

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 (<http://www.usitc.gov>).

**SUPPLEMENTARY INFORMATION:** On January 7, 2000, the Commission established a schedule for the conduct of the final phase of the subject investigation (65 FR 2643, January 18, 2000). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from March 20, 2000, to May 22, 2000 (65 FR 6983, February 11, 2000). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than May 15, 2000; the prehearing conference will be held at the U.S. International Trade Commission Building at 9:30 a.m. on May 17, 2000; the prehearing staff report will be placed in the nonpublic record on May 11, 2000; the deadline for filing prehearing briefs is May 18, 2000; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on May 24, 2000; the deadline for filing posthearing briefs is June 1, 2000; the Commission will make its final release of information on June 20, 2000; and final party comments are due on June 22, 2000.

For further information concerning this investigation, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**Authority:** This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 23, 2000.

**Donna R. Koehnke,**  
*Secretary.*

[FR Doc. 00-4909 Filed 2-29-00; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

### Certain Cigarettes and Packaging Thereof; Notice of Commission Determination To Review and Affirm an Initial Determination Terminating the Investigation as to Respondent Allstate Cigarette Distributors, Inc. on the Basis of a Consent Order; Issuance of Consent Order

[INV. NO. 337-TA-424]

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review and affirm an initial determination ("ID") (Order No. 30) issued by the presiding administrative law judge ("ALJ") terminating the above-referenced investigation as to respondent Allstate Cigarette Distributors, Inc. ("Allstate") on the basis of a consent order; to grant complainant Brown & Williamson Tobacco Corp.'s ("complainant") motion for leave to reply to Allstate's motion to strike the petition for review; and to deny Allstate's motion to strike the petition for review.

**FOR FURTHER INFORMATION CONTACT:** Shara L. Aranoff, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3090, e-mail [saranoff@usitc.gov](mailto:saranoff@usitc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission instituted this trademark-based investigation on September 16, 1999, based on a complaint filed by Brown & Williamson Tobacco Corp. ("complainant") alleging violations of section 337 by reason of: (a) Infringement of 11 federally registered U.S. trademarks; (b) unfair competition under the Lanham Act; (c) improper importation of products under the Lanham Act; and (d) dilution of the registered trademarks. On January 7, 2000, Allstate filed a motion to terminate the investigation based on a proposed consent order. Complainant opposed the motion and the Commission investigative attorney ("IA") supported the motion. On January 20, 2000, the ALJ issued the subject ID granting the motion to terminate the investigation as to Allstate by consent order. On January 27, 2000, complainant timely moved for a two-day extension of time within which to file its petition for review. The Chairman granted the request pursuant to Commission rule 210.14(b) (19 CFR 210.14(b)). On January 31, 2000, complainant timely filed a petition for

review. On February 7, 2000, Allstate and the IA filed timely responses to the petition for review, and Allstate filed a motion to strike the petition for review. On February 8, 2000, complainant filed a motion for leave to respond to the motion to strike and an opposition to the motion.

Having examined the record in this investigation, the final ID, the petition for review, and the responses thereto, the Commission has determined to review the ID, because it raises an issue of Commission policy. Specifically, the Commission has considered whether it is appropriate, as a matter of Commission policy, to grant a motion to terminate based on a consent order, over the objection of the complainant, in the circumstances of this investigation.

The Commission's rules no longer provide that a motion to terminate an investigation based on a consent order must be a joint motion of the respondent(s) and the complainant(s). However, there may be circumstances where granting a consent order motion over a complainant's objection may be inappropriate as a matter of policy. Such circumstances may include, for example, where granting a consent order and terminating an investigation as to a respondent would deprive the complainant of the opportunity to obtain a general exclusion order. Another circumstance may be where the respondent has failed to provide sufficient discovery such that a consent order may undermine the complainant's ability to obtain a general exclusion order. These circumstances are not presented by this ID. We agree with the administrative law judge's conclusion that this motion does not present a situation where the movant's discovery conduct undermines complainant's ability to seek a general exclusion order, and there is no indication that complainant would be deprived of its opportunity to pursue a general exclusion order given the particular circumstances of the participation of the intervener and the remaining respondents in this investigation. Accordingly, the Commission has determined to affirm the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.45 of the Commission's Rules of Practice and Procedure (19 CFR 210.45).

Copies of the public versions of Order No. 30 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 SW, Washington, DC 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

Issued: February 22, 2000.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00-4905 Filed 2-29-00; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-302 (Review) and 731-TA-454 (Review)]

### Fresh and Chilled Atlantic Salmon From Norway

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the countervailing duty and antidumping duty orders on fresh and chilled Atlantic salmon from Norway would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted these reviews on July 1, 1999 (64 F.R. 35680, July 1, 1999) and determined on October 1, 1999 that it would conduct expedited reviews (64 F.R. 55957, October 15, 1999). The Commission transmitted its determinations in these reviews to the Secretary of Commerce on February 24, 2000. The views of the Commission are contained in USITC Publication 3282 (February 2000), entitled *Fresh and Chilled Atlantic Salmon from Norway: Investigations Nos. 701-TA-302 (Review) and 731-TA-454 (Review)*.

Issued: February 23, 2000.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00-4907 Filed 2-29-00; 8:45 am]

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<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-853-854 (Final)]

### Certain Structural Steel Beams From Japan and Korea

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

**ACTION:** Scheduling of the final phase of antidumping investigations.

**SUMMARY:** The Commission hereby gives notice of the scheduling of the final phase of antidumping investigations Nos. 731-TA-853-854 (Final) under section 735(b) of the Act (19 U.S.C. § 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of less-than-fair-value imports from Japan and Korea of certain structural steel beams, provided for in subheadings 7216.32.00, 7216.33.00, 7216.50.00, 7216.61.00, 7216.69.00, 7216.91.00, 7216.99.00, 7228.70.30, and 7228.70.60 of the Harmonized Tariff Schedule of the United States.<sup>1</sup>

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**EFFECTIVE DATE:** February 11, 2000.

**FOR FURTHER INFORMATION CONTACT:** John T. Fry (202-708-4157), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility

<sup>1</sup> For purposes of these investigations, Commerce has defined the subject merchandise as "doubly-symmetric shapes, whether hot- or cold-rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated, or clad. These products ("structural steel beams") include, but are not limited to, wide-flange beams ("W" shapes), bearing piles ("HP" shapes), standard beams ("S" or "I" shapes), and M-shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of these investigations unless otherwise excluded. The following products are outside and/or specifically excluded from the scope of these investigations: structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches."

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 (<http://www.usitc.gov>).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain structural steel beams are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. § 1673b). The investigations were requested in a petition filed on July 7, 1999 by counsel on behalf of Northwestern Steel & Wire Co., Sterling, IL; Nucor-Yamato Steel Co., Blytheville, AR; TXI-Chaparral Steel Co., Midlothian, TX; and The United Steelworkers of America AFL-CIO, Pittsburgh, PA.

The petition also alleged that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Korea of certain structural steel beams that were being subsidized by the Government of Korea. The Commission made an affirmative preliminary injury determination with regard to those imports. Subsequently, however, Commerce made a negative preliminary determination concerning whether manufacturers, producers, or exporters of certain structural steel beams in Korea received subsidies. In the event Commerce makes an affirmative final determination regarding the issue of subsidies, the Commission will activate the final phase of its countervailing duty investigation on certain structural steel beams from Korea (inv. No. 701-TA-401 (Final)). The briefing schedule, hearing, and other deadlines applicable to the final phase of inv. No. 731-TA-854 (the antidumping investigation on Korea), as outlined below, will also apply to inv. No. 701-TA-401.

#### Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as