

Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, 20508. Telephone: (202) 395-3582.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding. If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

#### Major Issues Raised by the EC

In its consultation request, the EC alleges that in United States—Imposition of Countervailing Duties on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products, WT/DS138/AB/R, the WTO Appellate Body found Commerce's change in ownership methodology to be inconsistent with the SCM Agreement. The EC also alleges that the Appellate Body found that a change of ownership at fair market value eliminated the benefit of any prior subsidies to the privatized company. Therefore, the EC alleges that the continued application of Commerce's change in ownership methodology, and the continued imposition of countervailing duties based upon that methodology, violate Articles 10, 19 and 21 of the SCM Agreement. According to the EC, if the United States had properly examined the nature of the change in ownership in each of the countervailing duty proceedings identified in the EC's request for consultations, the amount of countervailing duty would have been greatly reduced or, in some cases, found to be zero.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. 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 commenter. 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 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 submitter believes that information or advice may qualify as such, the submitter—

(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)), 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, N.W., Washington, D.C. 20508. The public file will include a listing of any comments received by 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 participants 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-212, Change in Ownership Methodology 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 United States Trade Representative for Monitoring and Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval of Noise Compatibility Program; Austin-Bergstrom International Airport, Austin, Texas

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Austin for Austin-Bergstrom International Airport under the provisions of Title 49, U.S.C., Chapter 475 and CFR part 150. These findings are made in recognition of the description of Federal and non-federal responsibilities in Senate Report No. 96-52 (1980). On April 5, 1999, the FAA determined that the noise exposure maps submitted by the City of Austin for Austin-Bergstrom International Airport under part 150 were in compliance with applicable requirements. Subsequently, the City submitted a revised 2004 noise exposure map, which the FAA approved on May 8, 2000. On November 7, 2000, the Administrator approved the noise compatibility program. The measures requiring Federal approval of the program were approved.

**DATES:** The effective date of the FAA's approval of the noise compatibility program for Austin-Bergstrom International Airport is November 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Nan L. Terry, Department of Transportation, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas, 76137, (817) 222-5607. Documents reflecting this FAA action maybe reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the noise compatibility program for the City of Austin for Austin-Bergstrom International Airport effective November 7, 2000.

Under Title 49 U.S.C., section 47504 (hereinafter referred to as "Title 49"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses within the area covered by the noise exposure maps. Title 49 requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or

disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and Title 49 and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to the FAA's approval of an airport noise compatibility program are delineated in FAR part 150, §150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute a FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and a FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for program grants must be submitted to the FAA Airports Division Office in Fort Worth, Texas.

The City of Austin submitted to the FAA on May 25, 2000, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from October 1998 through May 2000. On April 5, 1999, the FAA determined that the noise exposure maps submitted by the City of Austin for Austin-Bergstrom International Airport under part 150 were in compliance with applicable

requirements. Notices of these determinations were published in the **Federal Register** on April 20, 1999, and May 25, 2000, respectively.

The Austin-Bergstrom International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in Title 49. The FAA began its review of the program on May 8, 2000, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained three proposed actions for noise mitigation on and off the airport that requested FAA approval. The FAA completed its review and determined that the procedural and substantive requirements of Title 49 and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective November 7, 2000.

Outright approval was granted for the three proposed action elements in the noise compatibility program where the City of Austin requested federal approval. Approved action elements included a "Fly Quiet Program" involving a voluntary preferential runway use policy and flight track management procedures, land use mitigation measures involving a land acquisition program and a sound insulation program, and program management measures involving a flight track and noise monitoring system, and provisions for updating the noise exposure map and noise compatibility program. These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on November 7, 2000. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal are available at the FAA office listed above and at the administrative offices of: City of Austin, Department of Aviation, Austin-Bergstrom International Airport, 3600 Presidential Boulevard, Austin, Texas 78719.

Issued in Fort Worth, Texas, November 20, 2000.

**Naomi L. Saunders,**  
*Manager, Airports Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **RTCA, Inc.; Government/Industry Free Flight Steering Committee, Revised Agenda**

The December 13 RTCA Free Flight Steering Committee meeting announced in the **Federal Register**, 65 FR 70869 (Tuesday, November 28, 2000), has been revised.

The revised agenda reads as follows: The agenda will include: (1) Welcome and Opening Remarks; (2) Review Summary of the Previous Meeting; (3) Report from FAA: (a) Free Flight Phase 1 Operational Assessment Update; (b) End-to-End Checklist for Safe Flight 21 Applications; (c) FAA Primary En Route Radar Restructuring Program; (4) Report and Recommendations from the Free Flight Select Committee; (d) National Airspace System Concept of Operations; (e) Addendum 4: Free Flight Phase 2; (5) CNS/ATM Focus Team Data Link Report; (6) National Airspace System Operational Evolution Plan; (7) Other Business; (8) Date and Location of Next Meeting; (9) Closing Remarks.

Persons wishing to present statements or obtain information should contact the RTCA, Inc., at (202) 833-9339 (phone), (202) 833-9434 (facsimile).

Issued in Washington, DC on November 30, 2000.

**Janice L. Peters,**  
*Designated Official.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Notice of Intent to Rule on Application to a Passenger Facility Charge (PFC) at Killeen Municipal Airport, Killeen, TX and Use the Revenue at Killeen Municipal Airport and Robert Gray Army Airfield**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose at Killeen