

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-532]

In the Matter of Certain Automotive Fuel Caps and Components Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and provisional acceptance of motion for temporary relief.

SUMMARY: Notice is hereby given that a complaint and motion for temporary relief were filed with the U.S. International Trade Commission on January 28, 2005, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Stant Manufacturing, Inc., of Connersville, Indiana. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of automotive fuel caps and components thereof by reason of infringement of claims 1, 5, and 6 of U.S. Patent No. 5,449,086, claims 32, 38, 39, and 41 of U.S. Patent No. 5,794,806, claims 1, 2, 10, and 13-15 of U.S. Patent No. 5,480,055, and claims 11-13, 19-22, 24-29, 31, 32, and 34-42 of U.S. Patent No. 4,678,097. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

The motion for temporary relief requests that the Commission issue a temporary limited exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after importation of certain automotive fuel caps and components thereof that infringe claim 1 of U.S. Patent No. 5,449,086, claims 38 and 39 of U.S. Patent No. 5,794,806, and claims 1 and 2 of U.S. Patent No. 5,480,055 during the course of the Commission's investigation.

ADDRESSES: The complaint and motion for temporary relief, except for any confidential information contained therein, are 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, SW., Room 112, Washington, DC 20436, telephone

202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic document information system (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2579.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2003). The authority for provisional acceptance of the motion for temporary relief is contained in section 210.58, 19 CFR 210.58.

Scope of Investigation: Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on March 7, 2005, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain automotive fuel caps or components thereof by reason of infringement of one or more of claims 1, 5, and 6 of U.S. Patent No. 5,449,086, claims 32, 38, 39, and 41 of U.S. Patent No. 5,794,806, claims 1, 2, 10, and 13-15 of U.S. Patent No. 5,480,055, and claims 11-13, 19-22, 24-29, 31, 32, and 34-42 of U.S. Patent No. 4,678,097 and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) Pursuant to section 210.58 of the Commission's Rules of Practice and Procedure, 19 CFR 210.58, the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, is provisionally accepted and referred to the presiding administrative law judge for investigation.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Stant Manufacturing, Inc., 1620 Columbia Avenue, Connersville, IN 47331.

(b) The respondents are the following companies and individuals alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Gerdes GmbH, Siemensstr. 6, 50170

Kerpen-Sindorf, Germany;

Gerdes GmbH, Olympiasstrasse 1, 26419

Schortens, Germany;

Gerdes BVBA, Bakhuisstraat 2, B-3920

Lommel, Belgium;

Theodor Gerdes, c/o Gerdes GmbH,

Siemensstr. 6, 50170 Kerpen-Sindorf,

Germany;

Ralf Gerdes, c/o Gerdes GmbH,

Siemensstr. 6, 50170 Kerpen-Sindorf,

Germany;

Monika Gerdes, c/o Gerdes GmbH,

Siemensstr. 6, 50170 Kerpen-Sindorf,

Germany.

(c) Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint, the motion for temporary relief, and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 and 210.59 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13 and 210.59. Pursuant to 19 CFR 201.16(d), 210.13(a), and 210.59, such responses will be considered by the Commission if received not later than 10 days after the date of service by the Commission of the complaint, the motion for temporary relief, and the notice of investigation. Extensions of time for submitting the responses to the complaint, motion for temporary relief, and the notice of investigation 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, in the motion for temporary relief, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, the motion for temporary relief, 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, the motion for temporary relief, 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 cease and desist order or both directed against such respondent.

Issued: March 7, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-4872 Filed 3-10-05; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[USITC SE-05-007]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: March 15, 2005 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. No. 731-TA-326 (Second Review)(Frozen Concentrated Orange Juice from Brazil)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before March 28, 2005.)
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: March 8, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-4985 Filed 3-9-05; 2:45 pm]

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DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce

paperwork and respondent burden, conducts 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 Standards Administration is soliciting comments concerning the proposed collection: Housing Terms and Conditions (WH-521). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 10, 2005.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, e-mail bell.hazel@dol.gov. Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. Background

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA), 29 U.S.C. 1801 *et seq.*, Section 201(c) requires any farm labor contractor, agricultural employer or agricultural association providing housing to any migrant agricultural worker to post in a conspicuous place, or present to the migrant worker, a statement of any housing occupancy terms and conditions. In addition, MSPA Section 201(g) requires a farm labor contractor, agricultural employer or agricultural association providing housing to any migrant agricultural worker to give such information in English, or as necessary and reasonable, in a language common to the worker and that the Department of Labor (DOL) makes forms available to provide such information. The implementing regulations for the MSPA set forth, at 29 CFR 500.75(f) and (g), the housing terms that a farm labor contractor, agricultural employer or agricultural association providing housing to any migrant agricultural worker must post or give in a written statement to the worker.

Regulation 29 CFR 500.1(i)(2) provides for Form WH-521 that a farm labor contractor, agricultural employer or agricultural association may use, at its option, to satisfy MSPA requirements. Form WH-521 is an optional form that a farm labor contractor, agricultural employer or agricultural association may post or present to a migrant agricultural worker to list the housing terms and conditions. While use of the Form WH-521 is optional, the MSPA requires disclosure of the information. This information collection is currently approved for use through September 30, 2005.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information 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 submissions of responses.

III. Current Actions

The Department of Labor seeks the approval of the extension of this information collection to carry out its statutory responsibility to ensure that farm labor contractor, agricultural employer or agricultural association providing housing to any migrant agricultural worker to post in a conspicuous place, or present to the migrant worker, a statement of any housing occupancy terms and conditions.

Type of Review: Extension.

Agency: Employment Standards Administration.

Titles: Housing Terms and Conditions.

OMB Number: 1215-0146.

Agency Numbers: WH-521.

Affected Public: Farms; Individual or households; Business or other for-profit.

Total Respondents: 1,300.

Total Annual responses: 1,300.