

United States International Trade Commission

**Certain Sanitary Articles of
Tri-Lobal Rayon Staple Fibers:
Effect of Modifications of NAFTA
Rules of Origin for Goods of
Canada and Mexico
(Inv. No. NAFTA-103-9)**

Final Report on Investigation No. NAFTA-103-9

Investigation No. NAFTA-103-9
USITC Publication 3746
December 2004



U.S. International Trade Commission

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Certain Sanitary Articles of Tri-Lobal Rayon Staple Fibers: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada and Mexico (Inv. No. NAFTA-103-9)

Investigation No. NAFTA-103-9

December 2004



NOTICE

**THIS REPORT IS A PUBLIC VERSION OF THE REPORT SUBMITTED TO THE UNITED STATES
TRADE REPRESENTATIVE ON DECEMBER 16, 2004. ALL CONFIDENTIAL BUSINESS
INFORMATION HAS BEEN REMOVED AND REPLACED WITH ASTERISKS (***)**

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INTRODUCTION

Following receipt of a request on October 20, 2004, 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),¹ the U.S. International Trade Commission (Commission) instituted investigation No. NAFTA-103-9, *Certain Sanitary Articles of Tri-Lobal Rayon Staple Fibers: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada and Mexico*. As noted in the USTR's request letter, U.S. negotiators reached agreement in principle with representatives of the Governments of Canada and of Mexico concerning proposed modifications to the NAFTA rules of origin for sanitary towels or tampons of tri-lobal rayon staple fibers. The proposed changes to these rules of origin, if implemented, would apply to U.S. imports from and exports to Canada and Mexico to determine if they qualify for duty-free entry under the agreement.

As requested by the USTR, the Commission is providing advice on the probable effect of the proposed modification to the NAFTA rules of origin for the subject sanitary articles on U.S. trade under the NAFTA, on total U.S. trade, and on affected domestic producers. The Commission did not hold a public hearing in connection with this investigation but invited written submissions from the public. Because the Commission did not receive any written submissions from the public, the data and analysis presented herein draw on information collected by the Commission from publicly available sources and telephone interviews with industry representatives. In preparing its advice, the Commission first determined whether the rule modification would liberalize or restrict NAFTA eligibility for the affected articles as compared with the current rules. The Commission then conducted qualitative analysis to assess the effects the change to the rules of origin might have, if implemented, on trade and production for the subject product. The Commission's qualitative assessment is based on the best available information, including available data and information on trade and production, information pertaining to the market conditions for the subject products (e.g., industry structure, production, product uses, and trade flows), information obtained from interested parties, including producers of the affected articles, and the Commission's own expertise.

A summary of the Commission's advice is presented in table 1. The remainder of the report contains the advice and related information for the proposed rule change on certain sanitary articles of tri-lobal rayon staple fibers. Appendix A contains the request letter from the USTR, and appendix B contains the Commission's notice of institution of the investigation and request for public comments.

¹ Section 202(q) of the North American Free Trade Agreement 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 of origin as are necessary to implement an agreement with one or more of the NAFTA countries pursuant to paragraph 2 of section 7 of Annex 300-B of the Agreement. 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.

Table 1
 Certain sanitary articles of tri-lobal rayon staple fibers: Summary of advice concerning modification to the NAFTA rules of origin for goods of the United States, Canada, and Mexico

HTS No.	Existing rule ¹	Proposed rule	Probable effect advice	Nature of modification and effect explanation
5601	A change to headings 5601 through 5609 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, or chapters 54 through 55.	<p>A change to sanitary towels or tampons of subheading 5601.10 from tri-lobal rayon staple fiber (38 mm, 3.3 decitex) of subheading 5504.10 or any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311, or chapters 54 through 55;</p> <p>or</p> <p>A change to any other good of heading 5601 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, or chapter 54 through 55.</p>	<p>U.S. total trade: Imports: Increase Exports: Increase</p> <p>U.S. trade under NAFTA: Imports: Increase Exports: Increase</p> <p>U.S. production: Increase</p>	<p><i>Modification:</i> The proposed rule change is liberalizing because it would allow sanitary tampons and towels to be made from tri-lobal rayon staple fibers formed outside North America and still be an originating good for NAFTA purposes.</p> <p><i>Effect:</i> The proposed rule change would likely have a positive effect on U.S. industry and its workers. It would enable the U.S. industry making the subject sanitary articles to use non-North American inputs and have the articles still considered to be originating goods for NAFTA purposes. There would be no effect on U.S. fiber producers, because there is no known domestic production of tri-lobal rayon staple fibers.</p>

¹ The current NAFTA rules of origin applicable to U.S. imports of goods of Canada and Mexico were taken from general note 12 of the 2004 HTS. General note 12 reflects the rules of origin as specified in Annex 401 of the NAFTA. The proposed rule would, if incorporated in general note 12, have slight, non-substantive modifications and formatting.



Certain Sanitary Articles of Tri-lobal Rayon Staple Fibers: Effect of Modifications of NAFTA Rules of Origin for Goods of Canada and Mexico

U.S. International Trade Commission Inv. No. NAFTA-103-9

Product	Certain sanitary articles of tri-lobal rayon staple fibers
Requesting Party	Procter & Gamble Company, Cincinnati, OH
Commission Contact	Kimberlie Freund (202-708-5402; kimberlie.freund@usitc.gov)

Introduction

The Commission's advice in this report relates to a proposed modification of the NAFTA rule of origin for sanitary towels or tampons classified in subheading 5601.10.20 of the Harmonized Tariff Schedule of the United States (HTS) to allow them to be made from certain non-originating tri-lobal rayon staple fibers of HTS subheading 5504.10.¹ In his request letter, the USTR states that the proposed modification is the result of a determination that producers in North America are not able to produce the fibers in commercial quantities in a timely manner.² Under the current rules in the NAFTA, the sanitary articles must be made from fibers formed in North America to be "originating" and qualify for NAFTA preferences. The proposed change in the NAFTA rule of origin would apply to goods of all three NAFTA parties and would permit the sanitary articles to be made from fibers formed outside North America ("non-originating" fibers) and still be considered an originating good and qualify for NAFTA preferences.

The proposed modification to the NAFTA rules of origin for the subject sanitary articles is in response to a petition received by the Committee for the Implementation of Textile Agreements (CITA) from Procter & Gamble Company (P&G) on May 18, 2004.³ P&G alleged that the tri-lobal rayon staple fibers cannot be supplied by the North American industry in commercial quantities in a timely manner and requested that the NAFTA rule of origin for the subject sanitary articles classified in HTS subheading 5601.10.20 be modified to allow the use of non-originating fibers.

Description of the subject product

The subject sanitary articles are classified in HTS subheading 5601.10.20, which provides for sanitary towels and tampons, diapers and diaper liners for babies and similar sanitary articles, of wadding, of textile fibers other than cotton. The 2004 U.S. normal trade relations (NTR) rate of duty on U.S. imports of the sanitary articles is 6.3 percent ad valorem. Canada and Mexico maintain most-favored-nation (MFN) duty rates of 12 percent ad valorem and 13 percent ad valorem, respectively. The tri-lobal rayon staple fibers used to make the sanitary articles are a subset of the fibers classified in HTS subheading 5504.10, which covers viscose rayon staple fibers, not carded, combed or otherwise processed for spinning. The 2004 NTR

¹ The current NAFTA rule of origin for the subject sanitary articles requires that all non-originating inputs be classified in chapters other than chapters 54 through 55 (except for yarns and fabrics classified under headings 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311). As such, sanitary articles of tri-lobal rayon staple fibers made with non-originating fibers cannot meet the rule of origin, as the staple fibers are provided for in HTS chapter 55 and are not produced in North America. See table 1 for the current and proposed language of the rule of origin for the subject product.

² See the USTR letter of request to the Commission in appendix A of this report.

³ See CITA notice published in the *Federal Register* of May 28, 2004 (69 F.R. 30633).

rate of duty on U.S. imports of the fibers is 4.3 percent ad valorem. The 2004 MFN rates for these rayon staple fibers are free for imports into Canada, and from free to 10 percent ad valorem for imports into Mexico. Viscose rayon is an artificial manmade fiber produced from cellulose materials such as wood pulp.

P&G indicated that it uses the tri-lobal rayon staple fibers in the production of tampons, ***.⁴ Specifically, the fibers are patented tri-lobal rayon staple fibers that measure 38 mm and 3.3 decitex⁵ and are made in Germany by Acordis⁶ under the "Galaxy" brand-name.⁷ P&G indicated that Acordis had produced these fibers at its plant in Alabama, but that it closed the plant a few years ago and now produces them in Germany.⁸ According to P&G, the patented tri-lobal rayon staple fiber "was engineered specifically for absorption performance."⁹

Discussion of U.S. trade and industry and market conditions for the subject product

The only known North American producer of rayon staple fibers is Liberty Fibers Corporation, Lowland, TN.¹⁰ Liberty Fibers stated that it does not produce the tri-lobal rayon staple fibers used in the subject sanitary articles. ***¹¹ P&G stated that Liberty Fibers may not produce the tri-lobal rayon staple fibers because the fibers are patented by Acordis.¹² ***¹³ In its petition, P&G stated that "the tri-lobal fiber absorbs 20% more on a unit basis than the rayon produced by Liberty."¹⁴ In addition, changing the composition of fibers used in tampons is a major decision, requiring clinical trials and FDA approval.¹⁵

P&G indicated that it produces sanitary tampons from tri-lobal rayon staple fibers at its plant in Auburn, ME, and that about 700 employees are involved in the production of such tampons.¹⁶ ***¹⁷ In its petition, P&G

⁴ Michael Gartner, Associate Director, Finance, North American Feminine Care Business, P&G, telephone interview by Commission staff, Oct. 27, 2004, and R. Scott Miller, Director, Government Relations, P&G, written submission to CITA, May 18, 2004, available on the website of the U.S. Department of Commerce, Office of Textiles and Apparel, at <http://www.otexa.ita.doc.gov/>.

⁵ The term "tri-lobal" refers to the shape of the fiber at the cross-section of the fiber. The staple length is 38 mm and the decitex of the fiber refers to the size of the fiber measured in grams per 1,000 meter lengths.

⁶ Acordis is a multinational company based in the Netherlands and manufactures manmade fibers and specialty materials for textile, industrial, medical, and hygiene applications. Information on Acordis is from its website at www.acordis.ch and "Hoover's Online" at <http://www.hoovers.com>.

⁷ R. Scott Miller, Director, Government Relations, P&G, written submission to CITA, May 18, 2004.

⁸ Michael Gartner, Associate Director, Finance, North American Feminine Care Business, P&G, telephone interview by Commission staff, Oct. 27, 2004. According to an Acordis news release, Acordis shut its Alabama plant in April 2001 (found at <http://www.acordis.com/> retrieved Oct. 28, 2004).

⁹ R. Scott Miller, Director, Government Relations, P&G, written submission to CITA, May 18, 2004, available at <http://www.otexa.ita.doc.gov/>, retrieved Oct. 18, 2004.

¹⁰ Frank Horn, President, Fiber Economics Bureau, Atlanta, GA, telephone interview by Commission staff, Oct. 27, 2004.

¹¹ Tom Montgomery, Liberty Fibers Corporation, telephone interview by Commission staff, Nov. 5, 2004.

¹² R. Scott Miller, Director, Government Relations, P&G, written submission to CITA, May 18, 2004.

¹³ ***

¹⁴ R. Scott Miller, Director, Government Relations, P&G, written submission to CITA, May 18, 2004.

¹⁵ Tom Montgomery, Liberty Fibers Corporation, telephone interview by Commission staff, Nov. 5, 2004, and Michael Gartner, Associate Director, Finance, North American Feminine Care Business, P&G, telephone interview by Commission staff, Nov. 10, 2004. The U.S. Food and Drug Administration (FDA) regulates the safety and effectiveness of tampons, including the materials and design. See FDA, "Tampons and Toxic Shock Syndrome," and "Tampons and Asbestos, Dioxin, & Toxic Shock Syndrome," both found at <http://www.fda.gov>, retrieved Nov. 5, 2004.

¹⁶ R. Scott Miller, Director, Government Relations, P&G, written submission to CITA, May 18, 2004.

¹⁷ Michael Gartner, Associate Director, Finance, North American Feminine Care Business, P&G, telephone interview by Commission staff, Oct. 27, 2004.

stated that if the proposed rule change is adopted, it would "be in a position to expand production in the United States and potentially add production in Canada of these products."¹⁸ ***¹⁹

Commission staff contacted other manufacturers of the subject sanitary articles, including Playtex Products, Inc., Kimberly-Clark Corp., and Johnson & Johnson, Inc. ***²⁰ ***²¹ ***²² ***²³

A trade source reported that the U.S. market for tampons (both domestic and imported) is growing and currently totals an estimated \$586 million a year.²⁴ Data on the share of the U.S. tampon market accounted for by the subject articles are not available. Based on U.S. market and trade data, the Commission estimates that U.S. production accounts for most U.S. consumption of tampons. Imports and exports of sanitary towels and tampons made with the tri-lobal rayon staple fibers are not available because the articles are grouped with other sanitary articles (such as diapers) as well as with all sanitary articles made of other fibers. Total U.S. imports of all sanitary articles classified in HTS subheading 5601.10.20 were \$44 million in 2003 and they were down 19 percent in January-September 2004, compared with the corresponding period of 2003. Canada accounted for 99 percent of the total in 2003, but 77 percent in 2004, when its shipments declined by 37 percent from the corresponding 2003 period. In 2004, the United States began to import articles under HTS subheading 5601.10.20 from Hungary and the United Kingdom, which together accounted for 21 percent of total U.S. imports. U.S. imports from Israel also increased; Israel accounted for 2 percent of the U.S. import market in 2004. U.S. exports of all types of sanitary articles classified in Schedule B No. 5601.10.0000 totaled \$26 million in 2003, of which about 75 percent went to Canada. In January-September 2004, U.S. exports to Canada increased by 28 percent from the corresponding period in 2003.

Views of interested parties

The Commission did not receive any written submissions.

Probable effect of the proposed action on U.S. trade under the NAFTA, total U.S. trade, and on domestic producers of the affected product²⁵

The Commission's analysis indicates that the proposed modification to the NAFTA rules of origin for the subject sanitary articles of tri-lobal rayon staple fibers would have no adverse effect on U.S. fiber producers, because there is no known North American production of the tri-lobal rayon staple fibers. In addition, ***. The proposed rule change would benefit the domestic industry making the subject sanitary articles by enabling it to use non-NAFTA fibers and have the finished sanitary articles still be considered originating goods for NAFTA purposes.²⁶ As such, the proposed rule of origin change would likely spur U.S. trade in the finished sanitary articles under the NAFTA as well as total U.S. trade in such goods, because Canada (a NAFTA signatory) is the largest U.S. trading partner for the subject sanitary articles and the domestic market for the subject articles is growing. The extent to which U.S. imports and exports of the finished sanitary articles increase would depend on the extent to which the rule change spurs new production of the subject

¹⁸ R. Scott Miller, Director, Government Relations, P&G, written submission to CITA, May 18, 2004.

¹⁹ ***, telephone interview by Commission staff, Oct. 27, 2004.

²⁰ ***, telephone interview by Commission staff, Nov. 4, 2004.

²¹ ***, telephone interview by Commission staff, Nov. 10, 2004.

²² ***, telephone interviews by Commission staff, Nov. 16 and 22, 2004.

²³ ***, telephone interviews by Commission staff Dec. 2 and 3, 2004.

²⁴ Ellen Wuagneux, "Scent-sational San Pro Strategies," *Nonwovens Industry*, Nov. 2004, p. 44. Similar data for sanitary towels are not available.

²⁵ The Commission's advice is based on information currently available to the Commission.

²⁶ ***

articles in Canada and/or the United States. It is expected that part of the increase in U.S. imports of the subject sanitary articles from Canada would displace some U.S. imports of the subject sanitary articles from non-NAFTA countries. U.S. consumers would likely benefit from any additional duty savings on U.S. imports of the subject sanitary articles from Canada.

APPENDIX A

REQUEST LETTER FROM THE UNITED STATES TRADE REPRESENTATIVE

EXECUTIVE OFFICE OF THE PRESIDENT
THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

SE
OINV
OE
OP
ER

The Honorable Stephen Koplan
Chairman
U.S. International Trade Commission
500 E St., SW
Washington, DC 20436

DOCKET NUMBER
OCT 20 2004
2399
Office of the Secretary
Int'l Trade Commission

Received from ER
10/22/04
WR

Dear Chairman Koplan:

Annex 300-B, Chapter Four and Annex 401 of the North American Free Trade Agreement (NAFTA) set out rules of origin for textiles and apparel for applying the tariff provisions of the NAFTA. These rules are reflected in General Note 12 of the Harmonized Tariff Schedule of the United States (HTS).

Section 202(q) of the North American Free Trade Agreement 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 of origin as are necessary to implement an agreement with one or more of the NAFTA countries pursuant to paragraph 2 of section 7 of Annex 300-B of the Agreement. One of the requirements set out in section 103 is that the President obtain advice regarding the proposed action from the U.S. International Trade Commission.

Our negotiators have recently reached agreement in principle with representatives of the governments of Canada and Mexico on modifications to the NAFTA rules of origin, which are reflected in the attached document. These changes are the result of determinations that North American producers are not able to produce trilobal rayon staple fiber in commercial quantities in a timely manner.

Under authority delegated by the President, and pursuant to section 103 of the Act, I request that the Commission provide advice on the probable effect of the modifications reflected in the enclosed proposal on U.S. trade under the NAFTA, total U.S. trade, and on domestic producers of the affected articles. I request that the Commission provide this advice at the earliest possible date, but not later than December 20, 2004. The Commission should issue, as soon as possible thereafter, a public version of its report with any business confidential information deleted.

The Commission's assistance in this matter is greatly appreciated.

Sincerely,

Robert B. Zoellick

2004 OCT 25 PM 4:29
OFFICE OF THE SECRETARY
U.S. INTERNATIONAL TRADE COMMISSION

Enclosure

Enclosure for ITC Letter (October 2004)

Proposal of the United States, as amended by Canada and as accepted by the United States, Canada and Mexico, under Section 7, paragraph 2 of Annex 300-B of the North American Free Trade Agreement (NAFTA):

To amend the rule of origin for Annex 401, Chapter 56, as follows:

56.01 A change to sanitary towels or tampons of subheading 5601.10 from tri-lobal rayon staple fiber (38 mm, 3.3 decitex) of subheading 5504.10 or any other chapter, except from heading 51.06 through 51.13, 52.04 through 52.12, 53.07 through 53.08 or 53.10 through 53.11 or Chapter 54 through 55; or

A change to any other good of heading 56.01 from any other chapter, except from heading 51.06 through 51.13, 52.04 through 52.12, 53.07 through 53.08 or 53.10 through 53.11 or Chapter 54 through 55.

56.02-56.09 A change to heading 56.02 through 56.09 from any other chapter, except from heading 51.06 through 51.13, 52.04 through 52.12, 53.07 through 53.08 or 53.10 through 53.11 or Chapter 54 through 55.

APPENDIX B
FEDERAL REGISTER NOTICE

- (a) "Spills," as used in Article II(3)(c) herein, means water released from Lake Powell which cannot be utilized for project purposes, including, but not limited to, the generation of power and energy.
- (b) "Surplus," as used in Article III(3)(b) herein, is water which can be used to meet consumptive use demands in the three Lower Division States in excess of 7,500,000 acre-feet annually. The term "surplus" as used in these Operating Criteria is not to be construed as applied to, being interpretive of, or in any manner having reference to the term "surplus" in either the Colorado River Compact or the 1944 Mexican Treaty.
- (c) "Net inflow to Lake Mead," as used in Article III(3)(b)(iv) and (c)(iii) herein, represents the annual inflow to Lake Mead in excess of losses from Lake Mead.
- (d) "Available capability," used in Article II(4) herein, means that portion of the total capacity of the powerplant that is physically available for generation.

BILLING CODE 4310-MN-C

Proposed Decision: The Department of the Interior has considered the comments received during this review of the Operating Criteria. After a careful review of the comments received, solicitation of public review to Reclamation's responses, and consultation with the Governor's representatives of the seven Basin States, Reclamation is proposing that the Secretary of the Interior make a number of identified modifications to the text of the Operating Criteria. The bases for the proposed changes are (1) specific changes in Federal law applicable to the Operating Criteria, (2) language in the current text of the Operating Criteria that is outdated, and (3) specific modifications to Article IV(b) of the Operating Criteria that reflect actual operating experience.

Dated: September 28, 2004.

William E. Rinne,

Deputy Commissioner, Bureau of Reclamation.

[FR Doc. 04-24552 Filed 11-2-04; 8:45 am]

BILLING CODE 4310-MN-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. NAFTA-103-009]

Certain Sanitary Articles of Tri-Lobal Rayon Staple Fibers: Effect of Modification of NAFTA Rules of Origin for Goods of Canada and Mexico

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and request for written submissions.

EFFECTIVE DATE: October 27, 2004.

SUMMARY: Following receipt of a request on October 20, 2004, 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-103-009, Certain Sanitary Articles of Tri-Lobal Rayon Staple Fibers: Effect of Modification of NAFTA Rules of Origin for Goods of Canada and Mexico.

FOR FURTHER INFORMATION CONTACT: Information may be obtained from Kimberlie Freund, Office of Industries (202-708-5402, kimberlie.freund@usitc.gov); for information on legal aspects, contact William Gearhart of the Office of the General Counsel (202-205-3091, wgearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of Public Affairs (202-205-1819, margaret.olaughlin@usitc.gov).

Background: Annex 300-B, Chapter 4, and Annex 401 of the NAFTA contain the rules of origin for textiles and apparel for application of the tariff provisions of the NAFTA. These rules are set forth for the United States in general note 12 to the Harmonized Tariff Schedule (HTS). According to the USTR request letter, U.S. negotiators have recently reached agreement in principle with representatives of the Governments of Canada and Mexico to modify the NAFTA rule of origin for certain sanitary towels or tampons classified in HTS subheading 5601.10 and made from tri-lobal rayon staple fibers (38 mm, 3.3 decitex) of HTS subheading 5504.10. If implemented, the proposed rule of origin would apply to U.S. imports from and exports to the NAFTA parties. Section 202(q) of the North

American Free Trade Agreement 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 of origin as are necessary to implement an agreement with one or more of the NAFTA countries pursuant to paragraph 2 of section 7 of Annex 300-B of the Agreement. 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.

In his letter, the USTR requested that the Commission provide advice on the probable effect of the proposed modification of the NAFTA rule of origin for certain sanitary articles (as described above) on U.S. trade under the NAFTA, on total U.S. trade, and on domestic producers of the affected articles. As requested, the Commission will submit its advice to the USTR by December 20, 2004, and soon thereafter, issue a public version of the report with any confidential business information deleted. Additional information concerning the articles and the proposed modifications can be obtained by accessing the electronic version of this notice at the Commission Internet site (<http://www.usitc.gov>). The current NAFTA rules of origin applicable to U.S. imports can be found in general note 12 of the 2004 HTS (see "General Notes" link at http://hotdocs.usitc.gov/tariff_chapters_current/toc.html).

Written Submissions: No public hearing is planned. However, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in this investigation. Submissions should be addressed to the Secretary, United States International Trade Commission,

500 E Street, SW., Washington, DC 20436. To be assured of consideration by the Commission, written statements related to the Commission's reports should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on November 15, 2004. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, in which the confidential business information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "nonconfidential" version, and that the CBI be clearly identified by means of brackets. All written submissions, except for CBI, will be made available in the Office of the Secretary to the Commission for inspection by interested parties.

The Commission may include some or all of the CBI it receives in the report it sends to the President. However, the Commission will not publish CBI in the public version of the report in a manner that would reveal the operations of the firm supplying the information. The public version will be made available to the public on the Commission's Internet site (<http://www.usitc.gov>).

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) <http://edis.usitc.gov>. Hearing impaired individuals may 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.

List of Subjects

NAFTA, rules of origin, textiles, fibers.

By order of the Commission.

Issued: October 28, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-24478 Filed 11-2-04; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—3-A Sanitary Standards, Inc.

Notice is hereby given that, on September 14, 2004, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), 3-A Sanitary Standards, Inc. ("3-A SSI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the name and principal place of business of the standards development organization is: 3-A Sanitary Standards, Inc., McLean, VA. The nature and scope of 3-A SSI's standards development activities are: The development, maintenance and publishing of standards for the sanitary design, fabrication, installation and operation of equipment and machinery in the following areas: Vessels; fillers; valves and fittings; pumps and mixers; heat exchangers; conveyors and feeders; instruments; concentrating equipment; farm/raw milk; cheese and butter equipment; process and cleaning systems; plant support systems; materials and materials testing; and Active Pharmaceutical Ingredients.

Additional information may be obtained from Timothy R. Rugh, CAE,

Executive Director of 3-A Sanitary Standards, Inc., at (703) 790-0295.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 04-24567 Filed 11-2-04; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Air Conditioning Contractors of America Educational Institute, Inc.

Notice is hereby given that, on September 16, 2004, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Air Conditioning Contractors of America Educational Institute, Inc. ("ACCA-EI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: Air Conditioning Contractors of America Educational Institute, Inc., Arlington, VA. The nature and scope of ACCA-EI's standards development activities are: The development of standards that promote proper design, correct equipment selection and installation, energy efficient operation, proper maintenance and repair of heating, ventilating, air and system balance for optimal performance or operation of the HVACR systems. The goals of standards may include requirements for comfort and well being, design, equipment installation, and maintenance and repair and may include standards that promote optimum comfort, safe and efficient operation at minimal energy utilization, performance or operation or qualification of personnel.

Additional information concerning ACCA-EI can be obtained from Hilary P.