

that date if no additional claimants come forward.

Dated: July 16, 1996.

Francis P. McManamon,

*Departmental Consulting Archeologist, Chief,
Archeology & Ethnography Program.*

[FR Doc. 96-18607 Filed 7-23-96; 8:45 am]

BILLING CODE 4310-70-F

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for the title described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: Comments must be submitted on or before August 23, 1996, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208-2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget regulations at 5 CFR part 1320, which implement provisions of the paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to renew its approval of the collection of information found at 30 CFR part 745, State-Federal Cooperative Agreements. OSM is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is listed in 30 CFR part 745, which is 1029-0092.

As required under 5 CFR 1320.8(d), a Federal Register notice soliciting comments on these collections of

information was published on May 3, 1996 (61 FR 19957). No comments were received. This notice provides the public with an additional 30 days in which to comment.

The following information is provided for the information collection: (1) title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information. Where appropriate, OSM has revised burden estimates to reflect current reporting levels, adjustments based on reestimates of the burden or number of respondents, and programmatic changes.

Title: State-Federal cooperative agreements—30 CFR part 745.

OMB Control Number: 1029-0092.

Summary: 30 CFR part 745 requires that States submit information when entering into a cooperative agreement with the Secretary of the Interior. OSM uses the information to make findings that the State has an approved program and will carry out the responsibilities mandated in the Surface Mining Control and Reclamation Act to regulate surface coal mining and reclamation activities.

Bureau Form Number: None.

Frequency of Collection: On occasion.

Description of Respondents: State governments which regulate coal.

Total Annual Responses: 21.

Total Annual Burden Hours: 14,300.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW., Washington, DC 20503.

Dated: July 18, 1996.

Gene E. Krueger,

*Acting Chief, Office of Technology
Development and Transfer.*

[FR Doc. 96-18784 Filed 7-23-96; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-343]

Annual Statistical Report on U.S. Imports of Textiles and Apparel

AGENCY: United States International Trade Commission.

ACTION: Continuation of reports and change of title of investigation.

EFFECTIVE DATE: July 16, 1996.

SUMMARY: On June 15, 1993, the Commission initiated the current investigation for the purpose of compiling and publishing reports on U.S. imports of textiles and apparel under the Multifiber Arrangement (MFA). The Commission has published similar reports since 1981. In the notice of investigation published in the Federal Register of June 23, 1993 (58 FR 34064), the Commission announced that it would publish reports in June 1993, April 1994, and April 1995. After receiving numerous requests from the public for the report, the Commission has decided to continue publishing the reports through 1998, after which the Commission will again review the question of whether to continue issuing such reports. The Commission has also changed the title of the investigation to reflect the fact the MFA has been replaced by the Uruguay Round Agreement on Textiles and Clothing (ATC). The report was formerly titled, "U.S. Imports of Textiles and Apparel Under the Multifiber Arrangement."

The format of the reports will remain similar to that of previous reports, providing both quantity and value data for a four-year period at a level of country and product detail that is not readily available from other sources. The reports also will provide statistics on U.S. textile and apparel imports, by fibers, broad product groups, and regional country groups. In addition, detailed data will be presented in terms of the nearly 150 product categories used to administer the U.S. textile and apparel trade agreements program for the top supplying countries with which the United States has quotas.

FOR FURTHER INFORMATION CONTACT: Information on these reports may be obtained from Jackie W. Jones, Office of Industries (202-205-3466). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202-205-1810).

Issued: July 17, 1996.

By order of the Commission.
 Donna R. Koehnke,
Secretary.
 [FR Doc. 96-18795 Filed 7-23-96; 8:45 am]
 BILLING CODE 7020-02-P

**[Investigations Nos. 701-TA-365-366
 (Final) and 731-TA-734-735 (Final)]**

Certain Pasta From Italy and Turkey

Determinations

On the basis of the record¹ developed in the subject investigations, the Commission determines,² pursuant to section 705(b) of the Tariff Act of 1930 (the Act),³ that an industry in the United States is materially injured by reason of imports from Italy and Turkey of certain pasta⁴ that have been found by the Department of Commerce to be subsidized by the Governments of Italy and Turkey.

On the basis of the record developed in the subject investigations, the Commission also determines,⁵ pursuant to section 735(b) of the Act,⁶ that an industry in the United States is materially injured by reason of imports from Italy and Turkey of certain pasta that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective October 17, 1995, and January 17, 1996, following preliminary determinations by the Department of Commerce that imports of certain pasta from Italy and Turkey

were being subsidized within the meaning of section 703(b) of the Act,⁷ and were being sold at LTFV within the meaning of section 733(b) of the Act.⁸

Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the Federal Register of November 28, 1995, and February 7, 1996.⁹ The hearing was held in Washington, DC, on June 5, 1996, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 17, 1996. The views of the Commission are contained in USITC Publication 2977 (July 1996), entitled "Certain Pasta from Italy and Turkey: Investigations Nos. 701-TA-365-366 (Final) and 731-TA-734-735 (Final)."

Issued: July 19, 1996.

By order of the Commission.

Donna R. Koehnke,
Secretary.
 [FR Doc. 96-18794 Filed 7-23-96; 8:45 am]
 BILLING CODE 7020-02-P

[Investigation No. 337-TA-376]

Certain Variable Speed Wind Turbines and Components Thereof; Notice of Commission Decision To Review Portions of an Initial Determination; and Schedule for the Filing of Written Submissions on the Issues Under Review, and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review certain portions of the initial determination (ID) issued by the presiding administrative law judge (ALJ) on May 30, 1996, in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3106.

SUPPLEMENTARY INFORMATION: This patent-based section 337 investigation

was instituted by the Commission on May 30, 1995 (60 F.R. 28167 (May 30, 1995)) based on a complaint filed by Kenetech Windpower, Inc., of Livermore, CA. Complainant alleged a violation of section 337 in the importation, sale for importation, and/or the sale within the United States after importation of certain variable speed wind turbines and components thereof, by reason of infringement of claim 131 of U.S. Letters Patent 5,083,039 ("the '039 patent"), and claim 51 of U.S. Letters Patent 5,225,712 ("the '712 patent"), both patents owned by complainant. The Commission's notice of investigation named Enercon GmbH of Aurich, Germany and The New World Power Corporation of Lime Rock, Connecticut, as respondents.

The ALJ held an evidentiary hearing on the merits which concluded on February 6, 1996, and issued his final ID finding a violation of section 337 on May 30, 1996. He found that there had been a sale for importation of the accused products; that claim 131 of the '039 patent has been literally infringed; that claim 51 of the '712 patent was not infringed, either literally or under the doctrine of equivalents; and that complainant's activities with respect to the '039 and '712 patents satisfy the domestic industry requirements of section 337.

Having examined the record in this investigation, including the ID, the Commission has determined to review the issue of interpretation of claim 131 of the '039 patent and the issue of infringement of that claim in light of that interpretation. The Commission has determined not to review the remainder of the ID. On review, the Commission is particularly interested in answers to the following questions:

The U.S. Court of Appeals for the Federal Circuit stated in *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 34 USPQ2d 1321 (Fed. Cir. 1995) (en banc) aff'd ___ U.S. ___, 116 S.Ct. 1384, 64 U.S.L.W. 4263 (April 23, 1996):

"Extrinsic evidence may demonstrate the state of the prior art at the time of the invention. It is useful 'to show what was then old, to distinguish what was new, and to aid the court in the construction of the patent.'"

Markman, supra at 34 USPQ2d 1330 (citation omitted).

Relying only upon the excerpts of record from the Mohan et al. reference (X-182C):

1. Explain with regard to claim 131, how, if at all, the Mohan et al. reference may be used to demonstrate the state of the prior art at the time of the claimed invention; i.e., how, if at all, the Mohan et al. reference may be used to show

¹ The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² Commissioner Watson dissenting.

³ 19 USC § 1671d(b).

⁴ The imported product subject to these investigations, "certain pasta," as defined by the U.S. Department of Commerce ("Commerce"), consists of dry non-egg pasta in packages of 5 pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to 2 percent egg white. The pasta is typically sold in the retail market, in fiberboard or cardboard cartons or polyethylene or polypropylene bags of varying dimensions. Certain pasta is described by Commerce as being classified in subheading 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTS). Excluded from the scope of these investigations are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to 2 percent egg white. Also excluded from the scope of the investigations concerning Italy are imports of dry organic pasta that are accompanied by the appropriate certificate issued by the Associazione Marchigiana Agricoltura Biologica (AMAB).

⁵ Commissioner Watson dissenting.

⁶ 19 USC § 1673d(b).

⁷ 19 USC. § 1671b(b).

⁸ 19 USC § 1673b(b).

⁹ 60 FR 58638 and 61 FR 4681.