Commission ordered the ALJ to issue an ID on the remanded issues on or before November 28, 1994. The Commission adopted the August 12 final ID in all other respects.

On November 28, 1994, the ALJ issued an ID addressing the remanded issues. The remand ID provides additional findings of fact and analysis and reiterates the ALJ's prior findings of no infringement under the doctrine of equivalents and no domestic industry. Complainant filed a petition for review objecting to both findings of the remand ID. Both respondents and the Commission investigative attorneys filed oppositions to the petition for review supporting the ALJ's findings in the remand ID. No agency comments were received.

Having considered the record in this investigation, including the August 12 final ID, the November 28 remand ID,

and all submissions filed in connection with the petitions for review of both IDs, the Commission determined not to review the November 28 remand ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 USC 1337, and sections 210.53 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.53.

Issued: January 10, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-1336 Filed 1-18-95; 8:45 am]

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#### [Investigation 337-TA-368]

#### **Certain Rechargeable Nickel Metal Hydride Anode Materials and Batteries, and Products Containing Same; Notice of Initial Determination Terminating Respondents on the Basis of Settlement Agreement**

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

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding administrative law judge in the above captioned investigation terminating the following respondents on the basis of a settlement agreement: Toshiba Battery Company, Ltd., Toshiba America Information System, Inc., and Toshiba America Consumer Products.

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on January 13, 1995.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are 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 individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, S.W., Washington, D.C. 20436, no later than five days after publication of this notice in the Federal Register. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205-1802.

Issued: January 13, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-1337 Filed 1-18-95; 8:45 am]

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#### [Investigation No. 337-TA-368]

#### **Certain Rechargeable Nickel Metal Hydride Anode Materials and Batteries, and Products Containing Same; Notice of Decision Not to Review Initial Determination Granting Joint Motion To Terminate the Investigation with Respect to Respondents Sanyo Electric Co., Ltd. and Sanyo Energy (USA) Corp. on the Basis of a License Agreement**

**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 an initial determination (ID) (Order No. 8) issued on December 15, 1994, by the presiding administrative law judge (ALJ) in the above-captioned investigation granting the joint motion of complainants Energy Conversion Devices, Inc. and Ovonic Battery Co., Inc. and respondents Sanyo Electric Co., Ltd. and Sanyo Energy (USA) Corp. (collectively "the Sanyo companies") to terminate the investigation as to the Sanyo companies on the basis of a licensing agreement.

**FOR FURTHER INFORMATION CONTACT:** Marc A. Bernstein, Office of the General Counsel, U.S. International Trade