

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 no later than 20 days after the date of service by the Commission of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint 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 both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: March 7, 2000.

By order of the Commission.

**Donna R. Koehnke,**  
*Secretary.*

[FR Doc. 00-6081 Filed 3-10-00; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-419]

### In the Matter of Certain Excimer Laser Systems for Vision Correction Surgery and Components Thereof and Methods for Performing Such Surgery; Notice of Final Determination

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the above-referenced investigation.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). Hearing-impaired persons are advised that

information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** This investigation was instituted on March 1, 1999, based on a complaint by VISX, Inc. ("VISX"), 64 FR 10016-17. The respondents named in the investigation are Nidek Co., Ltd., Nidek Inc., and Nidek Technologies, Inc (herein collectively "Nidek"). Complainant alleges importation and sale of certain excimer laser systems for vision correction surgery that infringe claims of U.S. Letters Patents Nos. 4,718,418 ("the '418 patent'") and 5,711,762 ("the '762 patent'"). An evidentiary hearing was held from August 18, 1999, to August 27, 1999.

On December 6, 1999, the presiding administrative law judge ("ALJ") issued her final initial determination ("ID") finding that complainant VISX failed to establish the required domestic industry, that there was no infringement of any claim at issue, and that the '762 patent was invalid and unenforceable.

VISX, Nidek, and the Commission investigative attorneys filed petitions for review of the ID on December 17, 1999, and on December 27, 1999, all parties responded to each other's petitions for review of the ID. On February 2, 2000, the Commission determined not to review the ID's findings with respect to the '418 patent and determined to review all the ID's findings with respect to the '762 patent.

Having examined the record in this investigation, including the briefs and the responses thereto, the Commission determined that there is no violation of section 337. More specifically, the Commission found no infringement of any claim at issue of the '762 patent and no domestic industry with respect to the '762 patent. The Commission determined to take no position on the issues of the validity and enforceability of the '762 patent.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and sections 210.45-210.51 of the Commission's Rules of Practice and Procedure, 19 CFR 210.45-210.51.

Copies of the public versions of the Commission order and the Commission opinion in support thereof 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 S.W., Washington, D.C. 20436, telephone 202-205-2000.

Issued: March 6, 2000.

By order of the Commission.

**Donna R. Koehnke,**  
*Secretary.*

[FR Doc. 00-6080 Filed 3-10-00; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-388]

### Simplification of the Harmonized Tariff Schedule of the United States

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

**ACTION:** Revised schedule for publication of report for the subject investigation; request for submissions.

**EFFECTIVE DATE:** March 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements (O/TA&TA) (202-205-2592); Janis L. Summers, Attorney-Advisor (202-205-2605); or Gil Whitson, Special Assistant to the Director (202-205-2602). The O/TA&TA fax number is 202-205-2616. These officials may be reached via Internet e-mail at [rosengarden@usitc.gov](mailto:rosengarden@usitc.gov); [jsummers@usitc.gov](mailto:jsummers@usitc.gov); or [gwhitson@usitc.gov](mailto:gwhitson@usitc.gov), respectively. Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on 202-205-1810. Media representatives should contact Margaret O'Laughlin, Public Affairs Officer (202-205-1819). This notice, and other notices published pursuant to section 332(g) of the Tariff Act of 1930, can be obtained from the ITC Internet web server: <http://www.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation, Simplification of the Harmonized Tariff Schedule of the United States, on November 5, 1997, following receipt of a letter of request seeking the Commission's report by July 13, 2000. Subsequently, on February 25, 1998, the Commission issued a revised schedule for the subject investigation; on March 25, 1999, the Commission issued a schedule for public comment in conjunction with the investigation, with a closing date of June 30, 1999, for such submissions. That revised work schedule calls for the publication of the Commission's report in the subject investigation by February 28, 2000, following an evaluation of the comments received.

The Commission has determined that additional time should be devoted to preparing its report. Accordingly, the

Commission is again revising the schedule in this investigation with respect to the publication of its final report, and announces that the report will be issued by June 30, 2000. In addition, after examining the volume and nature of the comments received, and following discussions with the Congressional committees concerned, the Commission has decided that a public hearing in the subject investigation will not be conducted, in order to allow the maximum time for work on its final report. The final report in the investigation will set forth the proposed legal provisions of a simplified tariff schedule; statistical annotations and notes would be separately considered for subsequent addition by the Committee for Statistical Annotation of Tariff Schedules (the so-called "484(f) Committee") pursuant to section 484(f) of the Tariff Act of 1930.

In order to assist in that statistical review, the 484(f) Committee requests the submission of written comments regarding the desirability of and possible procedures for "sunsetting" 10-digit statistical annotations to the HTS, in particular with respect to an appropriate period of time (such as 5 years) after which each annotation might be reviewed and/or deleted from the schedule. Interested persons or entities are invited to file comments concerning a possible "sunset" guideline; such comments should be general in nature, rather than being focused on particular statistical categories. Written statements should be filed as quickly as possible, and follow-up statements are permitted; but all statements must be received at the Commission by the close of business on April 3, 2000, in order to be considered and made part of the record. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 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 available for inspection by interested persons. All submissions should be addressed to the Office of the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

Questions regarding the investigation can be directed to the staff members

listed above, and documents concerning the subject investigation have been placed on the Commission's web site for inspection and/or downloading. Printed copies of documents and submissions have been placed in the Secretary's docket section for inspection and copying.

By order of the Commission.

Issued: March 7, 2000.

**Donna R. Koehnke,**  
*Secretary.*

[FR Doc. 00-6082 Filed 3-10-00; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

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

### Internal Combustion Industrial Forklift Trucks From Japan

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

**ACTION:** Revision of the schedule of a full five-year review concerning the antidumping duty order on internal combustion industrial forklift trucks from Japan.

**EFFECTIVE DATE:** March 7, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Christopher J. Cassise (202-708-5408), 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>).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 27, 1999 (64 FR 46952), the Commission published a notice in the **Federal Register** scheduling a full five-year review concerning the antidumping duty order on internal combustion industrial forklift trucks from Japan. On February 4, 2000 (65 FR 5660), the Commission published a notice in the **Federal Register** revising this schedule. This revised schedule provided for the Commission to make its final release of information on March 9, 2000, and the parties' final comments were due on March 13, 2000. In order to accommodate the late submission of

questionnaire data obtained from a domestic producer pursuant to a stipulated order regarding an administrative subpoena issued by the Commission on January 4, 2000, the February 4, 2000, schedule is further revised.

The Commission's new schedule for the review is as follows: The Commission will not collect any additional information after March 10, 2000, and will make its final release of information to the parties on or about March 10, 2000; and final party comments are due on March 15, 2000.

For further information concerning the review, see the Commission's notices cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and F (19 CFR part 207).

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to sections 201.35 and 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 7, 2000.

**Donna R. Koehnke,**  
*Secretary.*

[FR Doc. 00-6083 Filed 3-10-00; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Anitrust Division

#### United States of America v. Miller Industries, Inc., Miller Industries Towing Equipment, Inc., and Chevron, Inc., No. 1:00CV00305 (D.D.C., Filed February 17, 2000); Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in United States of America v. Miller Industries, Inc., Miller Industries Towing Equipment, Inc., and Chevron, Inc., No. 1:00CV00305. On February 17, 2000, the United States filed a Complaint alleging that the acquisition by Miller Industries, Inc. on September 2, 1996, of all the issued and outstanding capital stock of its competitor Vulcan Equipment, Inc., a Mississippi corporation, and the acquisition by Miller Industries, Inc. on December 5, 1997, of all the issued and outstanding capital stock of its competitor Chevron, Inc., a