

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

[Docket No. WTO/D-163]

**WTO Dispute Settlement Proceeding
Regarding Korea—Measures Affecting
Government Procurement**

AGENCY: Office of the United States
Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice of the request for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization ("WTO"), by the United States, to examine the Republic of Korea's government procurement practices in the construction of the Incheon International Airport. In this dispute, the United States alleges that these practices are inconsistent with Korea's obligations under the Government Procurement Agreement ("GPA"). USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by June 15, 1999, to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122, Attn: Korea Airport Procurement Dispute, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: John G. Ellis, Director for Government Procurement Issues, (202) 395-3063; Mary Latimer, Director for Korean Affairs, (202) 395-6813; or Stephen Kho, Assistant General Counsel, (202) 395-3581.

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements Act ("URAA") (19 U.S.C. 3537(b)(1)), USTR is providing notice that on May 11, 1999, the United States submitted a request for the establishment of a WTO dispute settlement panel to examine whether certain government procurement measures, employed by Korea in the construction of the Incheon International Airport, are inconsistent with Korea's obligations under the GPA. The WTO Dispute Settlement Body ("DSB") will consider the United States' first request

for the establishment of a panel on May 26, 1999.

Major Issues Raised and Legal Basis of the Complaint

The United States asserts that the following Korean government procurement practices are inconsistent with the GPA: (1) Requirements that suppliers have manufacturing facilities in Korea before participating in tender procedures; (2) requirements that foreign firms partner with or act as subcontractors to Korean firms in order to participate in tendering procedures; (3) absence of access to bid challenge procedures for Incheon International Airport and other airport procurements; and (4) impositions of deadlines for the receipt of tenders that are shorter than the GPA-required 40 days.

As its defense, Korea is claiming that the entities responsible for Incheon International Airport procurements are not within its GPA obligations, and therefore not subject to the requirements of the GPA. However, these entities are within the scope of Korea's GPA obligations, pursuant to Article I(1) of the GPA. The United States bargained in good faith for the coverage of all airport construction in Korea during negotiations for Korea's accession to the GPA. Consequently, the United States believes that the above measures are inconsistent with Articles III, VIII, XI, XVI, and XX of the GPA. In addition, whether or not these measures conflict with the provisions of the GPA, they nullify or impair benefits accruing to the United States under the GPA.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitting person. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by the USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting

person believes that information or advice may qualify as such, the submitting person—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), the USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by the USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other parties in the dispute, as well as the report of the dispute settlement panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D-163, Korea Airport Procurement Dispute) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

*Assistant U.S. Trade Representative for
Monitoring and Enforcement.*

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

**Agency Information Collection Activity
Under OMB Review**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice with a 60-day comment