

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. 337-TA-1096]

**Certain Microperforated Packaging  
Containing Fresh Produce;  
Commission Determination Not To  
Review an Initial Determination  
Granting a Motion To Terminate the  
Investigation as to Respondent Apio,  
Inc. Based On A Settlement and  
License Agreement; Termination of the  
Investigation in Its Entirety**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. 19) of the presiding administrative law judge (“ALJ”), granting complainant’s motion to terminate the investigation as to respondent Apio, Inc. (“Apio”) of Guadalupe, California, based on a settlement and license agreement. As Apio is the last respondent, the investigation is terminated in its entirety.

**FOR FURTHER INFORMATION CONTACT:**

Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 January 22, 2018, based on a complaint filed on behalf of Windham Packaging, LLC (“Windham”) of Windham, New Hampshire. 83 FR 3020 (Jan. 22, 2018). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of claims 1-6, 11, and 13 of U.S. Patent

No. 7,083,837. 83 FR 4269 (Jan. 30, 2018). The complaint further alleges that a domestic industry exists. The Commission’s notice of investigation named as respondents Alpine Fresh, Inc. (“Alpine Fresh”) of Miami, Florida; B&G Foods North America, Inc. (“B&G Foods”) of Parsippany, New Jersey; Taylor Farms California, Inc. (“Taylor Farms”) of Salinas, California; Apio; and Glory Foods, Inc. (“Glory Foods”) of Columbus, Ohio. The Office of Unfair Import Investigations is not participating in the investigation.

Respondents B&G Foods, Taylor Farms, Alpine Fresh, and Glory Foods have been terminated from the investigation under Commission Rule 210.21(a)(1). See Order No. 9 (Feb. 21, 2018); Comm’n Notice (Mar. 15, 2018); Order No. 16 (Mar. 13, 2018); Comm’n Notice (Mar. 26, 2018); Order No. 17 (Mar. 27, 2018); Comm’n Notice (Apr. 25, 2018).

On April 9, 2018, Windham filed a motion to terminate the investigation as to the last remaining respondent Apio based on a settlement and license agreement. Order No. 19 at 1 (Apr. 20, 2018). On April 20, 2018, the ALJ issued the subject ID granting the motion. *Id.* at 2. The ALJ found that the motion complies with the Commission Rules, and that no public interest factors prohibit the termination of this investigation. *Id.* No petitions for review were filed.

The Commission has determined not to review the ID. The investigation is terminated in its entirety.

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 Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.  
Issued: May 11, 2018.

**Lisa Barton,***Secretary to the Commission.*

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**BILLING CODE 7020-02-P****INTERNATIONAL TRADE  
COMMISSION**

[Inv. Nos. 701-TA-573-574 and 731-TA-1350, 1351, 1354, 1355, and 1358 (Final)]

**Carbon and Certain Alloy Steel Wire  
Rod From Italy, Korea, Spain, Turkey,  
and the United Kingdom;  
Determinations**

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (“Commission”) determines,<sup>2</sup> pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of carbon and certain alloy steel wire rod from Italy, Korea, Spain, Turkey, and the United Kingdom, provided for in subheadings 7213.91.30, 7213.91.45, 7213.91.60, 7213.99.00, 7227.20.00, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”) and imports of such wire rod found by Commerce to be subsidized by the governments of Italy and Turkey.<sup>3</sup>

**Background**

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective March 28, 2017, following receipt of a petition filed with the Commission and Commerce by Charter Steel, Saukville, Wisconsin; Gerdau Ameristeel US Inc., Tampa, Florida; Keystone Consolidated Industries, Inc., Peoria, Illinois; and Nucor Corporation, Charlotte, North Carolina. Effective September 5, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on carbon and certain alloy steel wire rod, following preliminary determinations by Commerce that imports of the subject wire rod were subsidized by the governments of Italy and Turkey. Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith was given 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)).

<sup>2</sup> Chairman Schmidlein, Vice Chairman Johanson, and Commissioners Williamson and Broadbent voted in the affirmative. Commissioner Kearns did not participate in these investigations.

<sup>3</sup> The Commission also finds that imports of wire rod subject to Commerce’s affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping duty orders on imports from Spain and the United Kingdom and the countervailing duty order on imports from Turkey.