

International Trade Commission, on April 30, 2004 *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 absorbent garments by reason of infringement of claims 1, 9, 12, or 13 of U.S. Patent No. 5,275,590, claims 1 or 2 of U.S. Patent No. 5,403,301, or claims 8 or 9 of U.S. Patent No. 4,892,528, and whether an industry in the United States exists 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 complainants are—

Tyco Healthcare Retail Group, Inc., 601 Allendale Road, King of Prussia, Pennsylvania 19406;

Paragon Trade Brands, Inc., 601 Allendale Road, King of Prussia, Pennsylvania 19406.

(b) The respondents are the following companies alleged to be in violation of Section 337 and upon which the complaint is to be served—

Grupo ABS Internacional, S.A. de C.V., Humberto Lobo 9013, Ciudad Mitras, N.L., Mexico 66400;

Absormex S.A. de C.V., Humberto Lobo 9013, Ciudad Mitras, N.L., Mexico 66400;

Absormex USA, Inc., 4401 San Francisco Avenue, Laredo, Texas 78041.

(c) Thomas S. Fusco, Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401-E, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock 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), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and 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: May 2, 2004.

By order of the Commission.

**Marilyn Abbott,**

*Secretary to the Commission.*

[FR Doc. 04-10411 Filed 5-6-04; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-507]

### Certain Medical Devices Used to Compact Inner Bone Tissue and Products Containing Same; Notice of Investigation

**AGENCY:** 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 April 5, 2004, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Kyphon Inc. of Sunnyvale, California. A supplement to the complaint was filed on April 20, 2004. 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 medical devices used to compact inner bone tissue and products containing same by reason of infringement of claims 1, 3, 7-9, 11, and 14 of U.S. Patent No. 4,969,888, claims 1, 3, 8-10, 12, and 15 of U.S. Patent No. 5,108,404, claims 2, 17, 20, and 23-28 of U.S. Patent No. 6,235,043, and claims 3, 5, 6, 8, and 9 of U.S. Patent No. 6,248,110. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent limited exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint and supplement, except for any confidential information contained therein, are 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., Room 112, Washington, DC 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. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Anne Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2574.

**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 (2003).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on April 30, 2004, *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 medical devices used to compact inner bone tissue or products containing same by reason of infringement of claims 1, 3, 7-9, 11, or 14 of U.S. Patent No. 4,969,888, claims 1, 3, 8-10, 12, or 15 of U.S. Patent No. 5,108,404, claims 2, 17, 20, or 23-28 of U.S. Patent No. 6,235,043, or claims 3, 5, 6, 8, or 9 of U.S. Patent No. 6,248,110, and whether an industry in the United States exists 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—

Kyphon Inc., 1221 Crossman Avenue, Sunnyvale, CA 94089.

(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:

Disc-O-Tech Medical Technologies, Ltd., 3 Hasadnaot St., Herzliya 46728, Israel;

Disc Orthopaedic Technologies Inc., 7 Centre Dr., Suite 1, Monroe Township, NJ 08831.

(c) Anne Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401-P, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Delbert R. Terrill, Jr. 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), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and 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: May 2, 2004.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 04-10410 Filed 5-6-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment Standards Administration; Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used

in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determination Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

#### Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### Volume I

###### New Jersey

NJ030002 (Jun. 13, 2003)

NJ030003 (Jun. 13, 2003)

###### Vermont

VT030001 (Jun. 13, 2003)

VT030007 (Jun. 13, 2003)

VT030042 (Jun. 13, 2003)

##### Volume II

###### Virginia

VA030014 (Jun. 13, 2003)

##### Volume III

###### Alabama

AL030004 (Jun. 13, 2003)

AL030006 (Jun. 13, 2003)

AL030008 (Jun. 13, 2003)

AL030017 (Jun. 13, 2003)

AL030033 (Jun. 13, 2003)

###### Mississippi

MS030001 (Jun. 13, 2003)

MS030003 (Jun. 13, 2003)

##### Volume IV

###### Illinois