

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-377 (Second Review)]

### Internal Combustion Industrial Forklift Trucks From Japan

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

**ACTION:** Notice of Commission determination to conduct a full five-year review concerning the antidumping duty order on internal combustion industrial forklift trucks from Japan.

**SUMMARY:** The Commission hereby gives notice that it will proceed with a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty order on internal combustion industrial forklift trucks from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date. For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

**DATES:** *Effective date:* June 6, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mary Messer (202-205-3193), 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 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>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** On June 6, 2005, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Act. The Commission found that the domestic interested party group response to its notice of institution (70 FR 9971, March 1, 2005) was adequate<sup>1</sup> and that the

respondent interested party group response was inadequate. The Commission also found that other circumstances warranted conducting a full review.<sup>2</sup> A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: June 17, 2005.

By order of the Commission

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. NAFTA-103-012]

### Probable Effect of Certain Modifications to the North American Free Trade Agreement Rules of Origin

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

**ACTION:** Institution of investigation and request for written submissions.

**EFFECTIVE DATE:** June 3, 2005.

**SUMMARY:** Following receipt of a request on May 23, 2005 (as modified by a letter received on June 16, 2005), from the United States Trade Representative (USTR) under authority delegated by the President and pursuant to section 103 of the North American Free Trade Agreement (NAFTA) Implementation Act (19 U.S.C. 3313), the Commission instituted investigation No. NAFTA-103-012, Probable Effect of Certain Modifications to the NAFTA Rules of Origin.

**FOR FURTHER INFORMATION CONTACT:** Information may be obtained from Linda White, Office of Industries (202-205-3427, [linda.white@usitc.gov](mailto:linda.white@usitc.gov)), or Judith-Anne Webster, Office of Industries (202-205-3489, [judith-anne.webster@usitc.gov](mailto:judith-anne.webster@usitc.gov)). For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202-205-3091, [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819, [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)).

*Background:* According to the USTR's letter, U.S. negotiators have recently reached agreement in principle with representatives of the governments of Canada and Mexico on proposed modifications to Annexes 401 and 403 of the NAFTA. Chapter 4 and Annexes 401 and 403 of the NAFTA set forth the rules of origin for applying the tariff provisions of the NAFTA to trade in goods. Section 202(q) of the NAFTA Implementation Act (the Act) authorizes the President, subject to the consultation and layover requirements of section 103 of the Act, to proclaim such modifications to the rules as may from time to time be agreed to by the NAFTA countries. One of the requirements set out in section 103 of the Act is that the President obtain advice from the United States International Trade Commission.

The USTR has requested that the Commission provide advice on the probable effect of the modifications on U.S. trade under the NAFTA and on domestic industries. The modifications concern rules of origin in NAFTA Annexes 401 and 403 for (1) Cocoa and cocoa preparations; (2) cranberry juice; (3) ores, slag and ash; (4) leather; (5) cork and articles of cork; (6) prepared feathers and down and articles made of feather or of down, artificial flowers, and articles of human hair; (7) glass and glassware; (8) copper; (9) nickel and articles thereof; (10) lead; (11) zinc and articles thereof; (12) tin; (13) other base metals; (14) televisions; (15) information technology agreement goods; and (16) controls.

A detailed list of the proposed modifications is available from the Office of the Secretary to the Commission or by accessing the electronic version of this notice at the Commission's Internet site (<http://www.usitc.gov>). This list was amended by the USTR, as conveyed in a letter dated June 16, 2005, from Assistant U.S. Trade Representative Carmen Suro-Bredie, to delete filament yarns of viscose rayon, tri-lobal rayon staple fiber, and untextured yarns of nylon, as the Commission had previously provided probable effect advice concerning modifications to rules of origin for these products in Investigation Nos. NAFTA-103-7 (October 2004) and NAFTA-103-9 (December 2004).

The U.S. NAFTA rules of origin can be found in General Note 12 of the 2005 Harmonized Tariff Schedule of the United States (see "General Notes" link at <http://www.usitc.gov/tata/hts/bychapter/index.htm>) and the most recent updates to the current U.S. NAFTA rules of origin can be found in

<sup>1</sup> Vice Chairman Deanna Tanner Okun dissenting.

<sup>2</sup> Chairman Stephen Koplan dissenting.