

government-directed liberalization countermeasures are claimed to have affected Kodak: Ministry of International Trade and Industry (MITI) administrative guidance to domestic banks to increase shareholdings, MITI administrative guidance to restructure the distribution system, and MITI intervention with the Japan Fair Trade Commission (JFTC) on behalf of Japan's photographic materials producers. The Japanese toleration of the anticompetitive market structure resulting from the countermeasures is alleged to be inconsistent with Japan's obligations under the OECD's Declaration on International and Multinational Investment and Multinational Enterprises ("National Treatment Instrument"). The foregoing acts are alleged to be justifiable under section 301.

The petition also alleges that MITI and the JFTC have tolerated systematic anticompetitive practices and have actively encouraged and reinforced them and that this toleration is unreasonable and discriminatory under section 301. In particular, the petition alleges that:

(a) Fuji has established a distribution system that utilizes various anticompetitive elements as a mutually reinforcing means to exclude Kodak from the market;

(b) The following Fuji practices are inconsistent with Japan's Antimonopoly Law: (1) Resale price maintenance; (2) vertical non-price restraints such as exclusionary dealing arrangements; (3) dealings on restrictive terms; (4) refusals to deal; and (5) group boycotts;

(c) The JFTC has failed to enforce Japan's Antimonopoly Law (AML) against Fuji's anticompetitive practices;

(d) The JFTC actively strengthens the system by enforcing "Fair Competition Codes" in a manner which discourages discount and promotional sales;

(e) MITI tolerated these anticompetitive practices; and

(f) The toleration is egregious in light of numerous Japanese government policy initiatives and international undertakings to increase AML enforcement.

The petition further alleges that the barriers cited in the petition pose a burden or restriction on U.S. commerce because, by restricting Kodak's access to Japan's photographic film and paper markets, they have caused Kodak to forego export revenue and have created a profit sanctuary in Japan for Fuji which significantly affects the global competition between Kodak and Fuji.

Section 302(a) of the Trade Act authorizes the USTR to initiate an investigation under chapter 1 of Title III

of the Trade Act (commonly referred to as "section 301"), in response to the filing of a petition pursuant to section 302(a)(1). Matters actionable under section 301 include, *inter alia*, acts, policies, and practices of a foreign country that are unjustifiable, unreasonable or discriminatory and burden or restrict U.S. commerce. An act, policy or practice is unjustifiable if it is in violation of, or inconsistent with, the international legal rights of the United States. An act, policy or practice is unreasonable if the act, policy or practice, while not necessarily in violation of, or inconsistent with, the international legal rights of the United States, is otherwise unfair or inequitable. Unreasonable acts, policies or practices include, *inter alia*, denial of fair and equitable market opportunities, including the toleration by a foreign government of systematic anticompetitive activities by enterprises or among enterprises in the foreign country that have the effect of restricting, on a basis that is inconsistent with commercial considerations, access of United States goods or services to a foreign market.

On July 2, 1995, the USTR determined that an investigation should be initiated to determine whether certain acts, policies or practices of the Government of Japan with respect to access to the Japanese market for consumer photographic film and paper are actionable under section 301.

#### Consultations

Pursuant to section 303(a) of the Trade Act, the USTR has requested consultations with the Government of Japan concerning the issues under investigation. USTR will seek information and advice from the appropriate representatives provided for under section 135 of the Trade Act in preparing the U.S. presentations for such consultations.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the petition and any other submissions to USTR in this investigation. In particular, comments are invited regarding (i) the acts, policies and practices of the Government of Japan that are the subject of this investigation; (ii) the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices; (iii) the determinations required under section 304 of the Trade Act; and (iv) appropriate action under section 301 which could be taken in response.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due no later than noon on Tuesday, August 8, 1995. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the section 301 Committee, Room 223, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

Comments will be placed in a file (Docket 301-99) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection.

Copies of the public version of the petition and other relevant documents are available for public inspection in the USTR Reading Room. An appointment to review the docket (Docket No. 301-99) may be made by contacting Brenda Webb at (202) 395-6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 101, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

**Irving A. Williamson,**

*Chairman, Section 301 Committee.*

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#### DEPARTMENT OF VETERANS AFFAIRS

##### Privacy Act of 1974; Amendment of System of Records

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is adding a new routine use to the system of records entitled "Personnel and Accounting Pay System—VA" (27VA047) as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23100 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90), 56 FR 23952 (5/25/91), 58 FR 39088 (7/21/93), and 58 FR 40852

(7/30/93). This system of records contains information on current and former salaried VA employees.

Pub. L. 103-94 (October 6, 1993) permits the garnishment of Federal employees' wages. The Office of Personnel Management (OPM) has issued regulations (5 CFR part 582) which implement the legislation. Section 582.306(c) of these regulations states that if an employee, whose wages have been garnished, transfers to another agency or is now employed by a private employer, then the original agency must provide the name and address of the new employer, when available, to the garnishing party (garnisher). However, VA's General Counsel has determined that the name and address of a new employer of a former VA employee cannot be released to a garnisher without the former employee's consent or through a published routine use, unless the new employer is another Federal department or agency.

VA would add a new routine use No. 28 to its system of records, 27VA047. This new routine use will specifically permit the disclosure of information to a garnisher concerning the name and address of any new employer of a former VA employee who is the subject of a garnishment by legal process.

VA has determined that the release of information for this purpose is a necessary and proper use of the

information in this system of records and that the new specific routine use for transfer of this information is appropriate.

An altered system of records report and a copy of the revised system notice have been sent to the House of Representatives Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) and guidelines issued by OMB (59 FR 37906, 37916-18 (7/25/94)).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine use of the system of records to the Secretary of Veterans Affairs (045A4), 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before August 7, 1995, will be considered. All written comments received will be available for public inspection in the Information Management Service, Room 315, 801 I Street, NW., Washington, DC 20001 only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, until August 16, 1995.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by VA, the new routine use statement is effective August 7, 1995.

Approved June 20, 1995.

**Jesse Brown,**

*Secretary of Veterans Affairs.*

#### **Notice of Amendment to System of Records**

In the system of records identified as 27VA047, "Personnel and Accounting Pay System—VA," as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23009 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90) 56 FR 23952 (5/24/91), 58 FR 39088 (7/21/93), and 58 FR 40852 (7/30/93), the system is revised as follows:

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#### **Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses**

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28. Relevant information from this system of records concerning the departure of a former VA employee, who is the subject of a garnishment pursuant to a legal process as defined in 5 U.S.C. 5520a, as well as the name and address of the designated agent for the new employing agency or the name and address of any new private employer, may be disclosed to the garnishing party (garnisher).

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