

New Hanover County

Wilmington National Cemetery (Civil War Era National Cemeteries MPS), 2011 Market St., Wilmington, 97000021

Wake County

Raleigh National Cemetery (Civil War Era National Cemeteries MPS) 501 Rock Quarry Rd., Raleigh, 97000022

VERMONT

Grand Isle County

South Stone School House (Educational Resources of Vermont MPS) VT 129, jct. with Quarry Rd., Isle LaMotte, 97000025

Rutland County

Kidder, Asahel, House, VT 22A, S of jct. with Bolger Rd., Fair Haven, 97000024

Windsor County

King Farm, The (Agricultural Resources of Vermont MPS) King Farm Rd., .5 mi. N of jct with US 4, Woodstock, 97000026

WASHINGTON

Pend Oreille County

United States Border Station, Roughly bounded by WA 31 and the U.S.-Canadian border, Colville National Forest, Metaline Falls vicinity, 96001634

[FR Doc. 97-971 Filed 1-14-97; 8:45 am]

BILLING CODE 4310-70-P

Bureau of Reclamation

Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington

AGENCY: Bureau of Reclamation, Interior.

ACTION: Change in meeting dates.

SUMMARY: The Bureau of Reclamation published a notice of scheduled meetings for the Conservation Advisory Group, Yakima River Basin Water Enhancement Project in the Federal Register (61 FR 54214, Oct. 17, 1996). The meeting dates have been changed to January 15-16.

FOR FURTHER INFORMATION CONTACT: Walt Fite, Program Manager, Yakima River Water Enhancement Project, PO Box 1749, Yakima, Washington 98907; (509) 575-5848 ext. 267.

SUPPLEMENTARY INFORMATION: The Basin Conservation Program is structured to provide economic incentives with cooperative Federal, State, and local funding to stimulate the identification and implementation of structural and nonstructural cost-effective water conservation measures in the Yakima River basin. Improvements in the efficiency of water delivery and use will result in improved stream flows for fish and wildlife and improve the reliability of water supplies for irrigation.

Dated: November 26, 1996.

James V. Cole,

Manager, Upper Columbia Area Office.

[FR Doc. 97-886 Filed 1-14-97; 8:45 am]

BILLING CODE 4310-04-M

INTERNATIONAL TRADE COMMISSION

Certain Agricultural Tractors Under 50 Power; Take-off Horsepower; Notice of Commission Determination to Review in Part an Initial Determination; Schedule for the Filing of Written Submissions on the Issue Under Review, and on Remedy, the Public Interest, and Bonding

Investigation No. 337-TA-380

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission had determined to review in part the initial determination (ID) issued by the presiding administrative law judge (ALJ) on November 22, 1996, in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT:

Shara L. Aranoff, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3090.

SUPPLEMENTARY INFORMATION: This trademark-based section 337 investigation was instituted by the Commission on February 14, 1996, based on a complaint filed by Kubota Tractor Corporation ("KTC"), Kubota Manufacturing of America ("KMA"), and Kubota Corporation ("KBT") (collectively "complainants"). Complainants alleged unfair acts in violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation, sale for importation, and/or the sale within the United States after importation of certain agricultural tractors under 50 power take-off horsepower, by reason of infringement of complainants' four registered trademarks, U.S. Reg. Nos. 922,330 ("KUBOTA" in block letters), 1,775,620 ("KUBOTA" stylized), 1,028,221 (Gear Design), and 1,874,414 (stylized "K"). The Commission's notice of investigation named Eisho World Ltd., Nitto Trading Corporation, Nitto Trading Co. Ltd., Sanko Industries Co., Ltd., Sonica Trading, Inc., Suma Sangyo, Toyo Service Co., Ltd., Bay Implement Company, Casteel Farm Implement Co. of Monticello, Arkansas, Casteel Farm Implement Co. of Pine

Bluff, Arkansas, Casteel World Group, Inc., Gamut Trading Co., Gamut Imports, Lost Creek Tractor Sales, MGA, Inc. Auctioneers, Tom Yarbrough Equipment Rental and Sales, Inc., The Tractor Shop, Tractor Company, Wallace International Trading Co. and Wallace Import Marketing Co. Inc. as respondents. 61 Fed. Reg. 6802 (Feb. 22, 1996).

On June 19, 1996, the notice of investigation was amended to add Fujisawa Trading Company as a respondent. On May 29, 1996, the Commission determined not to review an ID (Order No. 13) finding respondents Tractor Company, Sonica Trading, and Toyo Service in default pursuant to Commission rule 210.16, and ruling that they had waived their respective rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. On September 25, 1996, the Commission issued a consent order terminating the investigation as to respondent Nitto Trading Corporation. On September 30, 1996, the Commission issued a consent order terminating the investigation as to respondent Yarbrough Equipment Rental and Sales Inc.

On August 21, 1996, the Commission determined not to review an ID (Order No. 40), granting complainants' motion for summary determination that complainants' four trademarks are valid and that the "KUBOTA" (block letters) and Gear Design marks are incontestable. On September 6, 1996, the Commission determined not to review an ID (Order No. 47), granting complainants' motion for summary determination that a domestic industry exists with respect to the "KUBOTA" (block letters) and "KUBOTA" (stylized) trademarks.

The ALJ held an evidentiary hearing on the merits between August 29 and September 7, 1996, and heard closing arguments on October 24, 1996. The ALJ issued his final ID finding a violation of section 337 on November 22, 1996. He found that there had been imports of the accused products; that 24 specific models of the accused tractors infringed the "KUBOTA" (block letters) trademark (U.S. Reg. No. 922,330); that one model of the accused tractors, the KBT L200, did not infringe the "KUBOTA" (block letters) trademark; that the accused products did not infringe the "KUBOTA" (stylized) trademark (U.S. Reg. No. 1,775,620); and that complainants were no longer asserting violations of section 337 based on infringement of the stylized "K" and "Gear Design" trademarks.

Both complainants and respondents filed petitions for review of the final ID, and complainants and the Commission investigative attorney filed responses to the petitions. On December 19, 1996, complainants filed a motion for leave to file a reply to the investigative attorney's response. There is no provision in the Commission's rules for such a reply. See 19 C.F.R. 210.43(c). Moreover, complainants' reply fails to raise any arguments that could not have been raised before the ALJ or in their petition for review. Accordingly, the Commission has determined to deny complainants' motion for leave to file a reply.

Having examined the record in this investigation, including the ID, the Commission has determined to review (1) the finding of no infringement with respect to the KBT model L200 tractor; and (2) the decision to limit infringement analysis to 25 models of accused tractors rather than all models of KBT tractors as to which there is evidence of importation and sale in the United States. The Commission has determined not to review the ID in all other respects. On review, the Commission will consider the following issues:

(1) whether the fact that gray market KBT L200 tractors are imported and sold bearing Japanese-language labels constitutes a "material difference" from the authorized KTC L200 model tractors sufficient to establish a likelihood of confusion;

(2) whether evidence on the record in this investigation demonstrates that specific KBT models other than the 25 identified on SX-1 have been imported and sold in the United States; and, if so,

(3) whether evidence on the record in this investigation demonstrates that any specific KBT model identified in number (2) above was imported and sold in the United States bearing Japanese-language labels or is otherwise materially different than the closest corresponding KTC model with respect to any of the differences found to be "material" in the ID.

In connection with final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for

purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see the Commission Opinion in *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions

The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation, including references to specific exhibits and testimony. Additionally, the parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the November 22, 1996, recommended determination by the ALJ on remedy and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on January 23, 1997. Reply submissions must be filed no later than the close of business on January 30, 1997. No further

submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 C.F.R. 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.45-.51 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.45-.51).

Copies of the public version 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: January 9, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97-969 Filed 1-14-97; 8:45 am]

BILLING CODE 7020-02-P

[Investigation No. 731-TA-740 (Final)]

Sodium Azide From Japan

AGENCY: United States International Trade Commission.

ACTION: Suspension of investigation.

SUMMARY: On January 7, 1997, the Department of Commerce published notice of the suspension of its antidumping investigation on sodium azide from Japan (62 FR 973). The basis for the suspension is an agreement between the Department of Commerce and producers/exporters which account