

the Bureau of Land Management, Farmington Field Manager, 1235 LaPlata Highway, Farmington, NM 87401, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action becomes the final determination of the Department of the Interior.

**FOR FURTHER INFORMATION CONTACT:** Information related to this action, including the environmental assessment, is available for review at the Bureau of Land Management, Farmington Field Office, 1235 LaPlata Highway, Farmington, NM 87401.

**SUPPLEMENTARY INFORMATION:** The Recreation & Public Purpose Patent, 1215015, was issued on December 6, 1960 to the San Juan County and the lands will be conveyed back to the United States prior to the direct sale. The public lands have been found suitable for disposal for direct sale and will be sold to San Juan County pursuant to Section 203 of FLPMA, at no less than fair market value. The land is described as follows:

**New Mexico Principal Meridian**

T. 29 N., R. 12 W.,

Sec. 38, lots 24 to 30, inclusive.

Containing 30.58 acres more or less.

The sale will be for the purpose of making the use of this land more compatible with the existing fairgrounds and racing track. The disposal is deemed necessary to allow the County consistent use of the property. The disposal is consistent with the Bureau's planning efforts, State and local government programs, and applicable regulations. The land has been examined and is suitable for disposal by direct sale pursuant to Section 203 of the FLPMA of 1976 (43 U.S.C. 1713). The direct sale will be subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with the Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to mine and to remove the minerals, under applicable laws and regulations to be established by the Secretary of the Interior. A more detailed description of this reservation, which will be incorporated in the document of conveyance.

3. Subject to such rights for pipeline purposes as the El Paso Natural Gas Company may have under Section 28 of the Act of February 25, 1920 (41 Stat. 437) as amended by the Act of August 21, 1935 (49 Stat. 674).

4. Subject to reservation for a Federal Aid Highway under the Act of November 9, 1921 (42 Stat. 212).

Publication of this notice in the **Federal Register** will terminate the R&PP Classification and open the land to entry for direct sale and segregate the public land from appropriation under the public land laws including the mining laws but not the mineral leasing laws. This segregation will terminate upon the issuance of a conveyance document, 270 days from date of publication of this notice in the **Federal Register** or upon publication of a Notice of Termination, whichever occurs first.

Dated: September 17, 1999.

**Lee Otteni,**

*Field Manager.*

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-424]

### Certain Cigarettes and Packaging Thereof; Notice of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 17, 1999, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Brown & Williamson Tobacco Corp., 1500 Brown & Williamson Tower, Louisville, Kentucky 40202. A supplement to the complaint was filed on September 8, 1999. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cigarettes and packaging thereof by reason of (a) infringement of U.S. Trademark Registration Nos. 118,372, 311,961, 335,113, 366,744, 404,302, 508,538, 747,482, 747,490, 2,055,297, 2,174,493, and 2,218,589, (b) unfair competition under the Lanham Act, (c) improper importation of products under the Lanham Act, and (d) dilution of the registered trademarks. The complaint further alleges that there exists an industry in the United States with respect to the asserted trademarks. The complaint further alleges that the threat or effect of the proposed respondents' unfair acts is to destroy or substantially injure that domestic industry.

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent

general exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. 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.

**FOR FURTHER INFORMATION CONTACT:** Smith R. Brittingham IV, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2576. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (1999).

### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on September 16, 1999, *ordered that*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(C) 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 cigarettes and packaging thereof by reason of infringement of U.S. Trademark Registration Nos. 118,372, 311,961, 335,113, 366,744, 404,302, 508,538, 747,482, 747,490, 2,055,297, 2,174,493, or 2,218,589, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337; and

(b) Whether there is a violation of subsection (a)(1)(A) 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 cigarettes and packaging thereof by reason of (i) dilution of U.S. Trademark Registration Nos. 118,372, 311,961, 335,113, 366,744, 404,302, 508,538, 747,482, 747,490, 2,055,297, 2,174,493, or 2,218,589, and (ii) false representation of source, or (iii) false

advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(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: Brown & Williamson Tobacco Corp., 1500 Brown & Williamson Tower, Louisville, Kentucky 40202.

(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:

Allstate Cigarette Distributors, Inc., 6795 N.W. 87th Avenue, Miami, FL 33178

Prestige Storage & Distribution, Inc., 3400 McIntosh Road, A-3, Ft. Lauderdale, FL 33316

R.E. Tobacco Sales, Inc., 782 N.W. 42nd Avenue #534, Miami, FL 33126

Dood Enterprises, Inc., 830 S. Hill Street #850, Los Angeles, CA 90014

(c) Smith R. Brittingham IV, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401-M, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Debra Morris 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 section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a) of the Commission's Rules, 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.

By order of the Commission.

Issued: September 17, 1999.

**Donna R. Koehnke,**

*Secretary.*

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BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation 332-407]

### Foundry Coke: a Review of the Industries in the United States and China

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of public hearing.

**SUMMARY:** Following receipt of a request on August 25, 1999, from the Committee on Ways and Means of the US House of Representatives (the Committee), the Commission instituted investigation No. 332-407, Foundry Coke: A Review of the Industries in the United States and China, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

**EFFECTIVE DATE:** September 15, 1999.

As requested by the Committee, the Commission will review the foundry coke industries in the United States and China and provide information for the most recent five-year period, to the extent possible, regarding the following:

- (1) Production, consumption, and trade trends;
- (2) Prices;
- (3) Significant developments in foundry coke market practices such as coke quality specifications, cost recovery, pricing policies, and by-product valuation;
- (4) Market factors affecting the availability of foundry coke and purchasing decisions by coke-consuming industries;
- (5) Costs related to compliance with environmental laws and policies;
- (6) Transportation costs to U.S. markets for Chinese and domestic foundry coke; and
- (7) Other significant factors as may be identified during the study.

As requested by the Committee, the Commission will transmit its report to the Committee no later than August 25, 2000.

**FOR FURTHER INFORMATION CONTACT:** Information may be obtained from Edmund Cappuccilli, Project Leader (202-205-3368), or Christopher Robinson, Deputy Project Leader (202-205-2334), Office of Industries, US

International Trade Commission, Washington, DC, 20436. For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202-205-3091). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205-1810.

**PUBLIC HEARING:** A public hearing in connection with the investigation will be held at the US International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on February 29, 2000. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., February 1, 2000. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., February 15, 2000; the deadline for filing posthearing briefs or statements is 5:15 p.m., March 14, 2000. In the event that, as of the close of business on February 1, 2000, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202-205-1806) after February 7, 2000, to determine whether the hearing will be held.

**WRITTEN SUBMISSIONS:** In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on March 14, 2000. All submissions should be addressed to the