

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

[Docket No. WTO/D-21]

**WTO Dispute Settlement Proceeding
Regarding Australia—Measures
Affecting the Importation of Salmonids**

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (“USTR”) is providing notice of the United States’ request for the establishment of a dispute settlement panel under the *Marrakesh Agreement Establishing the World Trade Organization* (“WTO”) to examine Australia’s measures affecting the importation of salmonids. In this dispute, the United States alleges that Australia’s measures are inconsistent with its obligations under the *Agreement on the Application of Sanitary and Phytosanitary Measures* (“SPS Agreement”) and the *General Agreement on Tariffs and Trade 1994* (“GATT 1994”).

FOR FURTHER INFORMATION CONTACT: Marjorie Florestal, Assistant General Counsel, (202) 395-3581 or Betsy Stillman, Special Advisor for Asia and Pacific Affairs, (202) 395-9543.

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 June 16, 1999, the WTO Dispute Settlement Body (“DSB”) established a panel to review the Australian measure on imports of salmonids at the request of the United States. A panel was composed for this purpose on August 2, 1999, but was suspended at the United States’ request on November 5, 1999, because the panelists are currently engaged in a related dispute brought by Canada and will examine the U.S. complaint after they have completed their work in the Canadian dispute. Once the panelists are prepared to examine the U.S. dispute, USTR will issue a notice with request for written comments from the public.

Major Issues Raised and Legal Basis of the Complaint

Australia currently maintains certain prohibitions on imports of fresh, chilled, or frozen salmonids, which the United States believes is inconsistent with Australia’s obligations under Articles 2, 5, 7 and 8 of the SPS Agreement and Article XI of the GATT 1994.

The Australian measure already has been the subject of a panel proceeding

brought by Canada in *Australia—Measures Affecting Importation of Salmon* (WT/DS18/R, WT/DS18/AB/R), and the DSB adopted findings that the ban is inconsistent with Articles 2.2, 2.3, 5.1 and 5.5 of the SPS Agreement. The United States was a third party in that dispute.

On July 19, thirteen days after the reasonable period of time for implementation of the DSB’s rulings had expired, Australia announced a new quarantine policy for salmonids and other finfish, designed to implement the WTO panel and Appellate Body reports. The new policy maintains certain restrictions on salmon imports that do not appear to be based on science, including, among other things, differing requirements for “consumer-ready” imports that are based on the size of the product concerned.

On November 17, 1995, the United States requested consultations with Australia regarding its import prohibition pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXII of the GATT 1994 and Article 11 of the SPS Agreement. Consultations were held on December 13, 1995, but failed to settle the dispute.

A. Jane Bradley,

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

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DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration
**Proposed Agency Information
Collection Activities; Comment
Request**

AGENCY: Federal Railroad Administration, 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 (ICR) requirement abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. A Notice of Proposed Rulemaking (NPRM) was published in the *Federal Register* on May 20, 1999 (64 FR 27488). However, at that time, FRA had not yet determined the exact burden hour impact associated with the information collection requirements of this rule. FRA is now soliciting additional public

comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than January 10, 2000.

ADDRESSES: Send comments regarding this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, N.W., Washington, D.C. 20503, Attention: FRA Desk Officer.

FOR FURTHER INFORMATION CONTACT:

JoAnne M. McGowan, Chief of Freight Programs Division, RDV-12, Office of Passenger and Freight Services, FRA, 1120 Vermont Ave., N.W., Mail Stop 20, Washington, D.C. 20590 (telephone: (202) 493-6336) or Joseph R. Pomponio, Senior Attorney, Office of Chief Counsel, FRA, 1120 Vermont Ave., N.W., Mail Stop 10, Washington, D.C. 20590 (telephone: (202) 493-6336). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. §§ 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received