

affirmative preliminary determinations by the Department of Commerce that imports of collated roofing nails from China, Korea, and Taiwan are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. § 1673b). The investigations were requested in a petition filed on November 26, 1996, by the Paslode Division of Illinois Tool Works Inc., Vernon Hills, IL.

Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on September 17, 1997, 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 September 30, 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 September 23, 1997. 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 September 25, 1997, 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 September 24, 1997. 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 October 8, 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 October 8, 1997. On October 27, 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 October 29, 1997, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of

sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 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 section 207.21 of the Commission's rules.

Issued: May 20, 1997.

By order of the Commission.

Donna R. Koehnke,
Secretary.

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-398]

In the Matter of Certain Multiple Implement, Multi-Function Pocket Knives and Related Packaging and Promotional Materials; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed on March 13, 1997, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Swiss Army Brands, Inc. and Swiss Army Brand Ltd., One Research Drive, Shelton, Connecticut 06484 and Precise Imports Corporation (d/b/a Precise International), 15 Corporate Drive, Orangeburg, New York 10962-2625. Supplements to the Complaint were filed on March 21, 1997, March 27, 1997, and April 29, 1997, and amendments were filed on March 28, 1997 and May 8, 1997. The Complaint, as amended and supplemented, alleges a violation of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain multiple implement, multi-function pocket knives and related packaging and promotional materials by reason of (a) infringement of common law trademarks in the words "Swiss Army" and in a cross-and-shield design, (b) infringement of U.S. Trademark Registration Nos. 1,734,665, 1,715,093,

1,636,710, 1,636,849, 1,636,878, 1,636,915, 1,636,955, 1,642,001, and 1,642,224, (c) dilution of the "SWISS ARMY" common law and registered trademarks and dilution of the cross-and-shield common law and registered trademarks, (d) infringement of Complainants' trade dress, (e) passing off, and (f) false designation of origin. The Complaint also alleges that there exists a domestic industry with respect to the asserted intellectual property. The Complaint further alleges that the threat or effect of the proposed Respondents' unfair acts is to destroy or substantially injure that domestic industry.

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

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 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.

FOR FURTHER INFORMATION CONTACT: Kent R. Stevens, 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 C.F.R. 210.10.

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on May 19, 1997, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(A) 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 multiple implement, multi-function pocket knives and related packaging and promotional materials by reason of (i) infringement of common law trademarks in the words "Swiss Army" and in a cross-and-shield design, (ii) misappropriation of trade dress, (iii) dilution of common law trademarks in the words "Swiss Army" and in a cross-and-shield design and of U.S. Registered Trademark Nos. 1,734,665, 1,715,093,

1,636,710, and 1,636,849, (iv) passing off, and (v) false representation of source, the threat or effect of which is to destroy or substantially injure an industry in the United States; and

(b) Whether there is a violation of subsection (a)(1)(C) 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 multiple implement, multi-function pocket knives and related packaging and promotional materials by reason of infringement of U.S. Registered Trademark Nos. 1,734,665, 1,715,093, 1,636,710, and 1,636,849.

(2) 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 complainants are—
Swiss Army Brands, Inc., One Research Drive, Shelton, Connecticut 06484
Swiss Army Brand Ltd., One Research Drive, Shelton, Connecticut 06484
Precise Imports Corporation, d/b/a Precise International, 15 Corporate Drive, Orangeburg, NY 10962-2625

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

Arrow Trading Co., Inc., 1115 Broadway, New York, NY 10010
Ewins Hardware Pte. Ltd., Block 6, 154 Tagore Lane, Singapore 2678
China Light Industrial Products, Import and Export Co., 209 Yuan Ming Yuan Road, Shanghai 200002, People's Republic of China
International Branded Cutlery, Inc., 98 Cuttermill Road, Great Neck, NY 11021
Thomas Jewelers, 73 North Main Street, Logan, Utah 84321
Sapp Brothers, 2914 Upland Parkway, Sidney, Nebraska 69162

(c) Kent R. Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401-L, Washington, D.C. 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to sections 201.16(d) and 210.13(a) of the Commission's Rules, 19 C.F.R. 201.16(d) and 210.13(a), such 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: May 20, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; 1996 National Youth Gang Survey.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until July 28, 1997. This process is conducted in accordance with 5 CFR 1320.10.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

1. 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;