

strengthened public consultation and involvement, coordination on related plans, and appropriate measures to minimize or avoid adverse impacts.

Two key commitments added are as follows:

- Ensure that additional or revised land management plans and controls are in effect before major development occurs.
- Assess the progress of plan implementation after three years in light of funding availability, results of wildlife research, and progress on identified mitigation strategies, and adjust priorities or management emphasis as needed.

Alternatives, Including the Proposed Action

The proposed action was revised based on public input and cooperative planning partner discussions. Language was added to clarify the objectives for development in the Tokositna area and along the George Parks Highway. The size of the Tokositna visitor center was reduced from a maximum of 13,000 square feet to a maximum of 5,000 square feet, with associated changes in visitor center functions and reductions in visitor and administrative space, parking, and employee housing. The capacity of the picnic facility in the vicinity of the Tokositna visitor center was increased from 25 to 50 people and now includes uncovered as well as covered areas for tables.

The proposed action also now concentrates on an upgrade and extension of the Petersville Road only from the Forks Roadhouse (mile 19) to the Tokositna site, because the road is generally usable for recreation development in its current state to mile 19, and it is assumed that the first 19 miles would be maintained and upgraded by the state regardless of actions proposed by this DCP/EIS. The road would also now include appropriately sited bicycle and pedestrian enhancements (not included in the revised draft DCP/EIS).

Statements have been added noting that the visitor centers and public use cabins would be designed and built for year-round use (though, initially, only a portion of the Tokositna visitor center would be open to the public in the winter).

The need for phasing and funding strategies are reemphasized, but most details regarding phasing of proposed developments were removed from the text; these would be determined during subsequent implementation planning activities.

The no-action alternative (alternative C) was revised slightly in that the proposed Matanuska-Susitna Borough

development of a snowmachine user facility near the Forks Roadhouse on the Petersville Road has been corrected to show only a parking area and sanitary facilities. The trail to the Chulitna River is described in more detail and the location changed from the central development zone to the southern development zone of Denali State Park. Construction of four public use cabins on the east side of the Chulitna River in Denali State Park also has been added to the list of actions.

The mitigating measure related to regulating motorized activities on the Curry-Kesugi Ridge and in the Troublesome Creek drainage of Denali State Park was deleted.

Affected Environment

This section was revised and updated to reflect new information received since the revised draft DCP/EIS was published and to better describe some resource conditions to address questions raised through public comments on the revised draft DCP/EIS.

Environmental Consequences

The impact sections for each of the development alternatives were revised to reflect changes made to the proposed action and no-action alternatives. Additionally, the impact analyses for all alternatives assume land use controls would be in place prior to major development; however, where it makes a difference in the analysis, a description of the impacts is provided given the situation that these controls are not implemented. Visitation predictions under all alternatives except alternative B have been reduced and relevant impact sections rewritten accordingly. Completion of visitor center facilities would not occur prior to year 2000 as assumed in the revised draft; this is now assumed to take place no sooner than 2002 in the final DCP/EIS.

The responsible official for the Record of Decision on the proposed actions is the National Park Service field director in Alaska.

Dated: January 14, 1997.
Judith Gottlieb,
Acting Field Director, Alaska Field Office.
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INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-757-759 (Preliminary)]

Collated Roofing Nails From China, Korea, and Taiwan

Determinations

On the basis of the record¹ developed in the subject investigations, the U.S. International Trade Commission determines, 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, Korea, and Taiwan of collated roofing nails,² provided for in subheading 7317.00.55 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, as amended in 61 FR 37818 (July 22, 1996), the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling which will be published in the Federal Register as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under section 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons,

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 Collated roofing nails are nails made of steel, having a length of 13/16 inch to 1-13/16 inches (or 20.64 to 46.04 millimeters), a head diameter of 0.330 inch to 0.415 inch (or 8.38 to 10.54 millimeters), and a shank diameter of 0.100 inch to 0.125 inch (or 2.54 to 3.18 millimeters), whether or not galvanized, that are collated with two wires.

or their representatives, who are parties to the investigations.

Background

On November 26, 1996, a petition was filed with the Commission and the Department of Commerce by the Paslode Division of Illinois Tool Works Inc., Vernon Hills, IL, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of collated roofing nails from China, Korea, and Taiwan. Accordingly, effective November 26, 1996, the Commission instituted antidumping Investigations Nos. 731-TA-757-759 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of December 4, 1996 (61 FR 64364). The conference was held in Washington, DC, on December 17, 1996, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on January 10, 1997. The views of the Commission are contained in USITC Publication 3010 (January 1997) entitled "Collated Roofing Nails from China, Korea, and Taiwan: Investigations Nos. 731-TA-757-759 (Preliminary)."

Issued: January 14, 1997.

By order of the Commission.

Donna R. Koehnke,
Secretary.

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[Inv. No. 337-TA-334]

Notice of Commission Determination to Review in Part an Initial Determination; Schedule for the Filing of Written Submissions on the Issue Under Review, and on Remedy, the Public Interest, and Bonding

In the Matter of certain condensers, parts thereof and products containing same, including air conditioners for automobiles.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the initial determination (ID)

issued by the presiding administrative law judge (ALJ) on December 2, 1996, in the above-captioned investigation. The ID found a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3104.

SUPPLEMENTARY INFORMATION: On December 12, 1991, Modine Manufacturing Co. filed a complaint with the Commission alleging a violation of section 337 by respondents Showa Aluminum Corporation, Showa Aluminum Corporation of America, Mitsubishi Motors Corporation, Mitsubishi Motors Sales of America, Mitsubishi Heavy Industries, Ltd., and Mitsubishi Heavy Industries America, Inc. (collectively referred to herein as respondents). Modine alleged that the respondents had infringed claims of Modine's patent, U.S. Letters Patent 4,998,580 (the '580 patent). The investigation was assigned an ALJ, who determined that there was no infringement, either literally or under the doctrine of equivalents, by the respondents. The ALJ further determined that the patent was invalid and unenforceable due to inequitable conduct. On July 30, 1993, the Commission reversed the ALJ's findings of invalidity and inequitable conduct, but adopted her findings and conclusions on the infringement issues.

Modine appealed the Commission's finding of no infringement, and thus no violation of section 337, to the U.S. Court of Appeals for the Federal Circuit (Federal Circuit). In the same appeal, the respondents challenged the Commission's findings upholding the validity and enforceability of the '580 patent. On February 5, 1996, the Federal Circuit reversed the Commission's claim interpretation and remanded the investigation to the Commission for redetermination of the issues of literal infringement and infringement under the doctrine of equivalents. *Modine Manufacturing Co. v. U.S.I.T.C.*, 75 F.3d 1545, 1549 (Fed. Cir. 1996). The court affirmed the Commission's determination in all other respects. *Id.*

On May 31, 1996, the Commission issued an order remanding the Condensers investigation to the Office of Administrative Law Judges. The order provided that the presiding ALJ conduct further proceedings in accordance with the Federal Circuit's decision in *Modine* and issue an ID on violation, preferably within six months. The Commission's order also directed the ALJ to issue a recommended determination (RD) on the issues of remedy and bonding two

weeks after the ID issued. On December 2, 1996, the ALJ issued an ID finding a violation of section 337 by respondents. On December 12, 1996, respondents and the Commission investigative attorney (IA) filed separate petitions for review. Complainant Modine filed a petition for review contingent on the Commission's decision either to grant another party's petition for review or to review the ID on its own motion. All parties filed responses to each petition on December 19, 1996. The ALJ issued his RD on remedy and bonding on December 16, 1996.

Having examined the record in this investigation, including the ID, the Commission has determined to review the reasoning supporting the ALJ's finding that the proper estoppel point for the Cat condenser is 0.04822 inch. The Commission has determined not to review the ID in all other respects. On review, the Commission will consider whether the 0.04822 inch measurement is properly considered law of the case, given that the Commission's previous finding that the Cat condenser's hydraulic diameter was 0.04822 inch was affirmed by the Federal Circuit when it affirmed the Commission's findings on the scope and content of the prior art. *Modine*, 75 F. 3d at 1549.

In connection with final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see the Commission Opinion in *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are