

comments should be submitted by March 20, 1997.

Carol D. Shull,
Keeper of the National Register.

Colorado

San Juan County

Silverton Historic District (Boundary Increase), Roughly, along CO 110 and aerial tramway from Lodore Mine to Mayflower Mine, Silverton vicinity, 97000247

Florida

Sarasota County

Burns, William J., House, 47 S. Washington Dr., Sarasota, 97000248

Georgia

Bartow County

Harris, Corra White, House, Study, and Chapel, 659 Mt. Pleasant Rd., NE., Rydal, 97000249

Richmond County

Church of the Most Holy Trinity, 720 Telfair St., Augusta, 97000250

Mississippi

Bolivar County

Sillers, Walter, Sr., House, 307 Levee St., Rosedale, 97000252

Humphreys County

Parker—Summerfield Mound Archeological Site, Address Restricted, Midnight vicinity, 97000251

Montana

Chouteau County

Geraldine Milwaukee Depot, Railroad Ave., SW of MT 80, Geraldine vicinity, 97000254

Mineral County

Superior School, River Rd., approximately .25 mi N of US 10, Superior vicinity, 97000253

North Carolina

Lee County

Rosemount—McIver Park Historic District, Roughly bounded by N. Horner Blvd., N. Vance and Carthage Sts., Sanford, 97000255

New Hanover County

Joy Lee Apartment Building and Annex, 317 Carolina Beach Ave., N., Carolina Beach, 97000256

Tennessee

Roane County

Valley View Farm, 160 Martin Rd., Harriman, 97000257

Texas

Galveston County

Balinese Room, 2107 Seawall Blvd., Galveston, 97000258

Marion County

Hodge—Taylor House, Approximately 1 mi. NW of jct. of TX 49 and US 59 Jefferson vicinity, 97000259

Utah

Cache County

Bankhead, Heber K. and Rachel H., House, 185 E. 800 South, Wellsville, 97000261

West Virginia

Jefferson County

Downtown Charles Town Historic District, Roughly, Washington, Liberty and Congress Sts. from eastern town limits to Water St., Charles Town, 97000263

Mingo County

Mountaineer Hotel, 31 E. 2nd Ave., Williamson, 97000265

Putnam County

Asbury House, 2922 Putnam Ave., Hurricane, 97000266

Webster County

Lowther Store, Co. Rt. 3, jct. with WV 20, Wheeler vicinity, 97000264

Wisconsin

Green Lake County

Luther, J. P., Company Glove Factory, 139 S. Pearl St., Berlin, 97000267

Princeton Downtown Historic District, Roughly, W. Water St. from Pearl to Washington Sts. Princeton, 97000271

Milwaukee County

Wauwatosa Arcade Building, 7210—26 W. North Ave., Wauwatosa, 97000270

Sauk County

Ringling, Charles, House, 201 8th St., Baraboo, 97000268

Wood County

Central Wisconsin State Fair Round Barn, Jct. of Vine Ave. and E. 17th St., Marshfield, 97000269

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BILLING CODE 4310-70-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-380]

Certain Agricultural Tractors Under 50 Power Take-Off Horsepower; Issuance of General Exclusion Order and Cease and Desist Orders

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a general exclusion order and eleven cease and desist orders in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Shara L. Aranoff, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3090.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in §§ 210.45 and 210.50 of the Commission's rules of practice and procedure (19 CFR 210.45 and 210.50).

This trademark-based section 337 investigation was instituted by the Commission on February 14, 1996, based on a complaint filed by Kubota Tractor Corporation ("KTC"), Kubota Manufacturing of America ("KMA"), and Kubota Corporation ("KBT") (collectively "complainants"). Complainants alleged unfair acts in violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation, sale for importation, and/or the sale within the United States after importation, of certain agricultural tractors under 50 power take-off horsepower, by reason of infringement of complainants' four registered trademarks, U.S. Reg. Nos. 922,330 ("KUBOTA" in block letters), 1,775,620 ("KUBOTA" stylized), 1,028,221 (Gear Design), and 1,874,414 (stylized "K"). The Commission's notice of investigation named 20 respondents: Eisho World Ltd., Nitto Trading Corporation, Nitto Trading Co. Ltd., Sanko Industries Co., Ltd., Sonica Trading, Inc., Suma Sangyo, Toyo Service Co., Ltd., Bay Implement Company, Casteel Farm Implement Co. of Monticello, Arkansas, Casteel Farm Implement Co. of Pine Bluff, Arkansas, Casteel World Group, Inc., Gamut Trading Co., Gamut Imports, Lost Creek Tractor Sales, MGA, Inc. Auctioneers, Tom Yarbrough Equipment Rental and Sales, Inc., The Tractor Shop, Tractor Company, Wallace International Trading Co. and Wallace Import Marketing Co. Inc. 61 FR 6802 (Feb. 22, 1996).

On May 29, 1996, the Commission determined not to review an ID (Order No. 13) finding respondents Tractor Company, Sonica Trading, and Toyo Service in default pursuant to Commission rule 210.16 (19 CFR 201.16), and ruling that they had waived their respective rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. On June 19, 1996, the notice of investigation was amended to add Fujisawa Trading Company as a respondent. On September 25, 1996, the Commission issued a consent order terminating the investigation as to respondent Nitto Trading Corporation. On September 30, 1996, the Commission issued a consent order terminating the investigation as to

respondent Tom Yarbrough Equipment Rental and Sales, Inc.

On August 21, 1996, the Commission determined not to review an initial determination (ID) (Order No. 40) granting complainants' motion for summary determination that complainants' four trademarks are valid and that the "KUBOTA" (block letters) and Gear Design marks are incontestable. On September 6, 1996, the Commission determined not to review an ID (Order No. 47) granting complainants' motion for summary determination that a domestic industry exists with respect to the "KUBOTA" (block letters) and "KUBOTA" (stylized) trademarks.

The presiding administrative law judge (ALJ) held an evidentiary hearing on the merits between August 29 and September 7, 1996, and heard closing arguments on October 24, 1996. The ALJ issued his final ID finding a violation of section 337 on November 22, 1996. He found that there had been imports of the accused products; that 24 specific models of the accused tractors infringed the "KUBOTA" (block letters) trademark (U.S. Reg. No. 922,330); that one model of the accused tractors, the KBT L200, did not infringe the "KUBOTA" (block letters) trademark; that none of the 25 accused KBT models considered infringed the "KUBOTA" (stylized) trademark (U.S. Reg. No. 1,775,620); and that complainants were no longer asserting violations of section 337 based on infringement of the stylized "K" and "Gear Design" trademarks.

On January 9, 1997, the Commission determined to review (1) the finding of no infringement and no violation with respect to the KBT model L200 tractor; and (2) the decision to limit infringement analysis to 25 models of accused tractors rather than all models of KBT tractors as to which there is evidence of importation and sale in the United States.

The Commission determined not to review the ID in all other respects. On review, the Commission requested that the parties address the following issues:

(1) Whether the fact that gray market KBT model L200 tractors are imported and sold bearing Japanese-language labels constitutes a "material difference" from the authorized KTC model L200 tractors sufficient to establish a likelihood of consumer confusion;

(2) Whether evidence on the record in this investigation demonstrates that specific KBT models other than the 25 identified on (Staff Exhibit) SX-1 have been imported and sold in the United States; and, if so,

(3) Whether evidence on the record in this investigation demonstrates that any specific KBT model identified in number (2) above was imported and sold in the United States

bearing Japanese-language labels or is otherwise materially different than the closest corresponding KTC model with respect to any of the differences found to be "material" in the ID.

In addition, the Commission requested written submissions on the issues of remedy, the public interest, and bonding. 62 FR 2179 (Jan. 15, 1997).

Submissions and reply submissions on remedy, the public interest, and bonding and on the issues under review were received from complainants, respondents, and the Commission investigative attorney (IA). In addition, complainants filed a request for oral hearing pursuant to Commission rule 210.45, complainants filed a request to strike pages 4–20 of respondents' brief on review, respondents filed a request to strike certain consumer survey information submitted by complainants and to sanction complainants for submitting that information, complainants filed a motion for leave to file a surreply brief in response to the reply brief filed by the IA, and respondents filed an objection to complainants' surreply brief.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has determined (1) to reverse the ALJ's finding of no infringement and no violation by the KBT model L200 tractor; (2) to find a violation of section 337 with respect to 20 models of KBT tractors in addition to the 25 models considered by the ALJ; and (3) to deny complainants' request for oral hearing, both requests to strike, respondents' request for sanctions, and complainants' motion for leave to file a surreply brief. The Commission has further determined that the appropriate form of relief is a general exclusion order prohibiting the unlicensed entry for consumption of agricultural tractors under 50 power take-off horsepower manufactured by Kubota Corporation of Japan that infringe the federally-registered U.S. trademark "KUBOTA" (Reg. No. 922,330) and eleven cease and desist orders directed to respondents Bay Implement Company, Casteel World Group, Inc. (and related entities), Gamut Trading Co. (and related entities), Lost Creek Tractor Sales, MGA, Inc. Auctioneers, The Tractor Shop, Tractor Company, and Wallace International Trading Co. prohibiting the importation, sale for importation, or sale in the United States after importation of agricultural tractors under 50 power take-off horsepower manufactured by Kubota Corporation of Japan that infringe the federally-registered U.S. trademark "KUBOTA" (Reg. No. 922,330).

The Commission has also determined that the public interest factors enumerated in subsections 1337(d) and (f) do not preclude the issuance of the general exclusion order and cease and desist orders, and that the bond during the Presidential review period shall be in the amount of 90 percent of the entered value of the articles in question.

Copies of the Commission's order, the public version of the Commission's 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 the matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810.

Issued: February 25, 1997.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 97–5408 Filed 3–4–97; 8:45 am]

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[Investigation No. 731–TA–746 (Final)]

Beryllium Metal and High-Beryllium Alloys From Kazakhstan

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission determines,² pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Kazakhstan of beryllium metal and high-beryllium alloys,³ that

¹ The record is defined in § 207.2(f) of the Commission's rules of practice and procedure (19 CFR 207.2(f)).

² Chairman Miller dissenting.

³ The imported products subject to this investigation, as defined by the U.S. Department of Commerce, are beryllium metal and high-beryllium alloys with a beryllium content equal to or greater than 30 percent by weight, whether in ingot, billet, powder, block, lump, chunk, blank, or other semifinished form. These are intermediate or semifinished products that require further machining, casting, and/or fabricating into sheet, extrusions, forgings, or other shapes in order to meet the specifications of the end user. Beryllium metal and high-beryllium alloys in which beryllium predominates over all other metals are provided for in subheadings 8112.11.30 and 8112.11.60 of the Harmonized Tariff Schedules of the United States