

implementation (modifying its tariff rate quotas) by January 1, 2002.

The Office of the United States Trade Representative (USTR) has been monitoring the EC's compliance with the understanding. USTR confirms that the EC has adopted a new system of banana licenses based on historic reference periods and has issued licenses in accordance with that system. As a result, U.S. banana distributors have obtained additional access to the EC market.

Under Section 307 of the Trade Act of 1974, the Trade Representative, subject to the specific direction, if any, of the President, may modify or terminate action taken under Section 301 if, among other things, the foreign country "is taking satisfactory measures to grant the rights of the United States under a trade agreement" or "has agreed to eliminate or phase out the act, policy, or practice" that is the subject of the Section 301 investigation. Section 301(a)(2)(B)(i) and (ii) of the 1974 Trade Act; Section 307(a)(1)(A) of the 1974 Trade Act. The EC's entry into the understanding, combined with its completion of the first phase of implementation, indicates that the EC is taking satisfactory measures to grant the rights of the United States under the WTO Agreement and has agreed to eliminate or phase out its discriminatory banana regime. Accordingly, the Trade Representative has decided to terminate the action previously taken under Section 301 to increase duties on a list of nine products of certain EC member States.

As set out in the Annex to this notice, the termination of increased duties is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 2001, with the exception of the increased duties imposed on *Pictures, designs, and photographs*, * * * *Lithographs* (HTS subheading 4911.91.20). As illustrated by notices published in the Customs Bulletin, there was widespread confusion in the importing community prior to the imposition of the increased duties with regard to whether certain pictures, designs, and photographs should be classified as *Pictures, designs, and photographs*, * * * *Lithographs* (HTS subheading 4911.91.20) or as *Pictures, designs, and photographs*, * * * *Other* (HTS subheading 4911.91.40). See *Revocation of Treatment or Ruling Relating to the Classification of Offset Printing Posters*, 34 Customs Bulletins and Decisions 41 & 42, page 141 (Oct. 15, 2000). As a result, importers who had been for years entering goods under subheading 4911.91.40 found that their goods

instead fell within the scope of subheading 4911.91.20 and were subject to 100 percent duties. To address this situation, the Trade Representative has determined that the increased duties imposed on *Pictures, designs, and photographs*, * * * *Lithographs* (HTS subheading 4911.91.20) should be terminated with respect to articles entered, or withdrawn from warehouse, for consumption on or after March 3, 1999—the initial effective date of the increased duties.

Under Section 306 of the Trade Act, USTR will continue to monitor the EC's implementation of the understanding. As noted, by January 1, 2002 the EC is scheduled to shift an additional 100,000 tons into a tariff rate quota accessible to bananas of Latin American origin. Should the EC fail to complete this implementation step, the Trade Representative may again take action under Section 301.

Prior to terminating the Section 301 action, USTR consulted with the domestic industry concerned and at this time is providing an opportunity for public comment on this action under Section 307 of the Trade Act.

Public Comments

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) and must be filed on or before 5:00 p.m. on August 7, 2001. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the Section 301 Committee, ATTN: Docket 301–100a, Office of the United States Trade Representative, 1724 F Street, NW., Room 217, Washington, DC 20508. Comments will be placed in a file (Docket 301–100a) 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 the twenty 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. An appointment to review the docket may be made by calling Brenda Webb at (202) 395–6186. The USTR Reading Room is open to the public from 10:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, and is located in Room 3, First Floor, Office of the United States Trade

Representative, 1724 F Street, NW., Washington, DC 20508.

William Busis,
Chairman, Section 301 Committee.

Annex

I. Effective with respect to merchandise entered, or withdrawn from warehouse, for consumption on or after July 1, 2001, the imposition of 100 percent *ad valorem* tariffs as provided in subheadings 9903.08.04 (affecting articles in subheading 3307.30.50), 9903.08.07 (affecting articles in subheading 4202.22.15), 9903.08.08 (affecting articles in subheading 4202.32.10), 9903.08.09 (affecting articles in subheading 4805.50), 9903.08.10 (affecting articles in subheading 4819.20), 9903.08.13 (affecting articles in subheading 6302.21.90), 9903.08.14 (affecting articles in subheading 8507.20.80), and 9903.08.15 (affecting articles in subheading 8516.71) of the Harmonized Tariff Schedule of the United States (HTS) is terminated.

II. Effective with respect to merchandise entered, or withdrawn from warehouse, for consumption on or after March 3, 1999, the imposition of 100 percent *ad valorem* tariffs as provided in subheading 9903.08.11 (affecting articles in subheading 4911.91.20 (lithographs)) of the HTS is terminated. This termination shall apply to all merchandise classifiable under subheading 9903.08.11 of the HTS entered, or withdrawn from warehouse, for consumption on or after March 3, 1999 for which unliquidated entries or entries subject to timely protest are pending before the United States Customs Service.

III. Effective July 1, 2001, the instruction in the notice of April 19, 1999, 64 FR 19,209, that "Any merchandise subject to this determination that is admitted to U.S. foreign-trade zones on or after April 19, 1999 must be admitted as "privileged foreign status" as defined in 19 CFR 146.41" is terminated.

[FR Doc. 01–16936 Filed 7–5–01; 8:45 am]

BILLING CODE 3190–01–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During Week Ending June 22, 2001

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. sections

412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST-2001-9957.

Date Filed: June 19, 2001.

Parties: Members of the International Air Transport Association.

Subject:

PTC31 SOUTH 0108 dated 25 May 2001

South Pacific (except New Zealand-USA) Resolution r1-r31

Minutes—PTC31 SOUTH 0109 dated 8 June 2001

Tables—PTC31 SOUTH 0026 Fares dated 15 June 2001

Intended effective date: 1 October 2001.

Docket Number: OST-2001-9990.

Date Filed: June 22, 2001.

Parties: Members of the International Air Transport Association.

Mail Vote 130 Resolution 010e

Special Passenger

Amending Resolution e-mail te418

Intended effective date: 1 July 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01-16859 Filed 7-5-01; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Application for Certificates

Notice of Applications for Certificates of Public Convenience and necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the week ending June 22, 2001. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-2001-9984.

Date Filed: June 21, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 12, 2001.

Description: Application of Delta Air Lines, Inc., pursuant to 49 U.S.C. Sections 41102 and 41108, and subpart

B, requesting a new or amended Certificate of Public Convenience and Necessity, authorizing Delta to provide scheduled foreign air transportation of persons, property and mail between New York's Kennedy International Airport (JFK) and Buenos Aires, Argentina, and for allocation of seven (7) U.S.-Argentina Frequencies that become available on December 1, 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01-16858 Filed 7-5-01; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Rockland County, New York

AGENCY: The Federal Highway Administration (FHWA), the New York State Thruway Authority/Canal Corporation (NYSTA), and the New York Department of Transportation (DOT)

ACTION: Revised notice of intent.

SUMMARY: The FHWA, NYSTA and DOT announce the termination of the preparation of an environmental impact statement for the proposed Rockland County to Manhattan Ferry Project.

FOR FURTHER INFORMATION CONTACT:

Robert Arnold, Division Administrator, FHWA, Leo W. O'Brien Federal Building, Room 719, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone (518) 431-4127; Philip J. Clark, Director, Design Division, NYSDOT, Main Office, 1220 Washington Avenue, Albany, New York 12232, Telephone (518) 457-6452; John T. Brizzell, Deputy Executive Director/Chief Engineer, NYS Thruway Authority/Canal Corporation, 200 Southern Boulevard, Albany, New York 12209, Telephone (518) 436-2811.

SUPPLEMENTARY INFORMATION: In 1996, FHWA, NYSTA and DOT initiated an environmental review of the construction of landside facilities in Rockland County to support a high-speed ferry service between Rockland County and Manhattan.

A public scoping meeting was held on September 30, 1996 at Hyack High School, 360 Christian Herald Road, Upper Nyack, NY from 7:30 p.m. to 10:30 p.m. The scoping meeting provided information about the proposed project and allowed the public the opportunity to identify issues and concerns they believed should be addressed in the Environmental Impact Statement (EIS). Comments and

suggestions were invited from all interested parties.

At present, FHWA, NYSTA and DOT will not exercise the option to prepare the draft EIS and are terminating the environmental review of the proposed action. This decision assumes that landside facilities to support a high speed ferry service between Rockland County and Manhattan would not be constructed by the project sponsors.

Authority: 23 U.S.C. 315; 23 CFR 771.123

Issued on: June 27, 2001.

David W. Nardone,

Senior Operations Engineer, New York Division.

[FR Doc. 01-16961 Filed 7-5-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34065]

Ellis & Eastern Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant limited local trackage rights¹ to Ellis & Eastern Company (EE) over BNSF's rail line from approximately milepost 141.7 near Sioux Falls, SD, to approximately milepost 134.0 near Corson, SD, a distance of approximately 7.7 miles.²

The transaction is scheduled to be consummated on or shortly after July 2, 2001.³

The purpose of the trackage rights is to enable EE to provide rail service to a new facility of its parent company, Sweetman Construction Company.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and*

¹ The trackage rights agreement is a supplemental agreement to the Basic Agreement, dated November 10, 1989, between BNSF's predecessor, the Burlington Northern Railroad Company, and EE. See *Ellis & Eastern Company—Acquisition, Operation, Joint Relocation Project, and Trackage Rights Exemption—Brandon-Ellis, SD*, Finance Docket No. 32506 (STB served Mar. 11, 1996).

² A redacted version of the Supplemental Trackage Rights Agreement between BNSF and EE was filed with the notice of exemption. An unredacted version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for a protective order. That motion has been granted in a separate decision and a protective order in this proceeding is being served on July 3, 2001.

³ EE states that it anticipates that it will exercise the above-described trackage rights in the Spring of 2002, but will in no event exercise the trackage rights prior to July 2, 2001.