

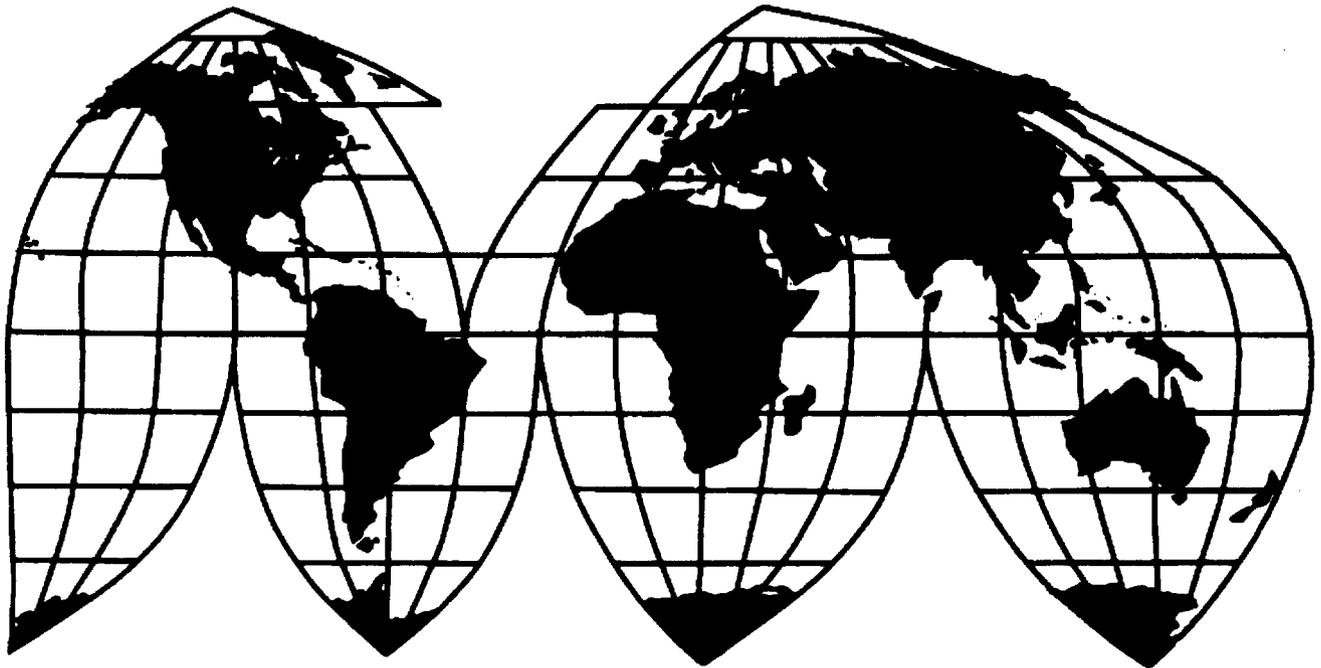
Certain 4-Androstenediol

Investigation No. 337-TA-440

Publication 3496

March 2002

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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**Address all communications to
Secretary to the Commission
United States International Trade Commission
Washington, DC 20436**

U.S. International Trade Commission

Washington, DC 20436

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Certain 4-Androstenediol

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On May 24, 2001, the ALJ issued an ID finding Changzhou in default pursuant to 19 C.F.R. § 210.16, and ruling that Changzhou had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. The Commission decided not to review the ID on June 8, 2001, thereby allowing it to become the Commission's final determination under 19 C.F.R. § 210.42. 66 *Fed. Reg.* 32374 (June 14, 2001). On June 25, 2001, pursuant to 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16(c)(1), complainant LPJ filed a declaration seeking limited relief against the defaulting respondent. In its declaration, LPJ requested that the Commission issue a limited exclusion order against Changzhou.

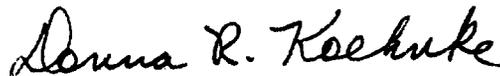
The Commission solicited comments from the parties, interested government agencies, and other persons concerning the issues of remedy, the public interest, and bonding. 66 *Fed. Reg.* 95809 (July 9, 2001). Complainant and the IA filed proposed remedial orders and addressed the issues of remedy, the public interest, and bonding. No comments were filed by government agencies or other interested persons.

Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) a complaint is filed against a person under section 337, (2) the complaint and a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited to that person. Such an order shall be issued unless, after considering the effect of such exclusion, the Commission finds that such exclusion should not be issued.

The Commission found that each of the statutory requirements for the issuance of a limited exclusion order was met with respect to defaulting respondent Changzhou. The Commission further determined that the public interest factors enumerated in section 337(g)(1) did not preclude the issuance of such relief. Finally, the Commission determined that bond under the limited exclusion order during the Presidential review period shall be in the amount of twenty-nine (29) percent of the entered value of the imported articles.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and section 210.16 (c) of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.16.

By order of the Commission.



Donna R. Koehnke
Secretary

Issued: August 2, 2001

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN 4-ANDROSTENEDIOL

Inv. No. 337-TA-440

LIMITED EXCLUSION ORDER

The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930, 19 C.F.R. § 1337, in the importation and sale of certain 4-androstenediol (a nutritional supplement used by body-builders) on December 19, 2000. *65 Fed. Reg.* 79424. On April 19, 2001, complainant LPJ, Inc. of Seymour, Illinois (LPJ) moved pursuant to 19 U.S.C. § 1337(a)(1) and 19 C.F.R. § 210.16 for an order directing the only respondent, Changzhou Huabang Pharmaceutical Group, Ltd. (Changzhou), to show cause why it should not be found in default for failure to respond to LPJ's complaint. The Commission investigative attorney (IA) supported LPJ's motion. The presiding administrative law judge (ALJ) issued Order No. 8 on April 30, 2001, directing Changzhou to show cause why it should not be found in default. Changzhou did not respond to that order.

On May 24, 2001, the ALJ issued an ID finding Changzhou in default pursuant to 19 C.F.R. § 210.16, and ruling that Changzhou had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. The Commission decided not to review the ID on June 8, 2001, thereby allowing it to become the Commission's final determination under 19 C.F.R. § 210.42. *66 Fed. Reg.* 32374 (June 14, 2001). On June 25, 2001, pursuant to 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16(c)(1), complainant LPJ

filed a declaration seeking limited relief against the defaulting respondent. In its declaration, LPJ requested that the Commission issue a limited exclusion order against Changzhou.

The Commission solicited comments from the parties, interested government agencies, and other persons concerning the issues of remedy, the public interest, and bonding. *66 Fed. Reg.* 95809 (July 9, 2001). Complainant LPJ and the IA filed proposed remedial orders and addressed the issues of remedy, the public interest, and bonding. No comments were filed by government agencies or other interested persons.

Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) a complaint is filed against a person under section 337, (2) the complaint and a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited to that person. Such an order shall be issued unless, after considering the effect of such exclusion, the Commission finds that such exclusion should not be issued. 19 U.S.C. § 1337(g)(1).

The Commission finds that each of the statutory requirements for the issuance of a limited exclusion order has been met with respect to defaulting respondent Changzhou. The Commission further determines that the public interest factors enumerated in section 337(g)(1) do not preclude the issuance of such relief. Based on the price difference between LPJ's product and Changzhou's product, the Commission determines that bond under the limited exclusion order during the Presidential review period shall be in the amount of one twenty-nine (29) percent of the entered value of the imported articles.

Accordingly, the Commission hereby ORDERS that:

1. 4-Androstenediol covered by claims 1, 2, 3, or 4 of U.S. Letters Patent 5,880,117 manufactured abroad and/or imported by or on behalf of Changzhou Huabang Pharmaceutical Group, Ltd. or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, is excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption, for the remaining term of the patent, *i.e.*, until July 13, 2018, except under license of the patent owner or as provided by law.

2. 4-Androstenediol that is excluded by this Order is entitled to entry for consumption into the United States, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption, under bond in the amount of 29 percent of entered value pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. § 1337(j), from the day after this Order is received by the President until such time as the President notifies the Commission that he approves or disapproves this action but, in any event, not later than sixty (60) days after the date of receipt of this action.

3. In accordance with 19 U.S.C. § 1337(1), the provisions of this Order shall not apply to 4-androstenediol that is imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

4. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

5. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

6. Notice of this Order shall be published in the *Federal Register*.

By Order of the Commission.



Donna R. Koehnke
Secretary

Issued: August 2, 2001

CERTIFICATE OF SERVICE

I, Donna R. Koehnke, hereby certify that the attach **TERMINATION OF INVESTIGATION; ISSUANCE OF LIMITED EXCLUSION ORDER**, was served upon the following parties via first class mail and air mail where necessary, on August 2, 2001.



Donna R. Koehnke, Secretary
U.S. International Trade Commission
500 E Street, SW - Room 112
Washington, DC 20436

**ON BEHALF OF COMPLAINANT LPJ
RESEARCH INCORPORATED:**

Michael Berns, Esq.
Maloney, Parkinson and Berns
135 West Main Street
Urbana, IL 61801

RESPONDENT:

Changzhou Huabang Pharmaceutical Group
Limited
22/F International Building
Changzhou, Jiangsu, China

ON BEHALF OF THE COMMISSION:

Anne M. Goalwin, Esq.
Commission Investigative Attorney
Office of Unfair Import Investigations
500 E Street, SW - Room 401-P
Washington, DC 20436

Jean H. Jackson, Esq.
Attorney Advisor
Office of the General Counsel
500 E Street, SW - Room 707-K
Washington, DC 20436

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)
)
) **Investigation No. 337-TA-440**
CERTAIN 4-ANDROSTENEDIOL)
_____)

101
MAY 24 2001
OFFICE
SECRETARY

Order No. 9: Initial Determination Finding Respondent Changzhou
In Default Pursuant To Commission Rule 210.16

Complainant, on April 19, 2001, moved, pursuant to Commission rule 210.16, for an order directing respondent Changzhou Huabang Pharmaceutical Group, Ltd. (Changzhou) to show cause why it should not be found in default for failure to adequately and properly respond to the amended complaint and notice of investigation as required by Commission rule 210.13. (Motion Docket No. 440-4).

The staff, in a response to Motion No. 440-4, supported the motion.

Order No. 8, which issued on April 30, 2001, ordered Changzhou, no later than May 22 20, 2001, to show cause why it should not be found in default pursuant to Commission rule 210.16. Order No. 8 stated that, on December 14, 2000, the Secretary served a copy of the complaint on respondent Changzhou by registered mail; that there is no indication in the docketing information maintained by the Secretary's Office that the copy of the complaint that was mailed to Changzhou was returned to the Commission; that the time specified in the Notice of Investigation in which the complaint must be answered had passed and respondent Changzhou has not filed any response to the complaint; that on December 14, 2000, Order No. 1 directed the parties (1) to submit a target date statement no later than December 28, 2000, (2)

to submit a discovery statement on or before January 31, 2001, and (3) to appear at a preliminary conference commencing at 1:45 p.m. on February 8, 2001; that the certificate of service attached to said order indicates that the Secretary served a copy of Order No. 1 on respondent Changzhou on December 15, 2000; that respondent Changzhou did not submit either a target date statement or a discovery statement and failed to appear at the February 8, 2001 conference; and that the staff has represented that respondent Changzhou has failed to respond to the staff's discovery requests.

Respondent Changzhou did not respond to Order No. 8.

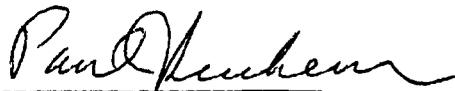
Commission rule 210.16 provides that a party shall be found in default if it fails to respond to the complaint and notice of investigation in the manner prescribed in Commission rules 210.13 or 210.59(c), or otherwise fails to answer the complaint and notice of investigation and fails to show cause why it should not be found in default.

In this investigation respondent Changzhou failed to answer the complaint and notice of investigation and failed to respond to Order No. 8. Hence respondent Changzhou is found in default, pursuant to Commission rule 210.16, and accordingly it has waived its right to appear, to be served with documents, and to contest the allegations at issue in this investigation.

Motion No 440-4 is granted.

This initial determination is hereby CERTIFIED to the Commission, together with supporting documentation. Pursuant to Commission rule 210.42(h(3)), this initial determination shall become the determination of the Commission within thirty (30) days after the date of service hereof unless the Commission grants a petition for review of this initial determination pursuant to Commission rule 210.43, or orders on its own motion a review of the initial

determination or certain issues therein pursuant to Commission rule 210.44.

A handwritten signature in cursive script, appearing to read "Paul J. Luckern", written over a horizontal line.

Paul J. Luckern
Administrative Law Judge

Issued: May 24, 2001

CERTIFICATE OF SERVICE

I, Donna R. Koehnke, hereby certify that the attached Order was served by hand upon Anne Goalwin, Esq., and upon the following parties via first class mail, and air mail where necessary, on May 24, 2001.



Donna R. Koehnke, Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

For Complainant **LPJ Research Incorporated:**

Michael Berns, Esq.
Maloney, Parkinson & Berns
135 West Main St.
Urbana, IL 61801

Respondent:

Changzhou Huabang Pharmaceutical Group Limited
22/F International Building
Changzhou, Jiangsu, China

CERTAIN 4-ANDROSTENEDIOL

Investigation No. 337-TA-440

PUBLIC MAILING LIST

Donna S. Wirt
Lexis-Nexis
1150 Eighteenth St., N.W., Suite 600
Washington, D.C. 20036

Ronita Green
West Services, Inc.
901 Fifteenth Street, N.W., Suite 230
Washington, D.C. 20005

(PARTIES NEED NOT SERVE COPIES ON LEXIS OR WEST PUBLISHING)

Federal Register Notice

associated with fire suppression; increased interest in mechanical manipulation, especially in accessible areas; and more stringent air quality regulations.

Comment Process: As noted, the NPS will undertake a conservation planning and environmental impact analysis effort to identify issues and alternatives for fire management on land administered by the Whiskeytown Unit. The FMP scoping phase will build upon preliminary outreach made for public comments on fire management planning conducted during this past winter (2000-2001), as well as relevant information from the General Management Plan (approved in 2000). Public concerns expressed recently with regard to the Whiskeytown Unit's FMP address air quality, the wildland/urban interface zone, public safety, and the ecological role of fire. A summary of public concerns compiled to date is available at the address below. The park seeks to elicit a wide range of comments from organizations, individuals, agencies, Tribes, and other entities to fully inform the preparation of the draft EIS. All scoping comments must be received by September 15, 2001. Periodic updates and other information will be announced via local and regional media, as well as posted on the parks website at www.nps.gov/whis/exp/newslinks.htm.

During the scoping period a public meeting will held to: present information developed to date; to answer questions about the existing FMP, pending update, and planning process; and to solicit and accept comments from the public. This meeting will be held in the Redding area in a public hall. The location, date and time of this meeting will be announced on the above website, and via local and regional media. All interested individuals, organizations, and agencies are invited to attend this meeting or/and provide written comments or suggestions during the scoping period.

All scoping comments should be submitted in writing, and must be postmarked or transmitted not later than September 15, 2001. Please send all comments to: Superintendent, Whiskeytown National Recreation Area, P. O. Box 188, Whiskeytown, CA 96095 (Attn: Fire Management Plan). Electronic comments may be transmitted to whis_planning@nps.gov (in the subject line type: Fire Management Plan Scoping).

If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated

prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondents identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision Process: The official responsible for a final decision regarding the Fire Management Plan is the Regional Director, Pacific West Region, National Park Service. The official responsible for implementation is the Superintendent, Whiskeytown-Shasta-Trinity National Recreation Area, Whiskeytown Unit. The draft EIS and fire management plan are expected to be available for public review and comment in the fall of 2001. At this time it is anticipated that the final EIS and fire management plan are to be completed during the winter 2001-spring 2002. Distribution of both the draft and final EIS documents will be duly noticed in the Federal Register, as well as via local and regional media.

Dated: July 13, 2001.

Patricia L. Neubacher,
Acting Regional Director, Pacific West Region.
[FR Doc. 01-19810 Filed 8-7-01; 8:45 am]
BILLING CODE 4310-70-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-440]

In the Matter of Certain 4-Androstenediol; Termination of Investigation; Issuance of Limited Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has terminated the above-captioned investigation and issued a limited exclusion order.

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. Copies of the limited exclusion order and all 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. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol.public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930, 19 CFR part 1337, in the importation and sale of certain 4-androstenediol (a nutritional supplement used by body-builders) on December 19, 2000, 65 FR 79424. On April 19, 2001, complainant LPJ, Inc. of Seymour, Illinois (LPJ) moved pursuant to 19 U.S.C. 1337(a)(1) and 19 CFR 210.16 for an order directing the only respondent, Changzhou Huabang Pharmaceutical Group, Ltd. (Changzhou), to show cause why it should not be found in default for failure to respond to LPJ's complaint. The Commission investigative attorney (IA) supported LPJ's motion. The presiding administrative law judge (ALJ) (Judge Luckern) issued Order No. 8 on April 30, 2001, directing Changzhou to show cause why it should not be found in default. Changzhou did not respond to that order.

On May 24, 2001, the ALJ issued an ID finding Changzhou in default pursuant to 19 CFR 210.16, and ruling that Changzhou had waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation. No petitions for review of the ID were filed. The Commission decided not to review the ID on June 8, 2001, thereby allowing it to become the Commission's final determination under 19 CFR 210.42. 66 FR 32374 (June 14, 2001). On June 25, 2001, pursuant to 19 U.S.C. 1337(g)(1) and 19 CFR 210.16(c)(1), complainant LPJ filed a declaration seeking limited relief against the defaulting respondent. In its declaration, LPJ requested that the Commission issue a limited exclusion order against Changzhou.

The Commission solicited comments from the parties, interested government agencies, and other persons concerning the issues of remedy, the public interest, and bonding. 66 FR 95809 (July 9, 2001). Complainant and the IA filed proposed remedial orders and addressed

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Section 337(g)(1) of the Tariff Act of 1930 provides that the Commission shall presume the facts alleged in a complaint to be true, and upon request issue a limited exclusion order and/or cease and desist order if: (1) A complaint is filed against a person under section 337, (2) the complaint and a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited to that person. Such an order shall be issued unless, after considering the effect of such exclusion, the Commission finds that such exclusion should not be issued.

The Commission found that each of the statutory requirements for the issuance of a limited exclusion order was met with respect to defaulting respondent Changzhou. The Commission further determined that the public interest factors enumerated in section 337(g)(1) did not preclude the issuance of such relief. Finally, the Commission determined that bond under the limited exclusion order during the Presidential review period shall be in the amount of twenty-nine (29) percent of the entered value of the imported articles.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and section 210.16 (c) of the Commission's Rules of Practice and Procedure, 19 CFR 210.16:

Issued: August 2, 2001.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 01-19834 Filed 8-7-01; 8:45 am]
BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; aircraft/vessel report.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is

published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until October 9, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Aircraft/Vessel Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-92 Inspection Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. This form is part of the manifest requirements of Sections 231 and 251 of the I & N Act and is used by the INS and other agencies for data collection and statistical analysis.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 720,000 responses at 11 minutes (1.83) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 129,600 annual burden hours.

If you have additional connects, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291, Director, Policy Directives and

Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Ricahrd A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20536.

Richard A. Sloan,

Director, Department Clearance Officer,
United States Department of Justice,
Immigration and Naturalization Service.

[FR Doc. 01-19865 Filed 8-7-01; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of information collection under review; application for waiver of grounds of excludability.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until October 9, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and