

document containing the BPI was not viewed by anyone not on the APO.

D. Investigations Involving the "24-hour Rule"

During 1995, the Commission completed five investigations of apparent violations of the 24-hour rule, set forth in 19 C.F.R. § 207.3. All of these apparent violations of the Commission's rules involved changes to a document other than bracketing and deletion of BPI. The rule specifically states that changes other than bracketing and deletion of BPI are not permitted. Practitioners should be aware that there is no express provision in the Commission rules that allows a party to make corrections, other than bracketing corrections, to a submission. If a party wishes to make changes to a document other than bracketing, such as typographical changes or other corrections, it must ask for an extension of time to file an amended document pursuant to rule 201.14(b)(2).

Case 1: Counsel filed a letter with the Commission enclosing replacement pages for the confidential version of their submission and noting numerous typographical errors in their submission. Counsel added the changes to the public version of their submission during the 24-hour period allowed to correct bracketing. Only one of the changes involved bracketing or deletion of business proprietary information. Counsel did not request leave of the Commission to make the non-bracketing changes. The Commission determined that the 24-hour rule had been violated. Counsel was not sanctioned, but instead all of the signatories on the document were issued warning letters. The Commission considered the fact that counsel notified the Commission of the changes in their cover letter and replacement page; the changes were relatively minor; and the attorneys involved had no previous record of violations of the 24-hour rule.

Case 2: Counsel filed a public version of a document which contained numerous changes to the wording in an exhibit from the confidential version filed the previous day. Counsel explained that the reason for the change was that a prior electronic draft of the document was inadvertently used to prepare the public version. The Commission determined not to sanction counsel, but instead issued warning letters to lead counsel and the person who transmitted the corrected pages. In deciding to issue a warning instead of a sanction, the Commission considered the fact that the changes were relatively minor, technical in nature and seemingly inadvertent.

Case 3: Counsel for a party in an investigation filed a public version of the brief during the 24-hour period. Due to the number of bracketing changes, counsel refiled an entire confidential brief rather than replacement pages. In addition to changing brackets, counsel included a table of contents, which was not filed with the original confidential brief. Counsel's letter of transmittal made no mention of the change, nor did counsel seek permission to file the table of contents. The Commission found that the 24-hour rule had been violated. The Commission did not sanction counsel, but instead issued a warning letter. The Commission considered the fact that the addition of a table of contents to counsel's submission was only a minor change, which was technical in nature and seemingly inadvertent, and neither added new information nor altered the substance of the information provided. Counsel was reminded, however, that the 24-hour rule cannot be used to cure defects in original filings.

Case 4: Counsel for a party to the investigation filed a public version of a brief during the 24-hour period which contained additional words. Counsel also filed replacement pages for the confidential version of the document which contained the same changes. While counsel did point out the change in its cover letter, counsel did not seek leave of the Commission to make the change. The Commission determined that counsel had violated the 24-hour rule. The Commission issued a warning letter to the attorney who signed the cover letter and who admitted responsibility for the preparation of the letter and changes to the document. In determining not to sanction the individual, the Commission considered the fact that the change was only a minor technical correction which did not add any new information or alter the substance of the information provided. Additionally, the Commission considered the fact that counsel, in its letter, notified the Commission of the change and its location, and therefore it did not appear that counsel was attempting to circumvent rule 207.3(c).

Case 5: Counsel for a party in the investigation filed an errata sheet in response to a Commission ruling regarding BPI, attempting to delete a word and replace it with a phrase. The submission was rejected for filing by the Secretary and was stricken from the record. The Commission determined that the 24-hour rule was violated but that no further action was necessary.

Issued: May 1, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96-11520 Filed 5-8-96; 8:45 am]

BILLING CODE 7020-02-P

[Investigation No. 731-TA-744 (Preliminary)]

Certain Brake Drums and Rotors From China

Determinations

On the basis of the record¹ developed in the subject investigation, the Commission determines,² pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from China of certain brake drums that are alleged to be sold in the United States at less than fair value (LTFV).³ The Commission also determines,⁴ pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of certain brake rotors that are alleged to be sold in the United States at LTFV. Both certain brake drums and brake rotors are provided for in subheading 8708.39.50 of the Harmonized Tariff Schedule of the United States.⁵

Background

On March 7, 1996, a petition was filed with the Commission and the Department of Commerce by the Coalition for the Preservation of American Brake Drum and Rotor

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 Chairman Peter S. Watson not participating.

³ Commissioner Carol T. Crawford finds that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of certain brake drums that are alleged to be sold in the United States at LTFV.

⁴ Chairman Peter S. Watson not participating.

⁵ Certain brake drums and certain brake rotors are made of gray cast iron, may be finished, semifinished, or unfinished, and range in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The subject products are for certain motor vehicles (namely, automobiles, all-terrain vehicles, vans and recreational vehicles under "one ton and a half," and light trucks designated as "one ton and a half"), and do not contain in the casting a logo of an original equipment manufacturer that produces vehicles sold in the United States. Brake drums and brake rotors covered in these investigations are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake drums and rotors that are made of gray cast iron which contain a steel plate, but otherwise meet the above criteria.

Aftermarket Manufacturers,⁶ alleging that industries in the United States are materially injured or threatened with material injury by reason of LTFV imports of certain brake drums and rotors from China. Accordingly, effective March 7, 1996, the Commission instituted antidumping investigation No. 731-TA-744 (Preliminary). Notice of the institution of the Commission's investigation and of a public conference 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 March 15, 1996 (61 FR 10788). The conference was held in Washington, DC, on March 28, 1996, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in this investigation to the Secretary of Commerce on April 22, 1996. The views of the Commission are contained in USITC Publication 2957 (April 1996), entitled "Certain Brake Drums and Rotors from China: Investigation No. 731-TA-744 (Preliminary)."

By order of the Commission.

Issued: May 1, 1996.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-11521 Filed 5-8-96; 8:45 am]

BILLING CODE 7020-02-P

[Inv. No. 337-TA-374]

Certain Electrical Connectors and Products Containing Same; Notice of Issuance of Limited Exclusion Order and Cease and Desist Order and Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order and a cease and desist order to domestic respondent Foxconn International, Inc. ("Foxconn") in the above-captioned investigation and terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Jay H. Reiziss, Esq., Office of the General

Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3116.

SUPPLEMENTARY INFORMATION: This investigation was initiated by the Commission on May 5, 1995, based on a complaint, as supplemented, and a motion for temporary relief filed by AMP Incorporated and The Whitaker Corporation (collectively "complainants"). The following firms were named as respondents: Berg Electronics, Inc ("Berg"); Hon Hai Precision Industry Co., Ltd. ("Hon Hai"); Foxconn International ("Foxconn"); and Tekcon Electronics Corp ("Tekcon"). The complaint alleged that respondents have violated 19 U.S.C. § 1337 of the Tariff Act of 1930 ("section 337") by importing and selling certain electrical connectors that infringe claims 17, 18, 20, 21, and 23 of complainants' U.S. Letters Patent 5,383,792 (the "'792 patent'").

On February 9, 1996 the presiding administrative law judge (ALJ) issued his initial determination (ID) terminating the investigation under Commission rule 210.17 as to the sole remaining respondent, Hon Hai Precision, Ltd. ("Hon Hai"), based on a violation of section 337 (in light of Hon Hai's failure to respond to a motion for summary determination). Specifically, the ALJ made the adverse determination that Hon Hai is in violation of section 337, finding that (1) Hon Hai manufactures electrical connectors which infringe claims 17, 18, 20, 21, and 23 of the patent in issue; (2) Hon Hai imports into the United States, sells for importation, or sells within the United States after importation such connectors; and (3) a domestic industry exists with respect to the articles protected by the patent in issue. In that ID, the ALJ also found that, pursuant to Commission rule 210.16(c), since Foxconn was found to be in default, Foxconn is presumed to violate section 337 by importing into the United States, selling for importation, or selling within the United States after importation certain electrical connectors that infringe claims 17, 18, 20, 21 or 23 of the patent in issue. On February 9, 1996, the ALJ also issued a recommended determination addressing the appropriate form of remedy and the appropriate bond.

On March 13, 1996, the Commission issued notice of its determination not to review the ALJ's final ID, thereby finding a violation of section 337, and requested written submissions on the issues of remedy, the public interest, and bonding. 61 Fed. Reg. 11221 (March

19, 1996). Submissions were received from complainants and the Commission investigative attorney. Respondents Hon Hai and Foxconn did not file submissions.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission made its 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 importation of infringing electrical connectors and motherboards containing such electrical connectors manufactured and/or imported by Hon Hai or Foxconn. In addition, the Commission issued a cease and desist order directed to domestic respondent Foxconn requiring that firm to cease and desist from the following activities in the United States: importing, selling, marketing, distributing, offering for sale, or otherwise transferring (except for exportation) in the United States infringing imported electrical connectors and motherboards containing such electrical connectors.

The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337 (d) and (f) do not preclude the issuance of the limited exclusion order and cease and desist order, and that the bond during the Presidential review period shall be in the amount of twenty (20) percent of the entered value of the imported electrical connectors and \$0.20 per imported electrical connector on motherboards containing such connectors. Finally, because the Commission has terminated this investigation, the Commission determined to deny as moot counsel for complainants' motion for withdrawal of appearance in this investigation.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.50).

Copies of the Commission's remedial orders, 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.

⁶ The members of the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers consist of Brake Parts, Inc., McHenry, IL; Kinetic Parts Manufacturing, Inc., Harbor City, CA; Iroquois Tool Systems, Inc., North East, PA; and Wagner Brake Corp., St. Louis, MO.