

**FOR FURTHER INFORMATION CONTACT:**

David J. Ross, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, (202) 395-6139.

**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 submits or receives a request for the establishment of a WTO dispute settlement panel. If a dispute settlement panel is established pursuant to the WTO Dispute Settlement Understanding (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 United States**

On June 5, 2002, Mexico published in the *Diario Oficial* its definitive antidumping measure on long-grain white rice from the United States. The United States believes this measure to be inconsistent with several provisions of the WTO Antidumping Agreement, including Articles 1, 3, 4, 5, 6, 9, 11, 12, and Annex II. The United States also believes that the measure is inconsistent with Articles I and VI of the GATT 1994. The U.S. concerns relate, inter alia, to the manner in which Mexico conducted its dumping and injury investigations; Mexico's calculation of the antidumping margins that it applied to exporters that did not receive individual margins; and Mexico's non-transparent determinations.

The United States is also challenging certain provisions of Mexico's Foreign Trade Act that appear to be inconsistent with Mexico's obligations under various provisions of the Antidumping Agreement and the Agreement on Subsidies and Countervailing Measures. The provisions at issue include Article 53, which sets the deadline for interested parties to present arguments, information, and evidence to the investigating authorities; Article 64, which establishes how Mexican investigating authorities will apply the "facts available" in calculating antidumping and countervailing duty margins; Article 68, which establishes rules for conducting reviews of exporters; Article 89D, which applies to "new shipper" reviews; and Article 93V, which provides for the application of fines on importers that enter products subject to antidumping and countervailing duty investigations.

The United States is also challenging Article 366 of Mexico's Federal Code of

Civil Procedure, as well as Articles 68 and 97 of the Foreign Trade Act. Mexican officials have represented to the United States that these provisions prevent Mexico from conducting reviews of antidumping or countervailing duty orders while a judicial review of the order is ongoing.

The U.S. panel request, which sets out the U.S. claims in detail, can be downloaded from the WTO Web site, at <http://docsonline.wto.org:80/DDFDocuments/t/WT/DS/295-2.doc>.

**Public Comment: Requirements for Submissions**

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons submitting comments may either send one copy by fax to Sandy McKinzy at (202) 395-3640, or transmit a copy electronically to [FR0433@ustr.gov](mailto:FR0433@ustr.gov), with "Mexico Rice Dispute (DS295)" in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy to the electronic mail address listed above.

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 each page of the cover page and each succeeding page; 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; if a dispute settlement panel is convened, the U.S. submissions to that panel, 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 (Docket No. WT/DS-295, Mexico Rice Dispute) 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.

**Bruce R. Hirsh,**

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

[FR Doc. 04-13946 Filed 6-18-04; 8:45 am]

BILLING CODE 3190-W4-P

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

[Docket No. WTO/DS-282]

**WTO Dispute Settlement Proceeding Regarding Antidumping Measures on Oil Country Tubular Goods From Mexico**

**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 that, at the request of the Government of Mexico, a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") is reviewing various measures relating to the antidumping duty order on oil country tubular goods ("OCTG") from Mexico. Mexico alleges that determinations made by U.S. authorities concerning this product, and certain related matters, are inconsistent with Articles 1, 2, 3, 6, 11, and 18 of the Agreement on Implementation of Article VI of the General Agreements on Tariffs and Trade 1994 ("AD Agreement"), Articles VI and X of the General

Agreement on Tariffs and Trade 1994 ("GATT 1994"), and Article XVI:4 of the WTO Agreement. 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 on or before July 7, 2004, to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0432@ustr.gov](mailto:FR0432@ustr.gov), with "Mexico OCTG Dispute" in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395-3640, with a confirmation copy sent electronically to the address above, in accordance with the requirements for submission set out below.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Baltzan, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (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 submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, USTR is providing notice that a dispute settlement panel has been established pursuant to the WTO Dispute Settlement Understanding ("DSU"). The panel will hold its meetings in Geneva, Switzerland, and is expected to issue a report on its findings and recommendations sometime after March 2005.

### Major Issues Raised by Mexico

With respect to the measures at issue, Mexico's panel request refers to the following:

- The final sunset review determinations on OCTG from Mexico by the U.S. Department of Commerce ("Commerce") (66 FR 14131 (March 9, 2001), and the U.S. International Trade Commission ("ITC") (USITC Publication No. 3434 (June 2001) and 66 FR 35997 (July 10, 2001)), as well as the resulting continuation by Commerce of the antidumping duty order on OCTG from Mexico (66 FR 38630 (July 25, 2001));
- The final results of the fourth administrative review of the antidumping duty order on OCTG from Mexico (66 FR 15832 (March 21, 2001));
- Sections 751 and 752 of the Tariff Act of 1930;

- The URAA Statement of Administrative Action, H.R. Doc. No. 103-316, vol. 1 (1994);
- Commerce's Sunset Policy Bulletin (63 FR 18871 (April 16, 1998));
- Commerce's sunset review regulations, 19 CFR 351.218;
- The ITC's sunset review regulations, 19 CFR 207.60-69; and
- Portions of Commerce's regulations governing administrative reviews, 19 CFR 351.213, 351.221, and 351.222.

With respect to the claims of WTO-inconsistency, Mexico's panel request refers to the following:

- With regard to the sunset review conducted by Commerce, Commerce's "likely" standard, its determination in this regard, and Commerce's calculation of the likely dumping margin reported to the ITC, as such and as applied.
- With regard to the sunset review conducted by the ITC:
  - The ITC's "likely" standard, as such and as applied;
  - The statutory requirements that the ITC determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury "within a reasonably foreseeable time" and that the ITC "shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time", both as such and as applied;
  - The ITC's failure to conduct an "objective examination" of the record based on "positive evidence";
  - The ITC's failure to base its determination on a proper analysis of dumped imports, their effect on prices in the domestic market, and the consequent impact of the dumped imports on the domestic industry;
  - The ITC's failure to evaluate all relevant economic factors and indices having a bearing on the state of the domestic industry;
  - The ITC's failure to consider "any known factors other than the dumped imports";
  - The ITC's improper consideration of the WTO-inconsistent margin reported by Commerce; and
  - The ITC's use of a "cumulative" injury analysis.
- With regard to the fourth administrative review conducted by Commerce:
  - Commerce's determination not to revoke the antidumping duty order when it was demonstrated that the maintenance of the order was not necessary to offset dumping;
  - Commerce's application of conditions for revocation on TAMSA that were not WTO-inconsistent and that had not been published in advance of their application; and

• Commerce's use of "zeroing" with respect to so-called "negative dumping margins" with respect to Hylsa.

• The failure by Commerce and the ITC to apply U.S. antidumping laws, regulations, decisions and rulings in a uniform, impartial, and reasonable manner.

### Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons submitting comments may either send one copy by fax to Sandy McKinzy at (202) 395-3640, or transmit a copy electronically to [FR0069@ustr.gov](mailto:FR0069@ustr.gov), with "Mexico OCTG Dispute" in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy electronically, to the electronic mail address listed above. 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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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; if a dispute settlement panel is convened, the U.S. submissions to that panel, 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 (Docket No. WT/DS-282, Mexico OCTG Dispute) 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.*

[FR Doc. 04-13947 Filed 6-18-04; 8:45 am]

**BILLING CODE 3190-W4-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues

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

**ACTION:** Notice; withdrawal of task from the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** This notice withdraws a task formerly assigned to the ARAC, Transport Airplane and Engine Issues.

**FOR FURTHER INFORMATION CONTACT:** Mike Kaszycki, Transport Standards Staff, 1601 Lind Avenue, SW., Renton, WA 98055, (227) 425-2137, [mike.kaszycki@faa.gov](mailto:mike.kaszycki@faa.gov).

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 22, 2001, the Federal Aviation Administration (FAA) published a task in the **Federal Register** instructing the Aviation Rulemaking Advisory Committee (ARAC) to develop recommendations for preventing fires related to fuel tank vent systems (66FR16087). The FAA requested that ARAC:

Phase I. Review the draft part 25 final rule concerning fuel-vent system fire protection, including the FAA's proposed disposition of public

comments. Prepare a report for the FAA documenting any recommended changes resulting from this review and any remaining unresolved issues.

Phase II. Review the draft advisory material (AC 25.975) associated with the part 25 rule and prepare a report for the FAA similar to the phase I report, documenting any recommended changes as well as any remaining unresolved issues.

The ARAC assigned the task to the Powerplant Installation Harmonization Working Group (PPIHWG). The schedule for Phase I called for the working group to submit their report no later than 60 days after receiving the draft document from the FAA. The schedule for Phase II called for the working group to submit their report no later than 6 months after receiving the draft document from the FAA.

#### Withdrawal of the Task

As a result of industry resource issues and FAA rulemaking prioritization activities, no work was done on this tasking. The PPIHWG chair reported that the necessary industry specialists were focused on other fuel tank safety initiatives and not available to begin work on this tasking. At the same time, industry was expressing a general concern about ARAC's impact on its resources. It challenged the FAA and Joint Aviation Authorities through the Harmonization Management Team (HMT) to develop a prioritized rulemaking plan that incorporates resource commitments that are more consistent with the regulatory authorities' rulemaking capabilities.

Subsequently, we reviewed our regulatory program, focusing on prioritizing rulemaking initiatives to more efficiently and effectively use limited industry and regulatory resources. We also issued a letter to the ARAC, Transport Airplanes and Engine (TAE) issues, placing a moratorium on low priority ARAC harmonization working group activities, one of which was this tasking to the PPIHWG. Our review yielded an internal Regulation and Certification Rulemaking Priority List that will guide the agency's rulemaking activities, including the tasking of initiatives to the ARAC. Our review also identified several taskings that we can withdraw and rulemaking initiatives that we can handle by alternative means.

One of the tasks identified for withdrawal was the two-phase tasking to the ARAC, TAE issues area to develop recommendations for preventing fires related to fuel tank vent systems. The FAA coordinated its decision with both the Joint Aviation

Authorities (now the European Aviation Safety Agency) and Transport Canada Civil Aviation.

So, through this notice, we are withdrawing from ARAC the two-phase tasking to develop recommendations for preventing fires related to fuel tank vent systems.

Issued in Washington DC on June 15, 2004.

**Tony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 04-13982 Filed 6-18-04; 8:45 am]

**BILLING CODE 4910-13-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Transfer of Federally Assisted Land or Facility

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

**ACTION:** Notice of intent to transfer Federally assisted land or facility.

**SUMMARY:** Section 5334(g) of the Federal Transit Laws, as codified, 49 U.S.C. § 5301, *et seq.*, permits the Administrator of the Federal Transit Administration (FTA) to authorize a recipient of FTA funds to transfer land or a facility to a public body for any public purpose with no further obligation to the Federal government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal agencies that the Northern Indiana Commuter Transportation District intends to transfer a parcel of property to the City of South Bend for a street improvement project. Northern Indiana Commuter Transportation District currently owns the land. The property consists of approximately 1.58 acres of vacant land. The property is vacant land divided by Meade, Washington and Orange Streets and is bordered by the Norfolk Southern Railway. The property is located in South Bend, Indiana.

**EFFECTIVE DATE:** Any Federal agency interested in acquiring the facility must notify the FTA Region V Office of its interest by July 21, 2004.

**ADDRESSES:** Interested parties should notify the Regional Office by writing to Joel P. Ettinger, Regional Administrator, Federal Transit Administration, 200 West Adams, Suite 320, Chicago, IL 60606.

**FOR FURTHER INFORMATION CONTACT:** Donald Gismondi, Deputy Regional Administrator at 312/353-2789.

**SUPPLEMENTARY INFORMATION:**