

responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: August 20, 1997.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 97-22787 Filed 8-26-97; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-334 (Remand)]

### Notice of Issuance of Limited Exclusion Order and Termination of Investigation; Denial of Petition for Reconsideration

In the matter of Certain condensers, parts thereof and products containing same, including air conditioners for automobiles.

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order in the above-captioned investigation and terminated the investigation. The Commission has also determined to deny respondents' petition for reconsideration of the Commission's January 16, 1997, determination that a violation of section 337 of the Tariff Act of 1930 has occurred. (62 FR 3525-6) (January 23, 1997).

**FOR FURTHER INFORMATION CONTACT:** Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W.,

Washington, D.C. 20436, telephone 202-205-3104.

**SUPPLEMENTARY INFORMATION:** On December 12, 1991, Modine Manufacturing Co. filed a complaint with the Commission alleging a violation of section 337 by respondents Showa Aluminum Corporation (Japan), Showa Aluminum Corporation of America, Mitsubishi Motors Corporation, Mitsubishi Motors Sales of America, Mitsubishi Heavy Industries, Ltd., and Mitsubishi Heavy Industries America, Inc. (collectively referred to herein as respondents). Modine alleged that respondents had infringed claims of Modine's patent, U.S. Letters Patent 4,998,580 (the '580 patent). The Commission concluded the investigation with a finding of no infringement, and hence a determination of no violation of section 337.

Modine appealed the Commission's determination to the U.S. Court of Appeals for the Federal Circuit (Federal Circuit). On February 5, 1996, the Federal Circuit reversed the Commission's claim interpretation and remanded the investigation to the Commission for redetermination of the issues of literal infringement and infringement under the doctrine of equivalents. *Modine Manufacturing Co. v. U.S.I.T.C.*, 75 F.3d 1545, 1549 (Fed. Cir. 1996). The court affirmed the Commission's determination in all other respects. *Id.*

On May 31, 1996, the Commission issued an order remanding the Condensers investigation to the Office of Administrative Law Judges. The Commission's order also directed the ALJ to issue a recommended determination (RD) on the issues of remedy and bonding two weeks after the issuance of the ID. On December 2, 1996, Judge Luckern issued an ID finding a violation of section 337 by respondents. On December 12, 1996, respondents and the Commission investigative attorney (IA) filed separate petitions for review. Complainant Modine filed a petition for review contingent on the Commission's decision either to grant another party's petition for review or to review the ID on its own motion. All parties filed responses to each petition on December 19, 1996. The ALJ issued his RD on remedy and bonding on December 16, 1996.

On January 16, 1997, the Commission determined to review only the reasoning supporting the ALJ's determination that the range of equivalents was limited by the 0.4822 inch hydraulic diameter given for the prior art Cat condenser. 62

FR 3525-6 (Jan. 23, 1997). Since the Commission did not review the ID's determination of the range of equivalents, the ALJ's determination that there had been a violation with respect to two models of the accused condensers, the Mazda 929 and the Audi 90, became the Commission's determination by operation of law. 19 C.F.R. 210.42(h). The Commission's notice of review requested written submissions on the issue under review, and on remedy, the public interest, and bonding. Submissions were received from Modine, the Showa respondents, the Mitsubishi respondents, and the IA on January 30, 1997. Complainant, the Showa respondents, and the IA filed reply submissions on February 6, 1997.

On March 10, 1997, respondents filed a petition for reconsideration of the Commission's determination not to review the ALJ's determination that section 337 had been violated. Respondents' petition was based on the recent Supreme Court decision in *Warner-Jenkinson, Inc. v. Hilton-Davis Chemical Company*, 117 S.Ct. 1040 (U.S. Mar. 3, 1997), involving the doctrine of equivalents. Respondents argued that the case is controlling authority which is contrary to the law applied by the Federal Circuit in the Modine decision. Complainant Modine and the IA filed oppositions to the petition on March 17, 1997. The Commission has determined to deny respondents' petition.

After having reviewed the record in this investigation, including the written submissions of the parties, the Commission made its determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed importation for consumption of infringing condensers, parts thereof, and products containing same manufactured and/or imported by or on behalf of the Showa respondents. The order applies to any of the affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or their successors or assigns of Showa.

The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337(d) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of five percent of the entered value of the condensers in question. Condenser parts and products containing condensers are entitled to entry into the United States without bond during the Presidential review period.

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 210.58 of the Commission's Interim Rules of Practice and Procedure (19 C.F.R. 210.58)(1994).

Copies of the Commission order, the Commission opinion in support thereof, 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 this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: August 20, 1997.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Forms for Agricultural Recruitment System

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conduct a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the information collection of the Agricultural and Food Processing Clearance Order, Form ETA-790, Agricultural and Food Processing

Clearance Memorandum, Form ETA-795, Migrant Worker Itinerary, Form ETA-785, and Job Service Manifest Record, Form ETA-785A.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

**DATES:** Written comments must be submitted on or before October 27, 1997. Written comments should evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**ADDRESSES:** Pearl Wah, U.S. Employment Service, Employment and Training Administration, Department of Labor Room N-4470, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-219-5185 (This is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Migrant and Seasonal Farmworker regulations at 20 CFR 653.500 established procedures for agricultural clearance to all local offices to use the interstate clearance forms as prescribed by ETA. Local and State Employment offices use the Agricultural and Food Processing Clearance Order to extend job orders beyond their jurisdictions. Applicant holding local offices use the Agricultural Clearance Memorandum to give notice of action on a clearance order, request additional information, report results, and to accept or reject the extended job order. State agencies use the Migrant Worker Itinerary to transmit employment and supportive service information to labor-demand areas, and to assist migrant workers in obtaining employment. The Job Service Manifest Record shows names, addresses, and characteristics of all people name on the Migrant Worker Itinerary.

## II. Current Actions

This is a request for OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)) of an extension to an existing collection of information previously approved and assigned OMB Control No. 1205-0134. This is no change in burden.

*Type of Review:* Extension.

*Agency:* Employment and Training Administration, Labor.

*Titles:* Agricultural and Food Processing Clearance Order, Agricultural Clearance Memorandum, Migrant Worker Itinerary, and Job Service Manifest Record.

*OMB Number:* 1205-0134.

*Frequency:* On occasion.

*Affected Public:* Individuals and households, employers, and State Governments.

*Number of Respondents:* 52.

*Estimated Time Per Respondent:*

Form	Volume per year	Hours per response	Hours per year
ETA-790	2,000	1.0	2,000
ETA-795	3,000	.5	1,500
ETA-785	3,500	.5	1,750
ETA-785A ..	2,500	.5	1,250

*Estimated Burden Hours:* 6,500.

*Total Estimated Cost:* None.

Comments submitted in response to this will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 22, 1997.

**John R. Beverly, III,**

*Director, U.S. Employment Service.*

[FR Doc. 97-22794 Filed 8-26-97; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Employment Standards Administration; Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar