

International Trade Commission, on February 20, 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 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 ion trap mass spectrometers and components thereof by reason of infringement of one or more of claims 1–20 of U.S. Letters Patent 4,540,884, or one or more of claims 1, 12–19 of U.S. Reissue Patent 34,000; and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(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 complainant is—Finnigan Corporation, 355 River Oaks Parkway, San Jose, California 95134.

(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:

Bruker-Franzen Analytik GmbH,
Fahrenheitstrasse 4, D–28359, Bremen
33, Germany

Bruker Instruments, Inc., Manning Park,
Fortune Drive, Billerica,
Massachusetts 01821

Hewlett-Packard Company, 3000
Hanover Street, Palo Alto, California
94304.

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

(3) For the investigation so instituted,
the Honorable Sidney Harris 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 § 210.13 of the
Commission's Rules of Practice and
Procedure, 19 C.F.R. 210.13. Pursuant to
§§ 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: February 20, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–4729 Filed 2–25–97; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 701–TA–367 (Final)]

Certain Laminated Hardwood Flooring From Canada

AGENCY: United States International
Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On February 4, 1997, the
Department of Commerce published
notice in the Federal Register of a
negative final determination of
subsidies in connection with the subject
investigation (62 F.R. 5201).
Accordingly, pursuant to section
207.40(a) of the Commission's Rules of
Practice and Procedure (19 CFR
§ 207.40(a)), the countervailing duty
investigation concerning certain
laminated hardwood from Canada
(investigation No. 701–TA–367 (Final))
is terminated.

EFFECTIVE DATE: February 4, 1997.

FOR FURTHER INFORMATION CONTACT:
Olympia Hand (202–205–3182), Office
of Investigations, U.S. International
Trade Commission, 500 E Street SW,
Washington, DC 20436. 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 (<http://www.usitc.gov> or <ftp://ftp.usitc.gov>).

Authority: This investigation is being
terminated under authority of title VII of the
Tariff Act of 1930; this notice is published
pursuant to section 201.10 of the
Commission's rules (19 CFR § 201.10).

Issued: February 21, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–4732 Filed 2–25–97; 8:45 am]

BILLING CODE 7020–02–P

[Investigations Nos. 731–TA–741, 742, & 743 (Final)]

Melamine Institutional Dinnerware from China, Indonesia, and Taiwan

Determinations

On the basis of the record¹ developed
in the subject investigations, the United
States International Trade Commission
determines, pursuant to section 735(b)
of the Tariff Act of 1930 (19 U.S.C.
1673d(b)) (the Act), that the industry in
the United States producing melamine
dinnerware for institutional use² is
materially injured by reason of imports
from China, Indonesia, and Taiwan of
melamine dinnerware, as defined by the
Department of Commerce (Commerce),
that have been found by Commerce to
be sold in the United States at less than
fair value (LTFV), and that are for
institutional use.^{3,4}

The Commission further finds that the
industry in the United States producing
melamine dinnerware for non-
institutional use⁵ is not materially
injured or threatened with material
injury, and the establishment of such an
industry in the United States is not
materially retarded, by reason of LTFV
imports of melamine dinnerware from
China and Taiwan that are for non-
institutional use. The Commission also
unanimously determines that subject
imports of melamine dinnerware for

¹ The record is defined in sec. 207.2(f) of the
Commission's Rules of Practice and Procedure (19
CFR 207.2(f)).

² Defined as melamine dinnerware that is
intended for use by institutions such as schools,
hospitals, cafeterias, restaurants, nursing homes,
etc.

³ In these investigations, Commerce has defined a
single class or kind of imported merchandise,
consisting of all items of dinnerware (e.g., plates,
cups, saucers, bowls, creamers, gravy boats, serving
dishes, platters, and trays, but not including
flatware products such as knives, forks, and spoons)
that contain at least 50 percent melamine by weight
and have a minimum wall thickness of 0.08 inch.
Melamine institutional dinnerware is provided for
in subheadings 3924.10.20, 3924.10.30, and
3924.10.50 of the Harmonized Tariff Schedule of
the United States.

⁴ Commissioner Crawford dissenting.

⁵ Defined as melamine dinnerware that is
generally sold to the retail sector and is intended
for use by households.

non-institutional use from Indonesia are negligible.

Background

The Commission instituted these investigations effective February 6, 1996, following receipt of a petition filed with the Commission and the Department of Commerce by the American Melamine Institutional Tableware Association (AMITA).⁶ The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by the Department of Commerce that imports of melamine institutional dinnerware from China, Indonesia, and Taiwan were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of September 11, 1996 (61 FR 47957). The hearing was held in Washington, DC, on January 9, 1997, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 18, 1997. The views of the Commission are contained in USITC Publication 3016 (February 1997), entitled "Melamine Institutional Dinnerware from China, Indonesia, and Taiwan: Investigations Nos. 731-TA-741, 742, and 743 (Final)."

Issued: February 19, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97-4728 Filed 2-25-97; 8:45 am]

BILLING CODE 7020-02-P

[Investigation Nos. 332-350 and 332-351]

Monitoring of U.S. Imports of Tomatoes Monitoring of U.S. Imports of Peppers

AGENCY: United States International Trade Commission.

ACTION: Publication of monitoring reports in 1997.

EFFECTIVE DATE: February 18, 1997.

FOR FURTHER INFORMATION CONTACT:

Timothy McCarty (202-205-3324) or Lowell Grant (202-205-3312), Agriculture and Forest Products Division, Office of Industries, or William Gearhart (202-205-3091), Office of the General Counsel, U.S. International Trade Commission. Hearing impaired persons can obtain information on these studies by contacting the Commission's TDD terminal on (202-205-1810).

Background

Section 316 of the North American Free Trade Agreement (NAFTA) Implementation Act (19 U.S.C. 3381) directs the Commission to monitor imports of fresh or chilled tomatoes (HTS heading 0702.00) and fresh or chilled peppers, other than chili peppers (HTS subheading 0709.60.00), until January 1, 2009, as if a request for such monitoring had been made under section 202(d) of the Trade Act of 1974 (19 U.S.C. 2252(d)), for purposes of expediting an investigation concerning provisional relief under section 202 of the Trade Act of 1974. In response, the Commission instituted Investigation No. 332-350, Monitoring of U.S. Imports of Tomatoes (59 F.R. 1763, January 12, 1994) and Investigation No. 332-351, Monitoring of U.S. Imports of Peppers (59 F.R. 1762, January 12, 1994).

Although section 316 of the NAFTA Implementation Act does not require the Commission to publish reports on the results of its monitoring activities, the Commission has endeavored to do so in those years in which it was not conducting an investigation under other statutory authority with respect to such products. Thus, no monitoring reports were published in 1996 when the Commission conducted Investigation No. TA-201-66, Fresh Tomatoes and Bell Peppers (61 F.R. 13875, March 28, 1996), under section 202(b) of the Trade Act of 1974 (19 U.S.C. 2252(b)); and antidumping Investigation No. 731-TA 47 (Preliminary), Fresh Tomatoes from Mexico (61 F.R. 15968, April 10, 1996), under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)). The Commission made a negative injury determination in the section 201 investigation on July 2, 1996; the Commission's antidumping investigation was suspended, effective November 1, 1996, following the signing of a suspension agreement.

The Commission will publish monitoring reports, containing data for both 1996 and 1997, in September 1997.

By order of the Commission.

Issued: February 21, 1997

Donna R. Koehnke,

Secretary.

[FR Doc. 97-4733 Filed 2-25-97; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employment and Training Administration

American Olean Tile Company, Incorporated A/K/A Dal Tile Company; TA-W-31, 870 Lansdale, Pennsylvania, Et. Al.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 26, 1996, applicable to all workers of American Olean Tile Company, Incorporated, located in Lansdale, Pennsylvania. The worker certification was subsequently amended to correct the impact date and to include worker separations that occurred at various operating facilities of American Olean Tile Company in the United States. The most recent amendment was published in the Federal Register on June 6, 1996 (61 FR 28898).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Findings show that Dal Tile Company merged with American Olean Tile Company prior to the Department's worker certification. Based on this information, the Department is amending the worker certification to reflect that American Olean Tile is also known as Dal Tile Company. The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports of tile.

The amended notice applicable to TA-W-31, 870 is hereby issued as follows:

All workers of American Olean Tile Company, Incorporated, also known as Dal Tile Company, Lansdale, Pennsylvania (TA-W-31, 870), who became totally or partially separated from employment on or after February 15, 1996; and all workers of American Olean Tile Company, Incorporated, also known as Dal Tile Company, at the various locations cited below, who became totally or partially separated from employment on or after January 24, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974: TA-W-31,870A Alabama
TA-W-31,870B Arizona
TA-W-31,870C California

⁶ The members of AMITA are Carlisle Food Service Products (formerly known as Continental/SiLite International Co.), Oklahoma City, OK; Lexington United Corp. (National Plastics Corp.), Port Gibson, MS; and Plastics Manufacturing Co. (Sun Coast Industries, Inc.), Dallas, TX.