

Bureau Form Number: None.
Frequency of Collection: On occasion, quarterly and annually.
Description of Responses: Underground coal mining operators.
Total Annual Responses: 20,745.
Total Annual Burden Hours: 95,443.

Dated: February 9, 2001.

Richard G. Bryson,
 Chief, Division of Regulatory Support.
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BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 1205-5]

Proposed Modifications to the Harmonized Tariff Schedule of the United States

AGENCY: United States International Trade Commission.

ACTION: Additional proposed amendments.

SUMMARY: On November 18, 1999, the Commission instituted investigation No. 1205-5, Proposed Modifications to the Harmonized Tariff Schedule of the United States, pursuant to section 1205 of the Omnibus Trade and Competitiveness Act of 1988. Section 1205 directs the Commission to keep the Harmonized Tariff Schedule of the United States (HTS) under continuous review and to recommend modifications to the HTS (1) when amendments to the International Convention on the Harmonized Commodity Description and Coding System (Harmonized System), and the Protocol thereto, are recommended by the World Customs Organization (WCO) (formerly known as the Customs Cooperation Council) for adoption, and (2) as other circumstances warrant. The Commission's final report will set forth the proposed changes and indicate the necessary changes in the HTS that would be needed to conform the HTS to the international nomenclature structure; the report will also include other appropriate explanatory information on the proposed changes. A preliminary report

was submitted to the Office of the United States Trade Representative in March 2000. Since that time, the Commission has been informed of additional proposed amendments to the HTS that should be included in the final report.

EFFECTIVE DATE: February 9, 2001.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director (202-205-2592), Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission, Washington, DC 20436. Hearing impaired individuals are advised that information on this investigation can be obtained by contacting the TDD terminal on (202) 205-1810.

Background

The majority of the changes proposed in the Commission's preliminary report are the result of the work of the WCO and its Harmonized System Committee (HSC) to update and clarify the Harmonized System nomenclature, as part of the WCO's long-term program to review the nomenclature structure on a formal basis. These proposed changes, which are to become effective in January 2002, are available in the Office of the Secretary, Room 112, United States International Trade Commission, 500 E Street SW, Washington, DC 20436 (telephone 202-205-2000) and are posted on the Commission's website (<http://www.usitc.gov>). These changes encompass all decisions taken by the HSC since the implementation of the last set of WCO modifications to the Harmonized System, which were effective as of January 1, 1996. Future notices will be issued in this investigation indicating the final resolution of all matters and decisions taken by the HSC during the course of Commission consideration.

Other proposed changes included in this investigation are requested by the U.S. Customs Service, in order to clarify the proper tariff classification and duty treatment of particular goods due to decisions of the Court of International Trade, the HSC, or the US Customs Service. These changes, including those which are the subject of this notice, will

be treated separately in the Commission's final report.

The Commission has prepared non-authoritative cross-reference tables in its preliminary report to provide guidance to potentially affected parties and to show the likely existing and future tariff classifications of the goods concerned. The Customs Service has domestic legal authority for tariff classification and may provide information, both during the course of the investigation and after the Commission's report is submitted, that indicates different or additional tariff classifications of some goods. Moreover, the WCO will eventually issue a cross-reference table under Article 16 of the Harmonized System Convention, indicating the agreed international classifications (existing and future) of the goods affected by the proposed changes. The latter table may be released later in the Commission's investigation, and differences between international and domestic classification of a few goods may be suggested (in some cases due to reservations filed by WCO member countries or to theoretical or asserted classifications for some goods). Thus, the classifications shown in the Commission's cross-reference tables may be subject to change in the final report.

Additional Proposed Amendments to the HTS

In addition to the changes to the HTS already proposed in the Commission's preliminary report and in the **Federal Register** of December 29, 2001 (65 FR 83032), the following changes are also proposed, in order to correct an error made during the conversion of the former Tariff Schedules of the United States (TSUS) to the format of the Harmonized System. These new proposed changes are set out below.

(1) Subheading 4015.11.00: Delete the expression "and medical" from the Article Description. Renumber the subheading as 4015.11.01 to reflect a change in its scope.

(2) Subheadings 4015.19.10 and 4015.19.50: Delete and substitute the following:

[Articles of apparel and clothing. . .]
 [Gloves]:

	[Other]:			
"4015.19.05	Medical	Free		25%
	Other:			
4015.19.10	Seamless	3%	Free (A,CA,E,IL,J,MX)	25%
4015.19.50	Other	14%	Free (A+,CA,D,E,IL,J,MX)"	75%

Written Submissions

Interested parties are invited to submit written statements concerning the proposed changes outlined above. Commercial or financial information that a submitter desires 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 § 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 proposed changes above should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on March 2, 2001. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or by electronic means.

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

List of Subjects

Tariffs/HTS, Harmonized system, WCO, and Imports.

Issued: February 13, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01-4015 Filed 2-15-01; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-434]

In the matter of Certain Magnetic Resonance Injection Systems and Components Thereof; Notice of a Decision Not To Review an Initial Determination Granting a Motion for Summary Determination of Invalidity; Termination of the Investigation With a Finding of No Violation; Denial as Moot of Complainant's Motion To Suspend Investigation and Related Motions Filed by Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 16) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation finding the only patent at issue in the investigation to be invalid. The determination not to review the summary determination ID results in termination of the investigation with a finding of no violation of section 337. Complainant's motion to suspend the investigation and related motions by respondents are denied as moot.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3104. Hearing-impaired persons are advised that information on this matter 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>).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 26, 2000, based on a complaint filed by Medrad, Inc. of Indianola, Pennsylvania. The complaint alleged a violation of section 337 of the Tariff Act of 1930, 337 U.S.C. 1337, based on infringement of U.S. Letters Patent Re. 36,648, (the '648 patent) owned by complainant. The respondents named in the investigation are Nemoto Kyorindo Co., Ltd. of Tokyo, Japan; Liebel-Flarshiem Co. of Cincinnati, Ohio; and Mallinckrodt Inc. (New York Corp) and Mallinckrodt Inc. (Delaware Corp), both of Hazelwood, Missouri. 65 FR 34231.

On September 26, 2000, the ALJ issued an ID finding the '648 patent invalid due to certain omissions that

occurred during patent reissue proceedings at the U.S. Patent and Trademark Office. The ALJ suspended the investigation during the pendency of the ID before the Commission. Petitions for review of the ID were filed on October 6, 2000, by complainant and by the Commission investigative attorney. Responses were filed on October 19, 2000. On October 16, 2000, the Commission determined to extend the date for determining whether to review the ID until December 6, 2000. 65 FR 63096 (October 20, 2000). On November 17, 2000, complainant Medrad filed a motion to suspend the investigation pending the outcome of a petition for reissue of the '648 patent that it had filed on November 16, 2000, with the U.S. Patent and Trademark Office. Respondents opposed the motion and the IA supported it. Respondents filed a motion to file a reply to the IA's response on December 4, 2000.

On November 27, 2000, the Commission extended the date for determining whether to review the summary determination ID until 30 days after it decides the motion to suspend the investigation. 65 FR 75303 (December 1, 2000). On January 16, 2001, respondent Nemoto filed a motion to compel the Commission to remand complainant's motion for suspension of the investigation to the presiding ALJ for determination. On January 18, 2000, the remaining respondents joined Nemoto's motion.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and section 210. 42(h)(3) of the Commission of Practice and Procedure, 19 CFR 210.42(h)(3).

Copies of the nonconfidential version of the ID 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. Copies of these documents may also be downloaded from the Commission's Internet server at <http://www.usitc.gov>. Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on 202-205-1810.

By order of the Commission.

Issued: February 12, 2001.

Donna R. Koehnke,

Secretary.

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