

greater sage-grouse (68 FR 6500; February 7, 2003), we concluded that available information was not substantial to demonstrate that the western population of sage-grouse is discrete from the remainder of the taxon based on physical separation or isolation from eastern populations, or distinct differences in morphological, behavioral, or ecological traits. The current petition for the eastern subspecies does not provide any additional or new information regarding subspecies isolation. In addition, recent genetic studies found no evidence to support the delineation of subspecies (Benedict *et al.* 2003).

Although the greater sage-grouse occurs in Canada, the petitioned entity is not "delimited by international governmental boundaries." Therefore, the second condition related to discreteness does not apply in this situation.

In summary, neither the information presented in the petition nor that available in Service files presents substantial scientific or commercial information to demonstrate that the eastern population of sage-grouse is discrete from the remainder of the taxon. Accordingly, we are unable to define a listable entity of the eastern sage-grouse within the greater sage-grouse taxon. Therefore, we did not address the second element for determining a DPS, which is the potential significance of the eastern sage-grouse population to the remainder of the taxon. Finally, since the eastern population of sage-grouse cannot be defined as a DPS at this time, we did not evaluate its status as endangered or threatened on the basis of either the Act's definitions of those terms or the factors in section 4(a) of the Act.

### Finding

The Service has reviewed the petition, literature cited in the petition, other pertinent literature, and information available in Service files. After reviewing the best scientific and commercial information available, the Service finds the petition does not present substantial information to indicate that the petitioned action may be warranted. This finding is based on the lack of evidence to support a separation of the greater sage-grouse into eastern and western subspecies, and our determination that the eastern population of the greater sage-grouse does not constitute a DPS.

### References Cited

A complete list of all references cited herein is available upon request from

the Wyoming Field Office (see **ADDRESSES**).

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 2, 2004.

**Matt Hogan,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 04-354 Filed 1-5-04; 9:43 am]

**BILLING CODE 4310-55-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-503]

### Certain Automated Mechanical Transmission Systems for Medium-Duty and Heavy-Duty Trucks, and Components Thereof; 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 December 1, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Eaton Corporation of Cleveland, Ohio. A supplement to the Complaint was filed on December 3, 2003. 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 automated mechanical transmissions for medium-duty and heavy-duty trucks, and components thereof, by reason of infringement of claim 15 of U.S. Patent No. 4,899,279, claims 1-20 of U.S. Patent No. 5,335,566, claims 2-4 and 6-16 of U.S. Patent No. 5,272,939, claims 1-13 of U.S. Patent No. 5,624,350, claims 1, 3, 4, 6-9, 11, 13, 14, 16, and 17 of U.S. Patent No. 6,149,545, and claims 1-16 of U.S. Patent No. 6,066,071. 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 exclusion order and a permanent cease and desist order.

**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, 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 imaging system (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2579.

**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 December 31, 2003, *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 automated mechanical transmission systems for medium-duty and heavy-duty trucks, or components thereof by reason of infringement of claim 15 of U.S. Patent No. 4,899,279, claims 1-20 of U.S. Patent No. 5,335,566, claims 2-4 and 6-16 of U.S. Patent No. 5,272,939, claims 1-13 of U.S. Patent No. 5,624,350, claims 1, 3, 4, 6-9, 11, 13, 14, 16, or 17 of U.S. Patent No. 6,149,545, or claims 1-16 of U.S. Patent No. 6,066,071 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—

Eaton Corporation, Eaton Center, 1111 Superior Avenue, Cleveland, OH 44114-2584.

(b) The respondents are the following companies alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

ZF Meritor LLC, 22021 Skyway Church Road, Maxton, NC 28364;

ZF Friedrichshafen AG, Allmannsweilerstrasse 25, 88046 Friedrichshafen, Germany;

ArvinMeritor, Inc., 2135 West Maple Road, Troy, MI 48084.

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

(4) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

A response 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 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 the responses to the complaint and the notice of investigation 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 a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against such respondent.

Issued: December 31, 2003.

By order of the Commission.

**Marilyn R. Abbott,**  
Secretary.

[FR Doc. 04-325 Filed 1-6-04; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-502]

### Certain Automobile Tail Light Lenses and Products Incorporating 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 December 1, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Jens E. Sorensen, as Trustee of the Sorensen Research and Development Trust, of San Diego, California, and Jens Ole Sorensen of Rancho Santa Fe, California. A supplement to the Complaint was filed on December 18, 2003. 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 automobile tail light lenses and products incorporating same by reason of infringement of claims 1, 6, 8 and 10 of U.S. Patent No. 4,935,184. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

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

**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, 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 imaging system (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Juan Cockburn, Esq., Office of Unfair Import

Investigations, U.S. International Trade Commission, telephone 202-205-2572.

**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 December 31, 2003, 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 automobile tail light lenses or products incorporating same by reason of infringement of claims 1, 6, 8 or 10 of U.S. Patent No. 4,935,184 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—

Jens E. Sorensen, as Trustee of the Sorensen Research and Development Trust, 9930 Mesa Rim Road, Suite 300, San Diego, CA 92121;

Jens Ole Sorensen, 14431 Bellvista Drive, Rancho Santa Fe, CA 92067.

(b) The respondents are the following companies alleged to be in violation of section 337, and are parties upon which the complaint is to be served:

Daimler-Chrysler AG, Epplestr. 225, Stuttgart, Bade-Wuerttemberg, Germany;

Mercedes-Benz USA, LLC, One Mercedes Drive, Montvale, NJ 07645-0350.

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

(4) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

A response 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