

Court of Appeals for the Federal Circuit ("the Federal Circuit") on April 24, 1997, the U.S. International Trade Commission has reopened the above-captioned investigation for further proceedings in accordance with the Federal Circuit's instructions.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Commission conducted this patent-based section 337 investigation in 1995 and 1996 based on a complaint filed by Kenetech Windpower, Inc., of Livermore, CA ("Kenetech") to determine whether there was 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. Enercon GmbH of Aurich, Germany ("Enercon") and The New World Power Corporation of Lime Rock, Connecticut were named as respondents. The Commission found a violation of section 337 (with regard to the '039 patent only) and, in August of 1996, issued a limited exclusion order excluding the subject wind turbines and components thereof. In order to inform itself regarding the continued presence of a domestic industry, the Commission required complainant Kenetech, which had filed for protection under Chapter 11 bankruptcy, to file quarterly reports detailing its domestic industry activities.

Respondent Enercon appealed the Commission's determination to the U.S. Court of Appeals for the Federal Circuit. After the appeal had been filed, Kenetech sold the '039 patent to Zond Energy Systems, Incorporated ("Zond"). Zond moved to intervene in the appeal. Enercon opposed, arguing that Zond had not shown that it qualifies as a domestic industry and that it thus lacked standing to appear. On April 24, 1997, the Federal Circuit remanded the case to the Commission to determine in the first instance (1) "whether Zond should be substituted for Kenetech;" and (2) "whether Zond qualifies as a domestic industry." The Commission has determined to reinstate the protective order issued in this investigation and to request comments from the parties' counsel on the remand questions in view of the unredacted

quarterly reports submitted to the Commission by Kenetech.

By order of the Commission.

Issued: June 2, 1997.

Donna R. Koehnke,

Secretary.

[FR Doc. 97-14837 Filed 6-5-97; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection of the ETA 205, Preliminary Estimates of Average Employer Contribution Rates; 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 extension of the collection of the ETA 205, Preliminary Estimates of Average Employer Contribution Rates. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 5, 1997. 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 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.

ADDRESSES: Mike Miller, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, Room C-4512, 200 Constitution Ave., N.W., Washington, DC 20210; telephone number (202) 219-9297; fax (202) 219-8506 (these are not toll-free numbers) or e-mail millermj@doleta.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The ETA 205 reports preliminary information on the taxing efforts in States relative to taxable and total wages and allows comparison among States. The information is used for projecting unemployment insurance tax revenues for the Federal budget process as well as for actuarial analyses of the Unemployment Trust Fund. The data is published in several forms and is often requested by data users. In addition, this report helps to fulfill two statutory requirements. Section 3302(d)(7) of the Federal Unemployment Tax Act (FUTA) requires the Secretary of Labor to notify "the Secretary of the Treasury before June 1 of each year, on the basis of a report furnished by such State to the Secretary of Labor before May 1 of such year" of the differences between the average tax rate in a State and 2.7 percent (i.e., section 3302(c)(2) (B) or (C)). These differences are used to calculate the loss of FUTA offset credit for borrowing States. Also, the tax schedules collected are used to assure that States are in compliance with provisions of the Tax Equity and Fiscal Responsibility Act (Pub.L. 97-248), section 281.

II. Current Actions

Type of Review: Extension.
Agency: Employment and Training Administration.
Title: Preliminary Estimates of Average Employer Contribution Rates.
OMB Number: 1205-0228.
Agency Number: ETC 205.
Affected Public: State Governments.
Cite/Reference/Form/etc: ETA 205.
Total Respondents: 53.
Frequency: Annual.
Total Responses: 53.

Average Time per Response: 15 minutes.

Estimated Total Burden Hours: 14.

Total Burden Cost (capital/start): Estimated at \$280 which is an allowable cost under the administrative grants awarded to States by the Federal Government.

Comments submitted in response to this comment request 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: May 30, 1997.

Grace A. Kilbane,

Director, Unemployment Insurance Service.

[FR Doc. 97-14815 Filed 6-5-97; 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 character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract

work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) documents entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. PA970022 Dated February 14, 1997.

Agencies with construction projects pending, to which this wage decision would have been applicable, should utilize Wage Decision Nos. PA970001 and PA970017. Contracts for which bids have been opened shall not be affected

by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut

CT970001 (Feb. 14, 1997)
CT970003 (Feb. 14, 1997)
CT970004 (Feb. 14, 1997)
CT970005 (Feb. 14, 1997)

Massachusetts

MA970001 (Feb. 14, 1997)
MA970007 (Feb. 14, 1997)
MA970012 (Feb. 14, 1997)
MA970017 (Feb. 14, 1997)
MA970018 (Feb. 14, 1997)
MA970019 (Feb. 14, 1997)

New Hampshire

NH970001 (Feb. 14, 1997)
NH970005 (Feb. 14, 1997)
NH970007 (Feb. 14, 1997)
NH970008 (Feb. 14, 1997)

New Jersey

NJ970002 (Feb. 14, 1997)
NJ970003 (Feb. 14, 1997)
NJ970004 (Feb. 14, 1997)

New York

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NY970051 (Feb. 14, 1997)