

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission had determined not to review the initial determination (ID) of the presiding administrative law judge (ALJ) in the above-captioned investigation granting complainants' and respondent Nitto Trading Corporation's ("Nitto") joint motion to terminate the investigation as to Nitto on the basis of a consent order.

**FOR FURTHER INFORMATION CONTACT:** Shara L. Aranoff, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone 202-205-3090.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 in the importation and sale of certain agricultural tractors under 50 PTO horsepower, on February 14, 1996. On August 15, 1996, complainants Kubota Tractor Corporation, Kubota Manufacturing of America Corporation, and Kubota Corporation, and respondent Nitto jointly moved for termination of the investigation as to Nitto based on a consent order stipulation and proposed consent order. The parties' agreement provides that (1) Nitto admits that complainants' four registered trademarks are valid, subsisting, and enforceable and agrees not to challenge the validity of the marks in any proceeding to enforce the consent order; (2) Nitto will cease and desist from exporting, importing, selling, distributing or otherwise transferring the tractors that are the subject of this investigation; (3) Nitto waives all right to seek judicial review or otherwise challenge the validity of the consent order; (4) the consent order shall not apply to the extent that any of complainants' marks has expired or been found invalid or unenforceable, provided such finding is final and nonreviewable; and (5) the consent order is subject to enforcement, modification and revocation in accordance with Commission rules. On August 26, 1996, the Commission investigative attorney (IA) filed a response supporting the motion to terminate on the grounds that it satisfied all Commission procedural and substantive requirements, that settlements are generally in the public interest, and that the IA has no basis to conclude that termination of the investigation with respect to Nitto would be contrary to the public interest. On September 6, 1996, ALJ issued an ID (Order No. 50) granting the joint motion.

No petitions for review of the ID were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.42).

Copies of the ID and all other nonconfidential 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal at 202-205-1810.

Issued: September 25, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of September, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

### Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-32,540; *I.C.I. Explosives USA, Inc., Tamaqua, PA*

TA-W-32,554; *Concord Fabrics, Inc., New York, NY*

TA-W-32,548; *Stonehenge Products, Springfield, KY*

TA-W-32,608; *Crown Pacific Limited Partnership, Redmond, OR*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-32,595; *Fieldcrest Cannon Mill Division—York Plant #19, York, SC*

TA-W-32,665; *Zenith Data Systems Corp., St. Joseph, MI*

TA-W-32,658; *Advance Pressure Castings Div. of Mid-West Spring Corp., Denville, NJ*

TA-W-32,625; *Woodbridge Group, Cartex Corp., Fairless Hills, PA*

TA-W-32,597; *Medical Innovations Corp., Ventura*

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-32,573; *Thomson Consumer Electronics, Inc., Syracuse, NY*

TA-W-32,628; *Fashion Bug (Charming Shoppes, Inc), Gallery II, Philadelphia, PA*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

### Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

TA-W-32,561; *Kingstree Knits, a Div. of Texfi Industries, Inc., Midway, GA: July 11, 1995.*

TA-W-32,632; *Liberty Childrenswear Co., Birmingham, AL: August 1, 1995.*

TA-W-32,679; *Chic By H.I.S., Belmont, MS: August 9, 1995.*

TA-W-32,705; *Union Knitting Mills, Inc., Schuylkill Haven, PA: August 22, 1995.*

TA-W-32,166; *Tifton Apparel Mfg Co., Tifton, GA: March 12, 1995.*

TA-W-32,640; *Hubbard Farms, Statesville, NC: August 2, 1995.*

TA-W-32,563; *KL Manufacturing Co., Inc., Post Falls, ID: July 1, 1995.*

TA-W-32,535; *North American Rayon Corp., Elizabeth, TN: June 19, 1995.*  
 TA-W-32,536; *North American Polyester, Elizabeth, TN: June 19, 1995.*  
 TA-W-32,547; *ASARCO, Inc., Omaha, NE: July 1, 1995.*  
 TA-W-32,564; *Beck/Arnley Worldparts Corp., Pittsburgh, PA: July 2, 1995.*  
 TA-W-32,604; *Dana Manufacturing, Inc., Providence, RI: July 18, 1995.*  
 TA-W-32,686; *Melton Co., Batavia, NY: August 19, 1995.*  
 TA-W-32,593; *Connor Forest Industries, Inc., Wakefield, MI: July 12, 1995.*  
 TA-W-32,566; *Decaturville Manufacturing #3, Parsons, TN: July 5, 1995.*  
 TA-W-32,580; *El Paso Apparel Group, Inc., El Paso, TX: July 10, 1995.*  
 TA-W-32,707, A, B; *Nordictrack, Chaska, MN, Glencoe, MN and Belle Plaine, MN: August 22, 1995.*  
 TA-W-32,602; *Energy Efficient Products, Inc., Bellevue, OH: July 15, 1995.*  
 TA-W-32,630; *Conoco, Inc., Exploration & Production, North America, Houston, TX & Operating at Various Locations in The Following States: A; TX, B; CO, C; LA, D; ND, E; NM, F; OK: September 26, 1996.*

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of August & September, 1996.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such

workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

#### Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-01145; *Fieldcrest Cannon Mill, York Plant #19, York, SC*  
 NAFTA-TAA-01173; *L.L. Brewton Lumber Co., Inc., Winnfield, LA*  
 NAFTA-TAA-01192; *Gonyea's Woodworking, Inc., Monroe, WA*  
 NAFTA-TAA-01149; *Crown Pacific Limited Partnership, Redmond, OR*  
 NAFTA-TAA-01172; *EJL Boot Mfg., El Paso, TX*  
 NAFTA-TAA-01176; *W.E.A. Manufacturing, Inc., Olyphant, PA*  
 NAFTA-TAA-01159; *Runnymede Mills, Inc., Tarboro, NC*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA-TAA-01163; *Fire Mountain, Inc., aka Fire Mountain Enterprises, Inc., Colstrip, MT*

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

#### Affirmative Determinations NAFTA-TAA

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

NAFTA-TAA-01169; *Hubbard Farms, Div. of British United Turkeys of America, Statesville, NC: August 5, 1995.*  
 NAFTA-TAA-01162; *Thomas & Betts Corp., Reznor Div., Mercer, PA: July 17, 1995.*  
 NAFTA-TAA-01204; *Avery Dennison, K & M Division, Torrance, CA: August 21, 1995.*  
 NAFTA-TAA-01164; *Sun Broom Co., Mattoon, IL: July 12, 1995.*  
 NAFTA-TAA-01183; *Dynamic Axle Co., Rancho Dominguez, CA: August 7, 1995.*

NAFTA-TAA-01194; *Roundwood Timber Products, Inc., Chemult, OR: August 14, 1995.*

I hereby certify that the aforementioned determinations were issued during the month of September, 1996. Copies of these determinations are available for inspection in Room C-4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 20, 1996.

Curtis K. Kooser,

*Acting Program Manager, Policy & Reemployment Services Office of Trade Adjustment Assistance*

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#### [TA-W-32,310, TW-W-32,310A]

#### **Crown Pacific Limited Partnership Albeni Falls, Oldtown, and Coeur d'Alene, Idaho; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 7, 1996, applicable to all workers of Crown Pacific Limited Partnership, Albeni Falls, Oldtown, Idaho. The notice was published in the Federal Register on June 20, 1996 (61 FR 31552).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that worker separations have occurred at Crown Pacific's administrative offices located in Coeur d'Alene, Idaho. The workers are engaged in employment supporting production of board and dimensional lumber and chips produced at the subject firm's Oldtown, Idaho mill.

The intent of the Department's certification is to include all workers of Crown Pacific Limited Partnership adversely affected by imports. Accordingly, the Department is amending the certification to include all workers at the subject firms' Coeur d'Alene, Idaho location.

The amended notice applicable to TA-W-32,310 is hereby issued as follows:

All workers of Crown Pacific Limited Partnership, Albeni Falls, Oldtown, Idaho (TA-32,210) and Coeur d'Alene, Idaho (TA-