

Dated: February 3, 2003.

**Frank Michny,**

*Regional Environmental Officer, Mid-Pacific Region.*

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## INTERNATIONAL TRADE COMMISSION

### Request for Public Comments Concerning the Maintenance of the Harmonized Tariff Schedule of the United States

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

**ACTION:** Notice.

**SUMMARY:** The Commission is responsible for the maintenance and publication of the Harmonized Tariff Schedule of the United States (HTS), pursuant to title I of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3001 *et seq.*). The Commission is seeking input from users of the HTS on the maintenance and structure of the change record, so that public and private users can identify more easily the changes in each issuance of the HTS and locate the source of such changes. In addition, the Commission is asking users of the electronic revisions of the HTS to suggest changes or improvements in the posting of such files on the Commission's Web site.

**EFFECTIVE DATE:** Upon publication; comments are sought through the close of business on the date that is four weeks after the date of publication of this notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements, (202) 205-2592; Janis L. Summers, Attorney-Adviser, Office of Tariff Affairs and Trade Agreements, (202) 205-2605; or David G. Michels, Special Assistant to the Director, (202) 205-3440; 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. General information concerning the Commission may also be obtained by accessing its Web site (<http://www.usitc.gov>). Comments filed pursuant to this notice may be viewed on the Commission's Electronic Document Information System (EDIS-II) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

### Background

Beginning with the first edition of the HTS (Commission Publication 2030) and continuing through the present, each printed annual edition of the HTS and each printed supplement has included as a final section a record of the changes contained therein. These records, although not legally authoritative in regard to the tariff treatment of imported goods, assist both public and private sector users of the HTS by identifying changes in HTS provisions. The change records list legal and statistical modifications in the notes and headings of the tariff schedule and, more recently, have included the source of each change together with its effective date. They are intended to be read in conjunction with the Preface to each printed or electronic issuance, because the Preface contains a complete enumeration of legal and administrative instruments and actions that affect the particular issuance, along with effective dates and citations. Since 2000, the Commission has also posted periodic electronic revisions of the HTS on its Web site, [www.usitc.gov](http://www.usitc.gov), so that the information in the tariff schedule is more current, together with electronic links to legal instruments making changes in the legal provisions of the HTS. These revisions each contain a complete set of the files that comprise the HTS, whether or not each file was modified. Each such revision likewise contains a change record, but that change record lists only the modifications contained in that revision and is not cumulative to the last printed edition or supplement. Thus, in order to compile a complete list of changes since the immediately prior printed document, a user must retain and combine all of the revision-related change records to have a composite list of changes since that printed document. This system has proven to be confusing to users, even to those most familiar with the HTS. The change records are presented for convenient reference, and as such are not part of the legal text of the HTS; further explanation was provided in the recently revised and expanded Preface to the HTS (2003).

**Possible changes.**—First, the Commission is considering any modifications that may make the change record more useful to all users, while still being administratively feasible, and that may also enable the staff concerned to keep this record more current (and better meet the needs of the Customs Service in updating its automated entry system). It should be noted that any such modifications would have no effect on the advisory nature of the change

record, because the interpretation and administration of the HTS are within the legal authority of the Customs Service. In addition, significant lengthening of the change record and proposals for software changes are not likely to be feasible. Nonetheless, possible modifications might include: (1) Expansion of or changes in the descriptions of changes; (2) use of a revised tabular format, perhaps with additional columns providing new information of interest to users; (3) devising a useful method to show the indentation level in the nomenclature structure at which a change has occurred; (4) providing an on-line composite change record, perhaps extending back as far as the 1989 HTS, reflecting all prior legal and/or statistical changes as a history of each tariff provision; (5) if possible, using a format that enables the maximum number of users having different software to download or access the change record. Because the Commission does not determine as a matter of law the classification of imported goods, the change record cannot provide a cross-reference table showing actual changes in classification or the derivation of the scope of new tariff categories. However, other possible useful modifications in addition to the list above can be considered.

In addition, the Commission is considering whether the posting of electronic revisions of the HTS might be changed or improved, either in timeliness or in their method of presentation. These changes might include: (1) Posting only those chapter files, or even individual pages, that contain actual modifications; (2) posting a downloadable file that contains all chapters or pages that were modified since the last electronic revision was posted; (3) posting chapter files or pages whenever changes occur, rather than periodically when several instruments have modified the HTS; (4) eliminating the WordPerfect version and posting only the PDF version of the schedule; or (5) making other changes in the organization of the Web site to make it easier to locate and use these revisions. It is not considered feasible or desirable to insert in the actual tariff chapter files themselves a typed indicator of a change (such as italicized language) or the date it occurred, given staff resources, possible confusion where multiple changes occur, and the need for a more rapid reflection of tariff changes; also, the change record already provides a clearer list of these modifications and their sources.

**Written submissions.**—All submissions must comply with the

Commission's rules and should be filed with the Office of the Secretary of the Commission as soon as is practicable, but in any case before the close of business on the date that is four weeks after the date of publication of this notice in the **Federal Register**. The Commission's rules do not authorize the filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by § 201.8 of the Commission's Rules, as amended, 67 Fed. Reg. 68036 (Nov. 8, 2002).

**Confidential business information (CBI).**—The Commission does not anticipate that any private sector party would need to include CBI in any submission filed in response to this notice. If such information must be included, the filer must comply with the Commission's rules of practice and procedure, in particular §§ 201.6, 207.3 and 207.7 (19 CFR 201.6, 207.3 and 207.7), in addition to the general requirements for written submissions in § 201.8 of the Commission's rules.

**Staff review.**—An informal staff review of the public comments filed in response to this notice, and the staff's reaction to each comment, will be prepared and will be posted in memorandum form on the Commission's internet server on the page for "Harmonized Tariff Schedule of the United States" as soon as is practicable following the close of the comment period.

By order of the Commission.

Issued: February 3, 2003.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 03-3056 Filed 2-6-03; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-432 (Preliminary) and 731-TA-1024-1028 (Preliminary)]

### Prestressed Concrete Steel Wire Strand From Brazil, India, Korea, Mexico, and Thailand

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

**ACTION:** Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty and antidumping investigations Nos. 701-TA-432 (Preliminary) and 731-TA-

1024-1028 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India of prestressed concrete steel wire strand (PC strand), provided for in subheading 7312.10.30 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of India and by reason of imports from Brazil, India, Korea, Mexico, and Thailand of PC strand that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) and 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) and 1673a(c)(1)(B)), the Commission must reach preliminary determinations in countervailing duty and antidumping investigations in 45 days, or in this case by March 17, 2003. The Commission's views are due at Commerce within five business days thereafter, or by March 24, 2003.

For further information concerning the conduct of these investigations 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 and B (19 CFR part 207).

**EFFECTIVE DATE:** January 31, 2003.

**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 these investigations may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

**SUPPLEMENTARY INFORMATION:**

**Background**—These investigations are being instituted in response to petitions filed on January 31, 2003, by counsel on behalf of American Spring Wire Corp., Bedford Heights, OH; Insteel Wire Products Co., Mt. Airy, NC; and

Sumiden Wire Products Corp., Stockton, CA.

**Participation in the investigations and public service list**—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. 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 countervailing duty and antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference**—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on February 21, 2003, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Mary Messer (202-205-3193) not later than February 19, 2003, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

**Written submissions**—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before