

Staff Report

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on December 13, 1996, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on January 9, 1997, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before December 16, 1996. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on December 18, 1996, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony in camera no later than 7 days prior to the date of the hearing.

Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is December 20, 1996. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is January 17, 1997; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before January 17, 1997. On February 3, 1997, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before February 5, 1997, but such final

comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

Issued: September 3, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96-23223 Filed 9-10-96; 8:45 am]

BILLING CODE 7020-02-P

[Investigation No. 337-TA-376]

Certain Variable Speed Wind Turbines and Components Thereof; Notice of Issuance of Limited Exclusion Order

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.

FOR FURTHER INFORMATION CONTACT:

Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3106.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.45 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.45 and 210.50).

This patent-based section 337 investigation was instituted by the Commission on May 30, 1995 (60 FR 28167) based on a complaint filed by Kenetech Windpower, Inc., of Livermore, CA. Complainant alleged 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. Enercon GmbH of Aurich, Germany and The New World Power Corporation of Lime Rock, Connecticut were named as respondents.

The presiding administrative law judge (ALJ) held an evidentiary hearing on the merits beginning on January 31, 1996, and issued his final initial determination (ID) finding a violation of section 337 on May 30, 1996. The ALJ 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 satisfied the domestic industry requirements of section 337. Respondents filed a petition for review of the ID and the Commission investigative attorney (IA) filed an opposition to the petition for review. On July 17, 1996, the Commission issued a notice of its determination to review certain portions of the ID and requested written submissions on the issues under review and on remedy, the public interest, and bonding. 61 FR 38473 (July 24, 1996).

Submissions on remedy, the public interest, and bonding and the issues under review were received from complainant, respondents, and IA. Complainant, respondents, and the IA also filed reply submissions on those issues. On August 30, 1996, the Commission determined to affirm the ALJ's conclusions on claim interpretation and infringement, thereby finding a violation of section 337.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission also made 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 entry for consumption of variable speed wind turbines and components thereof manufactured and/or imported by Enercon GmbH of Aurich, Germany and/or The New World Power Corporation of Lime Rock, Connecticut, and that infringe claim 131 of U.S. Letters Patent 5,083,039.

The Commission also determined that the public interest factors enumerated in

subsections 1337(d) and (f) 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 100 percent of the entered value of the articles in question.

Copies of the Commission's 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 30, 1996.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-23224 Filed 9-10-96; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

JTPA Section 402 Migrant and Seasonal Farmworker Standardized Participants Information Reporting (SPIR) System; 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 and Training Administration is soliciting comments concerning the proposed reinstatement collection of the Standardized Participant Information Reporting system (SPIR). A copy of the proposed information collection request (ICR)

may be obtained by contacting the addressee listed below.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before November 12, 1996. 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.

ADDRESSEE: Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, U.S. Department of Labor, Room N-4641, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219-5500 (VOICE) (this is not a toll-free number) or INTERNET: MAYRANDP@doleta.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Employment and Training Administration of the Department of Labor is reinstating its approved JTPA, title IV-A, section 402 Migrant and Seasonal Farmworker Standardized Participant Information Reporting system for a period of three program years (July 1, 1996 to June 30, 1999). This decision stems from favorable experience during both the pilot test year (ending June 30, 1995 with 19 grantees participating) and the first program year (ending June 30, 1996) since the system was fully implemented for all grantees.

II. Current Actions

The proposed ICR will be a continuation of an existing system currently in place and used by all Section 402 grantees as the primary reporting vehicle for individuals enrolled and terminated, their demographic characteristics, training and services provided and outcomes

including job placement and employability enhancements. This is a request for a reinstatement of an existing collection from a previously approved ICR.

Type of Review: Reinstatement.

Agency: Employment & Training Administration.

Title: Standardized Participant Information Reporting system for the JTPA Section 402 Migrant and Seasonal Farmworker Programs.

OMB Number: 1205-0350.

Recordkeeping: Grantees shall retain supporting and other documents necessary for the compilation and submission of the SPIR for three years.

Affected Public: Not-for-Profit organizations.

Cite/Reference/Form/etc: The collection instrument is the Standardized Participant Information Record (SPIR) and Instructions. A SPIR Form is provided for optional use in gathering information at the grantee field office level. The SPIR itself is a computer file in a specified form which is submitted by grantees via diskette, modem or INTERNET.

Total Respondents: 53.

Frequency: Quarterly and One-Time Report.

Total Responses: 265 (53 times 5) (There are four quarterly submissions per year plus a fifth submission which includes the 13-week followup data obtained for individuals terminating in the last quarter of the program year.

Average Time per Response: 3.6 additional burden hours. The average time per response varies widely depending on the degree of automation attained by individual grantees. Grantees also vary according to the numbers of individuals served in each program year. If the grantee has a fully developed MIS, the response time is limited to one-time programming plus processing time for each response. All efforts are being directed towards this end, so that response time for reporting will eventually sift down to an irreducible minimum with little human intervention. Currently, it is estimated at 3.6 hours per response.

Estimated Total Burden Hours: 954 hours. (53 respondents times 5 submissions times 3.6 hours each=954 total hours).

Total Burden Cost (capital/startup): No additional Burden Cost for capital/startup as all grantees are currently reporting using the SPIR.

Total Burden Cost (operating/maintaining): \$265,000 (53 grantees times \$5,000). As noted these costs will vary widely among grantees, from nearly no additional cost to some higher figure depending on the state of