Total Estimated Burden Hours: 8,887.
Status: Revision.
Contact: Bill Flood, HUD, (202) 708–1640, ext. 4185; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: April 24, 1996.

[FR Doc. 96–11550 Filed 5–8–96; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–010–5101–00–K012, WYW–128830]

Notice of Availability of the Record of Decision for the Express Pipeline Project

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Wyoming State Director of the Bureau of Land Management (BLM) has issued a Record of Decision (ROD) stating the BLM's intent to grant a right-of-way (ROW) and associated temporary use permits across public lands to Express Pipeline Inc., for the construction, operation, and maintenance of a 24-inch buried crude oil pipeline from the Port of Wildhorse on the U.S.-Canada border to Casper, Wyoming.

ADDRESSES: Copies of the ROD may be reviewed at the following locations: Lewistown District BLM Office, 80 Airport Road, (contact Robert Padilla, Realty Specialist), Lewistown, Montana; Worland District BLM Office, 101 South 23rd Street, (Don Ogaard, BLM Project Manager) Worland, Wyoming; Casper District BLM Office, 1701 East ''E'' Street, (Pat Moore, Realty Specialist), Caper, Wyoming; Montana State Department of Environmental Quality (DEQ) (Art Compton) 1520 East 6th Avenue, Helena, Montana, and county and city libraries along the proposed pipeline route.

FOR FURTHER INFORMATION CONTACT: A copy of the ROD may be obtained from the Bureau of Land Management, Worland District Office, Attn: Don Ogaard, BLM Project Manager, P.O. Box 119, Worland, Wyoming 82401–0119, telephone (307) 347–5160.

SUPPLEMENTARY INFORMATION: Express Pipeline, Inc. proposes to construct, operate, and maintain a 24-inch pipeline from Wild Horse (located on the border between Montana and Canada) to Casper, Wyoming, to transport Canadian crude oil. On February 23, 1996, the final Environmental Impact Statement for the project was issued a 30-day public review period. The ROD was signed by the Wyoming State Director on April 15, 1996. The BLM intends to issue a ROW grant and associated temporary use permits for the 97 miles of public land that would be crossed on the 515-mile route.

Construction activities would be subject to a timing restriction designed to protect big game winter range and other wildlife habitat. The decision does not affect any state or private lands crossed by the proposed route, and does not create any right or easement nor establish eminent domain, across such lands. The BLM will not issue a Notice to Proceed with construction of the public lands segments of the ROW until an acceptable Plan of Development, containing the detailed construction standards, reclamation measures, and emergency contingency plans, has been submitted by Express Pipeline, Inc. and approved by the BLM.

APPEALS: This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4, Subpart E. If you wish to appeal, a Notice of Appeal must be filed in the Wyoming State BLM Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003–1828, within 30 days from the date of publication of this notice in the Federal Register. The Notice of Appeal shall state clearly and concisely why you think the decision is in error. A copy of the Notice of Appeal must be served, within 15 days, on the Regional Solicitor, Rocky Mountain Region; U.S. Department of the Interior; 755 Parfet Street, Suite 151; Lakewood, Colorado 80215. Within 30 days of the Notice of Appeal, the appellant must file a Statement of Reasons for the appeal. Appellants wishing a stay of the decision must file a Petition for Stay, pursuant to 43 CFR Part 4, Subpart B, and 43 CFR 2884.1, with the Notice of Appeal.

Dated: May 3, 1996.

Alan R. Pierson,

Wyoming State Director.

[FR Doc. 96–11596 Filed 5–8–96; 8:45 am]

BILLING CODE 4310–22–M

Bureau of Land Management

[MT–960–1990–00] Resource Advisory Council Meeting, Butte, MT

AGENCY: Butte District Office, Bureau of Land Management.

ACTION: Notice of Butte District Resource Advisory Council Meeting, Butte, Montana.

SUMMARY: The Council will convene at 9 a.m. on May 22, 1996, and will continue through May 23, 1996, if all business is not completed on the 22nd. This is a regularly scheduled meeting; issues to be discussed will be Access (RS2477 and 393 Plan), Permit Security and Livestock Grazing (other than cattle). The meeting will be held in the District Office Conference Room at 106 N. Parkmont.

The meeting is open to the public and written comments may be given to the Council. Oral comments may be presented to the Council at 11 a.m. The time allotted for oral comment may be limited, depending on the number of persons wishing to be heard. Individuals who plan to attend and need further information about the meeting; or need special assistance, such as sign language or other reasonable accommodations, should contact the Butte District, 106 North Parkmont (P.O. Box 3388), Butte Montana 59702; telephone 406–494–5059.

FOR FURTHER INFORMATION CONTACT: Jim Owings at the above address or telephone number.

James R. Owings,

District Manager.

[FR Doc. 96–11543 Filed 5–8–96; 8:45 am]

BILLING CODE 4310–DN–P

INTERNATIONAL TRADE COMMISSION

Investigations Relating to Potential Breaches of Administrative Protective Orders, Sanctions Imposed for Actual Violations

AGENCY: U.S. International Trade Commission.

ACTION: Summary of Commission practice relating to administrative protective orders.

SUMMARY: This notice provides a summary by the International Trade Commission (Commission) of its investigations of (1) breaches of administrative protective orders (APOs) issued in connection with investigations under Title VII, and (2) certain violations of the Commission's rules.

This notice is intended to inform the public of the Commission's experience with APO breaches. The Commission also intends that this notice will educate and alert representatives of parties to Commission proceedings as to some specific types of APO breaches encountered by the Commission. This notice is illustrative only and does not limit the Commission's rules or

standard APO. The notice does not provide an exclusive list of conduct that will be deemed to be a breach of the Commission's APOs, and does not indicate how the Commission will rule in future cases.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3098.

SUPPLEMENTARY INFORMATION: The discussion below illustrates APO breach investigations that the Commission has completed including a description of actions taken in response to breaches. The discussion covers breach investigations completed during 1995 with respect to antidumping and countervailing duty cases. Also discussed are the Commission's investigations completed during 1995 of possible violations of Commission rule 207.3, commonly known as the ''24-hour rule.''

The Commission periodically reports a summary of its actions in response to violations of Commission APOs in an effort to educate those obtaining access to business proprietary information (BPI) under an APO of the common problems encountered in handling BPI and confidential business information (CBI). This is the sixth notice of its kind, the previous ones having been published at 56 Fed. Reg. 4846 (Feb. 6, 1991), 57 Fed. Reg. 12335 (Apr. 9, 1992), 58 Fed. Reg. 21991 (Apr. 26, 1993), 59 Fed. Reg. 16834 (Apr. 8, 1994), and 60 Fed. Reg. 24880 (May 10, 1995). The Commission intends to publish summaries at least annually, and more frequently as appropriate.

As part of the effort to educate practitioners about APO practice, the Commission's Secretary issued in September 1991 *An Introduction to Administrative Protective Order Practice in Antidumping and Countervailing Duty Investigations.* A revision to the handbook is currently pending and is expected to be issued shortly. This document is available upon request from the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–2000.

I. Title VII Administrative Protective Orders

A. In General

APOs are issued in Commission investigations under Title VII of the Tariff Act of 1930 to provide certain party representatives access to BPI under conditions designed to protect the confidentiality of such information. The Commission is required to disclose under APO BPI collected by the Commission to authorized representatives of interested parties who are parties to such investigations. 19 U.S.C. 1677f. The Commission has implemented procedures governing this disclosure, which is accomplished under an APO issued by the Secretary to the Commission. 19 C.F.R. § 207.7. An important provision of the Commission's rules relating to APOs is the ''24-hour rule'' that provides parties with an extra day in which to file the public version of certain submissions containing BPI. 19 C.F.R. § 207.3. The 24-hour rule, which permits correction of the bracketing of BPI during that extra day, was intended to reduce the incidence of APO breaches caused by inadequate bracketing and improper placement of BPI. The Commission urges parties to make use of the rule.

The Commission Secretary provides BPI only to ''authorized applicants'' who agree to be bound by the terms and conditions of an APO. The Commission has revised its standard APO forms for antidumping and countervailing duty investigations to reflect recent regulatory changes and Commission practice. The Commission has also created a new APO form for use in section 201 investigations. The standard APO form for antidumping and countervailing duty investigations issued by the Commission in 1995 required the applicant to swear that he or she would:

(1) Not divulge any of the BPI obtained under the APO and not otherwise available to him, to any person other than

(i) Personnel of the Commission concerned with the investigation,

(ii) The person or agency from whom the BPI was obtained,

(iii) A person whose application for disclosure of BPI under the APO has been granted by the Secretary, and

(iv) Other persons, such as paralegals and clerical staff, who (a) are employed or supervised by and under the direction and control of the authorized applicant or another authorized applicant in the same firm whose application has been granted; (b) have a need thereof in connection with the investigation; (c) are not involved in competitive decisionmaking for an interested party which is a party to the investigation; and (d) have submitted to the Secretary a signed Acknowledgment for Clerical Personnel (the authorized applicant shall also sign such acknowledgment and will be deemed responsible for such persons' compliance with the APO);

(2) Use such BPI solely for the purposes of the above-captioned Commission investigation or for judicial or binational panel review of such Commission investigation;

(3) Not consult with any person not described in paragraph (1) concerning BPI disclosed under the APO without first having received the written consent of the Secretary and the party or the attorney of the party from whom such BPI was obtained;

(4) Whenever materials (e.g., documents, computer disks, etc.) containing such BPI are not being used, store such material in a locked file cabinet, vault, safe, or other suitable container (N.B.: storage of BPI on so-called hard disk computer media is to be avoided, because mere erasure of data from such media may not irrecoverably destroy the BPI and may result in violation of paragraph C of the APO);

(5) Serve all materials containing BPI disclosed under the APO as directed by the Secretary and pursuant to section 207.7(f) of the Commission's rules;

(6) Transmit each document containing BPI disclosed under the APO:

(i) with a cover sheet identifying the document as containing BPI,

(ii) with all BPI enclosed in brackets and each page warning that the document contains BPI,

(iii) if the document is to be filed by a deadline, with each page marked ''Bracketing of BPI not final for one business day after date of filing,'' and

(iv) if by mail, within two envelopes, the inner one sealed and marked ''Business Proprietary Information— To be opened only by [name of recipient]'', and the outer one sealed and not marked as containing BPI;

(7) Comply with the provisions of the APO and section 207.7 of the Commission's rules;

(8) Make true and accurate representations in the authorized applicant's application and promptly notify the Secretary of any changes that occur after the submission of the application and that affect the representations made in the application (*e.g.,* change in personnel assigned to the investigation);

(9) Report promptly and confirm in writing to the Secretary any possible breach of the APO; and

(10) Acknowledge that breach of the APO may subject the authorized applicant and other persons to such sanctions as the Commission deems appropriate, including the administrative sanctions set out in the APO. Breach of the protective order may subject an applicant to:

(1) Disbarment from practice in any capacity before the Commission along

with such person's partners, associates, employer, and employees, for up to seven years following publication of a determination that the order has been breached;

(2) Referral to the United States Attorney;

(3) In the case of an attorney, accountant, or other professional, referral to the ethics panel of the appropriate professional association; and

(4) Such other administrative sanctions as the Commission determines to be appropriate, including public release of or striking from the record any information or briefs submitted by, or on behalf of, the offender or the party represented by the offender, and denial of further access to business proprietary information in the current or any future investigations before the Commission. In addition, the Commission may take actions other than sanctions, such as the issuance of letters of warning.

Commission employees are not signatories to the Commission's APOs and do not obtain access to BPI through the APO procedure. Consequently, they are not subject to the APOs' requirements with respect to the handling of BPI. However, Commission employees are subject to strict statutory and regulatory constraints concerning BPI, and face potentially severe penalties for noncompliance. *See* 18 U.S.C. § 1905; Title 5, U.S. Code; and Commission personnel policies implementing the statutes. Although the Privacy Act (5 U.S.C. § 552a) limits the Commission's authority to disclose any personnel action against agency employees, this should not lead the public to conclude that no such actions have been taken.

B. Investigations of Alleged APO Breaches

In an antidumping or countervailing duty investigation, the investigation of an alleged APO breach generally proceeds as follows. The Secretary, acting under delegated authority, issues to the alleged breacher a letter of inquiry to ascertain the alleged breacher's views on whether a breach has occurred. If, based on the response made to such a letter of inquiry, the Commission determines that a breach has occurred, the Commission often issues a second letter asking the breacher to address the questions of mitigating circumstances and possible sanctions or other actions. The Commission then determines what action to take in response to the breach. However, in some cases, the Commission has determined that although a breach has occurred sanctions are not warranted, and therefore has found it unnecessary to issue a second letter concerning what sanctions might be appropriate. The Commission retains sole authority to make final determinations regarding the existence of a breach and the appropriate action to be taken if a breach has occurred.

The records of Commission investigations of alleged APO breaches in antidumping and countervailing duty cases are not publicly available and are exempt from disclosure under the Freedom of Information Act, 5 U.S.C. § 552. Section 135(b) of the Customs and Trade Act of 1990, 19 U.S.C. § 1677f(g).

The breach most frequently investigated by the Commission involves the APO's prohibition on the dissemination of BPI to unauthorized persons. Such dissemination usually occurs as the result of failure to delete BPI from public versions of documents filed with the Commission or of transmission of proprietary versions of documents to unauthorized recipients. Other breaches have involved: the failure to properly bracket BPI in proprietary documents filed with the Commission; the failure to immediately report known violations of an APO; and the failure to adequately supervise non-legal personnel in the handling of BPI in certain circumstances.

Sanctions for APO violations serve two basic interests: (a) preserving the confidence of submitters of BPI in the Commission as a reliable protector of BPI, and (b) disciplining breachers and deterring future violations. As the Conference Report to the Omnibus Trade and Competitiveness Act of 1988 observed, ''the effective enforcement of limited disclosure under administrative protective order depends in part on the extent to which private parties have confidence that there are effective sanctions against violation.'' H.R. Conf. Rep. No. 576, 100th Cong., 1st Sess. 623 (1988).

The Commission has worked to develop consistent jurisprudence, not only in determining whether a breach has occurred, but also in selecting an appropriate response. In determining the appropriate response, the Commission generally considers mitigating factors such as whether the breach was unintentional, lack of prior breaches committed by the breaching party, the corrective measures taken by the breaching party, the promptness with which the breaching party reported the violation to the Commission, and any relevant circumstances peculiar to the situation. The Commission also considers aggravating circumstances, especially whether persons not under the APO actually read the BPI.

We note that Commission rules permit economists or consultants to obtain access to BPI under the APO under the direction and control of an attorney under the APO, or upon their own responsibility if the economist or consultant appears regularly before the Commission and represents an interested party who is a party to the investigation. *See* 19 C.F.R. §§ 207.7(a)(3) (B) and (C). We caution that economists or consultants who obtain access to BPI under the APO under the direction and control of an attorney nonetheless remain individually responsible for complying with the APO. In appropriate circumstances, for example, an economist under the direction and control of an attorney may be held responsible for a breach of the APO by failing to redact APO information from a document that is subsequently filed with the Commission and served as a public document. This is so even though the attorney exercising direction or control over the economist or consultant may also be held responsible for the breach of the APO.

C. Specific Investigations in Which Breaches Were Found

The following case studies are presented to educate users about the types of APO breaches found by the Commission and the sanctions imposed and other actions taken by the Commission. In addition, the case studies discuss the factors considered by the Commission as mitigating the sanctions imposed in particular instances. The Commission has not included some of the specific facts in the descriptions of investigations where disclosure could reveal the identity of a particular breacher. Thus, in some cases, apparent inconsistencies in the facts set forth in this notice result from the Commission's inability to disclose particular facts more fully.

Case 1: Several economic consultants misdelivered materials containing BPI to persons who were not signatories to the APO. The materials were returned unopened. The Commission found that a breach had occurred, but determined not to sanction the economists. Instead, the Commission issued a warning letter to the economist who instructed another to compile and distribute the materials, and to the person who actually prepared the materials. A third person, who became involved only after the misdeliveries were discovered, was not found to have breached the APO. Mitigating factors included the fact the breach was unintentional, the persons involved had not been previously found to have breached an APO, that the

persons involved took immediate action to remedy it by retrieving all copies, that the Commission was immediately informed of the incident, and that the firm in question made changes in-house to prevent a recurrence.

Case 2: Counsel for a party to the investigation failed to bracket certain BPI in the confidential version of an attachment to a submission and also failed to redact BPI data from the public version of the submission. The attachment, prepared by an outside consultant who was a signatory to the APO, contained unbracketed proprietary data in the confidential version and unredacted BPI in the public version of the brief. Upon learning of the error, counsel notified the Secretary's office, and arranged for the persons receiving the unbracketed BPI to either destroy or return the documents in question. All copies of the defective briefs were either returned or destroyed. The Commission found the person who was responsible for preparation of the final document to have breached the APO. The Commission determined not to sanction the attorney, but rather sent a warning letter. Mitigating factors included the fact that the breach was inadvertent, the person involved had not been associated with any other APO breach inquiry, and actions were taken immediately to mitigate any harm resulting from the breach. Moreover, the version of the brief involved containing the BPI had not been reviewed by anyone not on the administrative protective order. The consultant was found not to have breached the APO because it was not the consultant's responsibility to prepare the public version of the document. Similarly, a colleague of the attorney was found not to have been involved in the preparation of the public version of the document, and therefore was not found responsible for the breach.

Case 3: Several economic consultants filed and served a public version of a document that contained BPI in a footnote in the document. Commission staff discovered the breach. Although the public version of the document had been placed in the Commission public files, it had not been reviewed by a member of the public before discovery of the breach. The Commission determined that a breach had occurred, and held the individuals responsible for preparing the public version of the submission and reviewing it for BPI responsible for the breach. The Commission did not sanction the individuals, however, but instead sent warning letters. Mitigating factors included the fact that the breach was inadvertent, none of the individuals charged with the breach had breached an APO previously, and the individuals took immediate actions to mitigate any harm arising from the breach in the investigation, once they were informed that it had occurred. The Commission also considered the fact that although the information was received by a person not on the APO, the recipient did not review the information, and it was returned unread. The clerk who prepared the document was not held responsible for the breach, since the individual's activities appeared to be clerical in nature, and did not appear to involve reviewing the document to ensure that all BPI had been deleted. Additionally, a consultant whose name appeared on the document was not held responsible for the breach since the individual was not involved in preparing the public version of the document or in reviewing the document for BPI.

Case 4: An attorney failed to update the APO service list and as a result, improperly served copies of the confidential version of a submission on persons no longer subject to the APO. The Commission determined that the person responsible for improperly serving the APO version of the submission had breached the APO. The Commission decided not to sanction the attorney, but instead sent a warning letter. Mitigating factors included the fact that the breach was inadvertent, that the individual responsible for the breach had not previously breached an APO, and that immediate action was taken to mitigate any harm arising from the breach. Finally, although the document containing BPI was received by non-APO signatories, the Commission investigation revealed that the document was not actually viewed by anyone not on the APO. Two other attorneys who were involved in the Commission investigation were found not to be responsible for the breach.

Case 5: An attorney filed and served a public version of a document in which the attorney failed to properly redact information in brackets. The Commission determined that the attorney had breached the protective order. The Commission did not sanction the attorney, but instead issued a warning letter. Mitigating circumstances included the fact that the breach was inadvertent, the individual had not previously breached an APO, and the individual discovered the breach and took immediate actions to mitigate any harm arising from the breach. Additionally, the document was not actually reviewed by anyone not on the APO.

Case 6: Counsel filed a public version of a document and inadvertently filed with the Commission the master copy of the public version consisting of confidential pages with removable (and not always opaque) redaction tape covering the BPI. Commission staff discovered the defect in the filing and notified counsel prior to placement of the document in the public file. The Commission found an attorney and legal secretary responsible for the breach. The Commission determined to hold the legal secretary responsible for the breach because that individual was directly responsible for placing the copies of the public version of the documents into the envelopes that were delivered to the Commission. The Commission did not sanction the secretary, but instead issued a warning letter. In deciding not to sanction the secretary, the Commission took into account the fact that the breach was inadvertent, no BPI was disclosed to any party not under an APO, and it was the individual's first breach. The Commission also determined that the attorney responsible for overall supervision of the non-attorney staff, and who signed the public version of the brief that was filed, had breached the APO. The Commission sent a private letter of reprimand to the attorney because it was the individual's second breach of an APO in a relatively short period of time. A colleague was found not to have breached the APO since the individual was not in the office the day that the breach occurred.

Case 7: Counsel for a party to the investigation filed and served a public version of a document in which counsel failed to properly bracket and redact BPI that appeared in a footnote. Upon learning of the error, counsel immediately arranged for the individuals under the APO receiving the unbracketed BPI to delete the information before forwarding the document to any person not on the APO. Counsel also notified the Commission and filed replacement pages correcting the error. The Commission determined that a breach had occurred and held the individuals responsible for preparation and review of the document for confidential information responsible for the breach. The Commission did not sanction the individuals, but instead issued warning letters. Mitigating factors included the fact that the breach was inadvertent, the individuals had not previously breached an APO, and immediate actions were taken to mitigate any harm arising from the breach. Further, the version of the

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 record [1] 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.