

exclusion order (“GEO”) under section 337(d)(2)(A). *Id.* at 49–52. However, the RD recommends that the evidence does not support that there is a widespread pattern of circumvention and, thus, does not support issuance of a GEO under section 337(d)(2)(B). Moreover, because Optimum failed to show a violation of section 337 by substantial, reliable, and probative evidence, the RD does not recommend issuing a GEO under section 337(g)(2). The RD does not recommend issuing any cease and desist orders. The RD also recommends that, because Optimum failed to demonstrate the necessity of a bond, the Commission should issue a zero percent (0%) bond for any infringing products imported during the period of Presidential review.

On December 24, 2024, Optimum filed a petition for review. On January 7, 2025, Staff filed a response to Optimum’s petition. Xenogenic did not file a response to Optimum’s petition.

On January 21, 2025, the Commission published its post-RD **Federal Register** notice seeking submissions on public interest issues raised by the relief recommended by the ALJ should the Commission find a violation. 90 FR 7158–59 (Jan. 21, 2025). On February 10, 2025, Antony Hernandez filed a submission supporting Optimum’s request for a GEO. On February 11, 2025, Xenogenic filed a submission arguing against issuance of a GEO.

On March 11, 2025, the Commission determined to review the FID in its entirety. 90 FR 12366–67 (Mar. 17, 2025).

Having reviewed the record of the investigation, the Commission has found no violation of section 337. Specifically, the Commission affirms the FID’s findings that Optimum has not satisfied the importation requirement, has failed to show infringement, and has not satisfied the domestic industry requirement. The Commission has also determined to strike the FID’s statement in its “Conclusions of Law” section that the Commission “lacks statutory authority with respect to this investigation because Optimum is not the owner or exclusive licensee of the asserted patents.” *See* FID at 46. The Commission has also determined to take no position on the FID’s findings regarding ownership. *See* 19 CFR 210.45(c); *see also* *Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984). Accordingly, the Commission finds no violation of section 337.

The investigation is terminated.

The Commission vote for this determination took place on April 25, 2025.

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: April 25, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–727 and 731–TA–1695 (Final)]

### Disposable Aluminum Containers, Pans, Trays, and Lids 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 the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of disposable aluminum containers, pans, trays, and lids from China, provided for in statistical reporting number 7615.10.7125 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”) and subsidized by the government of China.<sup>2 3</sup>

#### Background

The Commission instituted these investigations effective May 16, 2024, following receipt of petitions filed with the Commission and Commerce by the Aluminum Foil Container Manufacturers Association, Lexington, Kentucky, and its individual members Durable Packaging International, Wheeling, Illinois; D&W Fine Pack, LLC, Wood Dale, Illinois; Handi-Foil Corp., Wheeling, Illinois; Penny Plate, LLC, Fishersville, Virginia; Reynolds Consumer Products, LLC, Lake Forest, Illinois; Shah Foil Products, Inc.,

<sup>1</sup> The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 90 FR 11703, 90 FR 11705 (March 11, 2025).

<sup>3</sup> The Commission also finds that imports subject to Commerce’s affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the countervailing and antidumping duty orders on disposable aluminum containers, pans, trays, and lids from China.

Piscataway Township, New Jersey; Smart USA, Inc., Bay Shore, New York; and Trinidad/Benham Corp., Denver, Colorado. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of disposable aluminum containers, pans, trays, and lids from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). 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 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** on January 8, 2025 (90 FR 1545). The Commission conducted its hearing on March 18, 2025. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on April 28, 2025. The views of the Commission are contained in USITC Publication 5611 (April 2025), entitled *Disposable Aluminum Containers, Pans, Trays, and Lids from China: Investigation Nos. 701–TA–727 and 731–TA–1695 (Final)*.

By order of the Commission.

Issued: April 28, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–991 (Fourth Review)]

### Silicon Metal From Russia; Institution of a Five-Year Review

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

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the antidumping duty order on silicon metal from Russia would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties