

Dated: May 7, 1996.

Roger K. Patterson,

Regional Director.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-360]

International Harmonization of Customs Rules of Origin

AGENCY: International Trade
Commission.

ACTION: Request for public comment on
draft proposals for chapters 01-24, 92-
97.

EFFECTIVE DATE: May 15, 1996.

FOR FURTHER INFORMATION CONTACT:

Eugene A. Rosengarden, Director, Office
of Tariff Affairs and Trade Agreements
(O/TA&TA) (202-205-2595), Chapters
01-24 Ronald Heller (202-205-2596), or
Chapters 92-97 Lawrence A. DiRicco
(202-205-2606).

Parties having an interest in particular
products or HTS chapters and desiring
to be included on a mailing list to
receive available documents pertaining
thereto should advise Diane Whitfield
by phone (202-205-2610) or by mail at
the Commission, 500 E St. SW., Room
404, Washington, D.C. 20436. Hearing
impaired persons are advised that
information on this matter can be
obtained by contacting the
Commission's TDD terminal on (202-
205-1810). The media should contact
Margaret O'Laughlin, Public Affairs
Officer (202-205-1819).

BACKGROUND: Following receipt of a
letter from the United States Trade
Representative (USTR) on January 25,
1995, the Commission instituted
Investigation No. 332-360, International
Harmonization of Customs Rules of
Origin, under section 332(g) of the Tariff
Act of 1930 (60 FR 19605, April 19,
1995).

The investigation is intended to
provide the basis for Commission
participation in work pertaining to the
Uruguay Round Agreement on Rules of
Origin (ARO), under the General
Agreement on Tariffs and Trade (GATT)
1994 and adopted along with the
Agreement Establishing the World
Trade Organization (WTO).

The ARO is designed to harmonize
and clarify nonpreferential rules of
origin for goods in trade on the basis of
the substantial transformation test;
achieve discipline in the rules'
administration; and provide a
framework for notification, review,

consultation, and dispute settlement.
These harmonized rules are intended to
make country-of-origin determinations
impartial, predictable, transparent,
consistent, and neutral, and to avoid
restrictive or distortive effects on
international trade. The ARO provides
that technical work to those ends will be
undertaken by the Customs Cooperation
Council (CCC) (now informally known
as the World Customs Organization or
WCO), which must report on specified
matters relating to such rules for further
action by parties to the ARO.

Eventually, the WTO Ministerial
Conference is to "establish the results of
the harmonization work program in an
annex as an integral part" of the ARO.

In order to carry out the work, the
ARO calls for the establishment of a
Committee on Rules of Origin of the
WTO and a Technical Committee on
Rules of Origin (TCRO) of the CCC.
These Committees bear the primary
responsibility for developing rules that
achieve the objectives of the ARO.

A major component of the work
program is the harmonization of origin
rules for the purpose of providing more
certainty in the conduct of world trade.
To this end, the agreement contemplates
a 3-year CCC program, to be initiated as
soon as possible after the entry into
force of the Agreement Establishing the
WTO. Under the ARO, the TCRO is to
undertake (1) to develop harmonized
definitions of goods considered wholly
obtained in one country, and of minimal
processes or operations deemed not to
confer origin, (2) to consider the use of
change in Harmonized System
classification as a means of reflecting
substantial transformation, and (3) for
those products or sectors where a
change of tariff classification does not
allow for the reflection of substantial
transformation, to develop
supplementary or exclusive origin
criteria based on value, manufacturing
or processing operations or on other
standards.

To assist in the Commission's
participation in work under the
Agreement on Rules of Origin (ARO),
the Commission is making available for
public comment draft proposed rules for
goods of:

- Chapter 01—Live Animals
- Chapter 02—Meat and Edible Meat Offal
- Chapter 03—Fish and Crustaceans,
Molluscs and Other Aquatic
Invertebrates
- Chapter 04—Dairy Products; Bird's
Eggs; Natural Honey; Edible Products
of Animal Origin Not Elsewhere
Specified or Included
- Chapter 05—Products of Animal Origin,
Not Elsewhere Specified or Included

- Chapter 06—Live Trees and Other
Plants; Bulbs, Roots and the Like; Cut
Flowers and Ornamental Foliage
- Chapter 07—Edible Vegetables and
Certain Roots and Tubers
- Chapter 08—Edible Fruits and Nuts;
Peel of Citrus Fruit or Melons
- Chapter 09—Coffee, Tea, Mate and
Spices
- Chapter 10—Cereals
- Chapter 11—Products of the Milling
Industry; Malt; Starches; Inulin;
Wheat Gluten
- Chapter 12—Oil Seeds and Oleaginous
Fruits; Miscellaneous Grains, Seeds
and Fruits; Industrial or Medicinal
Plants; Straw and Fodder
- Chapter 13—Lac; Gums, Resins and
Other Vegetable Saps and Extracts
- Chapter 14—Vegetable Plaiting
Materials; Vegetable Products Not
Elsewhere Specified or Included
- Chapter 15—Animal or Vegetable Fats
and Oils and their Cleavage Products;
Prepared Edible Fats; Animal or
Vegetable Waxes
- Chapter 16—Preparations of Meat, of
Fish or of Crustaceans, Molluscs or
Other Aquatic Invertebrates
- Chapter 17—Sugars and Sugar
Confectionary
- Chapter 18—Cocoa and Cocoa
Preparations
- Chapter 19—Preparations of Cereals,
Flour, Starch, Milk; Pastrycooks
Products
- Chapter 20—Preparations of Vegetables,
Fruit, Nuts or Other Parts of Plants
- Chapter 21—Miscellaneous Edible
Preparations
- Chapter 22—Beverages, Spirits and
Vinegar
- Chapter 23—Residues and Waste from
the Food Industries; Prepared Animal
Fodder
- Chapter 24—Tobacco and Manufactured
Tobacco Substitutes
- Chapter 92—Musical Instruments; Parts
and Accessories of Such Articles
- Chapter 93—Arms and Ammunition;
Parts and Accessories Thereof
- Chapter 94—Furniture; Bedding,
Mattresses, Mattress Supports,
Cushions, and Similar Stuffed
Furnishings; Lamps and Lighting
Fittings, n.e.s.o.i.; Illuminated Signs,
Illuminated Nameplates and the Like;
Prefabricated Buildings
- Chapter 95—Toys, Games, and Sports
Requisites; Parts and Accessories
Thereof
- Chapter 96—Miscellaneous
Manufactured Articles (e.g., worked
carving materials, brooms and
brushes, travel sets, buttons, slide
fasteners, pens, pencils and similar
articles, typewriter ribbons, smoking
pipes)
- Chapter 97—Works of Art, Collectors'
Pieces and Antiques of the

Harmonized System that are not considered to be wholly made in a single country. The rules rely largely on the change of heading as a basis for ascribing origin.

Copies of the proposed revised rules will be available from the Office of the Secretary at the Commission, from the Commission's Internet web server (<http://www.usitc.gov>), or by submitting a request on the Office of Tariff Affairs and Trade Agreements voice messaging system, 202-205-2592 or by FAX at 202-205-2616.

These proposals, which have been reviewed by interested government agencies, are intended to serve as the basis for the U.S. proposal to the Technical Committee on Rules of Origin (TCRO) of the Customs Cooperation Council (CCC) (now known as the World Customs Organization or WCO). The proposals do not necessarily reflect or restate existing Customs treatment with respect to country of origin applications for all current non-preferential purposes. Based upon a decision of the Trade Policy Staff Committee, the proposals are intended for future harmonization for the nonpreferential purposes indicated in the ARO for application on a global basis. They seek to take into account not only U.S. Customs' current positions on substantial transformation but additionally seek to consider the views of the business community and practices of our major trading partners as well. As such they represent an attempt at reaching a basis for agreement among the contracting parties. The proposals may undergo change as proposals from other government administrations and the private sector are received and considered. Under the circumstances, the proposals should not be cited as authority for the application of current domestic law.

If eventually adopted by the TCRO for submission to the Committee on Rules of Origin of the World Trade Organization, these proposals would comprise an important element of the ARO work program to develop harmonized, non-preferential country of origin rules, as discussed in the Commission's earlier notice. Thus, in view of the importance of these rules, the Commission seeks to ascertain the views of interested parties concerning the extent to which the proposed rules reflect the standard of substantial transformation provided in the Agreement. In addition, comments are also invited on the format of the proposed rules and whether it is preferable to another presentation, such

as the format for the presentation of the NAFTA origin or marking rules.

Forthcoming Commission notices will advise the public on the progress of the TCRO's work and will contain any harmonized definitions or rules that have been provisionally or finally adopted.

WRITTEN SUBMISSIONS: Interested persons are invited to submit written statements concerning this phase of the Commission's investigation. Written statements should be submitted 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 July 1, 1996, in order to be considered. Information supplied to the Customs Service in statements filed pursuant to notices of that agency has been given to us and need not be separately provided to the Commission. Again, the Commission notes that it is particularly interested in receiving input from the private sector on the effects of the various proposed rules and definitions on U.S. exports. 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.

Issued: May 16, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96-12837 Filed 5-21-96; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department of Justice policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Motorola, Inc. et al.*, Civ. No. 4:96-CV-226-Y was lodged on May 6, 1996 with the United

States District Court for the Northern District of Texas, Fort Worth division.

The proposed Consent Decree resolves the United States' claim for reimbursement of response costs incurred at the Pesses Company (S'West) site pursuant to Sections 104, 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9604, 9606 and 9607(a) ("CERCLA"). The Consent Decree reimburses the United States and Texas for \$2.46 million of its response costs at this Fort Worth, Texas site. The United States filed a Complaint simultaneously with the lodging of the Consent Decree alleging that the defendants by contract, agreement or otherwise arranged for disposal or treatment of hazardous substances at the site and are subject to liability under Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3).

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Motorola et al.*, DOJ Ref. No. 90-11-3-665.

The proposed Consent Decree may be examined at the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$6.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.

[FR Doc. 96-12773 Filed 5-21-96; 8:45 am]

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Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree settling claims brought by the United States and the State of Indiana against Defendant American Chemical Service, Inc. in *United States v. Sanitary District of Hammond, et al.*, Civil Action No.