

to assure compliance with the Surface Mining Control and Reclamation Act of 1977.

Bureau Form Numbers: OSM-47, OSM-51.

Frequency of Collection: Once.

Description of Respondents: State governments and Indian Tribes.

Total Annual Responses: 10.

Total Annual Burden Hours: 199.

Dated: April 28, 2003.

Richard G. Bryson,

Chief, Division of Regulatory Support.

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-486]

Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation as to a Respondent on the Basis of a Consent Order; Issuance of Consent Order; and Request for Submissions on Remedy, the Public Interest, and Bonding

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") terminating the above-captioned investigation as to a respondent on the basis of a consent order. In connection with final disposition of the investigation, the Commission is requesting briefing on remedy, the public interest, and the appropriate bond during the period of Presidential review.

FOR FURTHER INFORMATION CONTACT:

Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3012. Copies of the ALJ's ID 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, SW., Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public

record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 10, 2003, based on a complaint and motion for temporary relief filed by New Holland North America, Inc. ("complainant") of New Holland, PA. 68 FR 6772 (Feb. 10, 2003). The complaint alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of certain tractors and components thereof by reason of misappropriation of New Holland's trade dress. The notice of investigation identified three respondents: Beiqi Futian Automobile Co., Ltd. ("Futian") of Beijing, China; Cove Equipment, Inc. ("Cove") of Conyers Georgia; and Northwest Products, Inc. ("Northwest") of Auburn, Washington. *Id.* On March 19, 2003, the ALJ issued an ID (Order No. 6) finding respondent Futian in default. On March 31, 2003, the ALJ issued an ID (Order No. 8) amending the complaint and notice of investigation to clarify the identity of Cove and to add Brian Navalinsky of Conyers, Georgia as an additional respondent. On April 1, 2003, the ALJ issued an ID (Order No. 9) terminating respondents Cove and Navalinsky on the basis of a consent order. Those IDs were not reviewed by the Commission.

On March 26, 2003, complainant and Northwest moved pursuant to Commission rule 210.21(c)(1)(ii) to terminate the investigation with respect to Northwest based upon a settlement agreement and consent order. On March 28, 2003, the Commission investigative attorney filed a response supporting the joint motion. On April 2, 2003, complainant filed a declaration pursuant to section 337(g)(1) and Commission rule 210.16(c)(1) seeking immediate entry of permanent relief against respondent Futian.

On April 8, 2003, the ALJ issued an ID (Order No. 10) granting the motion to terminate the investigation as to respondent Northwest. In his ID, the ALJ noted that all respondents in the investigation had been found to be in default or had reached settlements with complainant. He stated that "[i]f the Commission adopts this Initial Determination or otherwise terminates the investigation as to Northwest and

also terminates the investigation as to the other respondents, no respondent will remain in this investigation. Therefore, any outstanding motions (including Complainant's Motion for temporary relief) will be moot, and this investigation will be terminated in its entirety." ID at 5. No petitions for review of the ID were filed.

Section 337(g)(1), 19 U.S.C. 1337(g)(1) and Commission rule 210.16(c), 19 CFR 210.16(c), authorize the Commission to order limited relief against a respondent found in default unless, after consideration of public interest factors, it finds that such relief should not issue. In this investigation, respondent Futian has been found in default and complainant has requested issuance of a limited exclusion order that would deny entry to certain agricultural tractors, lawn tractors, and riding lawn mowers, and components thereof manufactured by or for Futian. Complainant also requests issuance of a cease and desist order. If the Commission decides to issue remedial orders against Futian, it must consider what the amount of the bond should be during the Presidential review period.

In connection with the final disposition of this investigation, the Commission may issue remedial orders. The requested remedies are (1) a limited exclusion order that could result in the exclusion from entry into the United States of certain agricultural tractors, lawn tractors, and riding lawn mowers, and components thereof manufactured by or for Futian, and (2) a cease and desist order that could result in prohibiting Futian and its United States affiliates or agents from importing, marketing, distributing, displaying, assembling, installing, servicing, or selling certain agricultural tractors, lawn tractors, and riding lawn mowers, and components thereof within the United States. Accordingly, the Commission is interested in receiving written submissions that address whether either or both such orders should be issued. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, it should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider in this investigation