

Agreement. Canada alleges that these violations stem from certain errors in the ITC's determination. In particular, Canada claims that the ITC:

1. Failed to objectively evaluate the volume of dumped and subsidized imports from Canada, their impact on prices in the United States, and their impact on the U.S. industry;
2. Failed to objectively evaluate injury or threat of injury to the U.S. industry caused by factors other than dumped and subsidized imports, and to ensure that the impact of those factors was not attributed to dumped and subsidized imports;
3. Improperly determined that increased dumped and subsidized imports were imminent and were likely to exacerbate price pressure, which would materially injure the U.S. industry;
4. Failed to properly evaluate a variety of factors that it should have evaluated in reaching a conclusion of threatened material injury;
5. Failed to accord "special care" to its determination of threatened material injury;
6. Failed to set forth sufficient detail in its report regarding its findings and conclusions, including all relevant information and all considerations relevant to its threatened material injury determination; and
7. Failed to satisfy the requirements of Article 3 of the Anti-dumping Agreement and Article 15 of the SCM Agreement.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in Canada's request for consultations. Persons submitting comments may either send one copy by fax to Sandy McKinzy at (202) 395-3640, or transmit a copy electronically to [fr0062@ustr.gov](mailto:fr0062@ustr.gov), with "Lumber Injury Dispute" in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy electronically. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

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 submitter. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page of the submission.

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 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" at the top and bottom of the cover page and each succeeding page of the submission; 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, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; the U.S. submissions to the panel in the dispute, 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 panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file may be made by calling the USTR Reading Room at (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.

#### Daniel E. Brinza,

*Assistant United States Trade Representative for Monitoring and Enforcement.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-250]

### WTO Dispute Settlement Proceeding Regarding United States—Equalizing Excise Tax Imposed by Florida on Processed Orange and Grapefruit Products

**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 by the Government of the Federative Republic of Brazil for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") to examine the equalizing excise tax imposed by Florida on processed orange and processed grapefruit products pursuant to Section 601.155 of the Florida Statutes. Brazil alleges that Florida's equalizing excise tax is inconsistent with the obligations of the United States under the General Agreement on Tariffs and Trade 1994 ("GATT 1994"). USTR invites written comment 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 on or before July 1, 2003 to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0077@ustr.gov](mailto:FR0077@ustr.gov), with "DS250" in the subject line, or (ii) by mail, to Sandy McKinzy, Monitoring and Enforcement Unit, Office of the General Counsel, Room 122, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, Attn: DS250 Dispute, with a confirmation copy sent electronically to the e-mail address above or by fax to (202) 395-3640.

#### FOR FURTHER INFORMATION CONTACT:

Stanford K. McCoy, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (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 August 19, 2002, the United States received a request from the Government of the Federative Republic of Brazil for the establishment of a WTO dispute settlement panel to examine the

equalizing excise tax imposed by Florida on processed orange and processed grapefruit products pursuant to Section 601.155 of the Florida Statutes. The panel was established on October 1, 2002. Chile, the European Communities ("EC"), Mexico, and Paraguay have notified the WTO of their intention to participate as third parties.

#### Major Issues Raised and Legal Basis of the Complaint

Brazil alleges that the equalizing excise tax imposed by the State of Florida pursuant to Section 601.155 of the Florida Statutes, as amended effective July 1, 2002, is inconsistent with certain obligations of the United States under GATT 1994. Brazil asserts that Section 601.155 levies an excise tax on the privilege of processing, reprocessing, blending, or mixing processed orange products or processed grapefruit products into retail or instituted size containers in Florida. Products on which an equivalent tax is levied pursuant to § 601.15 of the Florida Statutes are exempt from the tax imposed by § 601.155. Brazil asserts that the Florida equalizing excise tax is inconsistent with United States obligations under Articles III:1, III:2 and III:4 of GATT 1994.

Specifically, Brazil alleges, *inter alia*, that the equalizing excise tax (a) is applied to the Brazilian product so as to afford production; (b) exceeds internal taxes and charges applied to like domestic products; and (c) accords Brazilian products treatment less favorable than that accorded to like products of U.S. origin, particularly in regard to the use of the proceeds of the equalizing excise tax for advertising and promotion of Florida citrus and citrus products.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Persons submitting comments may either send one copy by U.S. mail, first class, postage prepaid, to Sandy McKinzy at the address listed above or transmit a copy electronically to [FR007@ustr.gov](mailto:FR007@ustr.gov), with "DS250" in the subject line. For documents sent by U.S. mail, the submitter should provide a confirmation copy, either electronically or by fax to (202) 395-3640.

USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover

letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

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- (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, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; the U.S. submissions to the panel in the dispute, 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 panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file may be made by calling the USTR Reading Room at (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.

#### Daniel E. Brinza,

*Assistant United States Trade Representative for Monitoring and Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34339]

#### Huron & Eastern Railway Company, Inc.-Corporate Family Merger Exemption-Saginaw Valley Railway Company, Inc.

Huron & Eastern Railway Company, Inc. (HESR)<sup>1</sup> and the Saginaw Valley Railway Company, Inc. (SGVY),<sup>2</sup> both of which are subsidiaries of RailAmerica, Inc., have filed a verified notice of exemption with respect to a proposed corporate restructuring, through which SGVY will merge into HESR, with HESR as the surviving entity. Under the agreement and plan of merger, HESR will own all of the assets of SGVY and will be responsible for all debts, liabilities, and obligations of SGVY.

The transaction was scheduled to be consummated on or after April 21, 2003, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the transaction is to reduce corporate overhead and duplication and save state taxes.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under that statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34339 must be filed with the

<sup>1</sup> HESR, a Class III rail carrier, owns and operates approximately 171 miles of railroad in the State of Michigan.

<sup>2</sup> SGVY, a Class III rail carrier, owns and operates approximately 56.72 miles of railroad in the State of Michigan.