

Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Under Secretary for Political Affairs, to the extent authorized by law, all authorities and functions vested in the Secretary of State or the head of agency by any act, order, determination, delegation of authority, regulation, or executive order, now or hereafter issued. This delegation includes all authorities and functions that have been or may be delegated or redelegated to other Department officials but does not repeal delegations to such officials.

This delegation shall apply when both the Secretary of State and the Deputy Secretary of State are absent or otherwise unavailable or when either the Secretary or the Deputy requests that the Under Secretary exercise such authorities and functions.

Notwithstanding this delegation of authority, the Secretary of State and the Deputy Secretary of State may exercise any function or authority delegated by this delegation.

This memorandum shall be published in the **Federal Register**.

Dated: August 26, 2005.

Condoleezza Rice,

Secretary of State, Department of State.

[FR Doc. 05-17808 Filed 9-7-05; 8:45 am]

BILLING CODE 4710-11-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-121]

Modification of Action Under Section 301(b); Out-of-Cycle Review Under Section 182; and Request for Public Comment: Intellectual Property Laws and Practices of the Government of Ukraine

AGENCY: Office of the United States Trade Representative.

ACTION: Modification of action under Section 301(b); out-of-cycle review under Section 182; and request for public comment.

SUMMARY: The United States Trade Representative (“Trade Representative”) has determined that an appropriate response to the Government of Ukraine’s adoption of important improvements to its legislation protecting intellectual property rights (“IPR”) is to terminate the 100% *ad valorem* duties currently in place on Ukrainian exports. In addition, the Office of the United States Trade Representative (“USTR”) is conducting an out-of-cycle review (“OCR”) under Section 182 (commonly referred to as

the “Special 301” provision) of the Trade Act of 1974, as amended (“Trade Act”) focused on whether Ukraine has implemented fully the legislative improvements and has otherwise strengthened IPR enforcement. At the conclusion of the OCR, the Trade Representative will determine whether to revoke the identification of Ukraine as a priority foreign country (“PFC”) and accordingly to change Ukraine’s status on the Special 301 list, and whether to restore Ukraine’s benefits under the Generalized System of Preferences (“GSP”). USTR requests written comments from the public concerning these matters.

DATES: The termination of increased duties is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after August 30, 2005. Comments should be submitted by 5 p.m. on October 14, 2005.

ADDRESSES: Comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to FR0524@ustr.eop.gov, with “Ukraine-IPR” in the subject line, or (ii) by fax, to (202) 395-9458, with a confirmation copy sent electronically to the email address above.

FOR FURTHER INFORMATION CONTACT: For questions concerning procedures for filing comments in response to this notice: Sybia Harrison, Staff Assistant to the Section 301 Committee, USTR, (202) 395-3419; for questions concerning the Special 301 out-of-cycle review: Jennifer Choe Groves, Director for Intellectual Property and Chair of the Special 301 Committee, USTR, (202) 395-4510, Laurie Molnar, Director for European and Mediterranean Trade Affairs, USTR, (202) 395-4620, or Stephen Kho, Associate General Counsel, USTR, (202) 395-3150; for questions concerning procedures under Section 301: William Busis, Associate General Counsel and Chairman of the Section 301 Committee, USTR, (202) 395-3150; and for questions concerning entries: Teiko Campbell, Program Officer, Office of Trade Compliance and Facilitation, U.S. Customs and Border Protection, Department of Homeland Security, (202) 344-2698.

SUPPLEMENTARY INFORMATION:

History of the 301 Investigation

On March 12, 2001, the Trade Representative identified Ukraine as a PFC under Special 301. The PFC identification was based on deficiencies in Ukraine’s acts, policies and practices regarding IPR protection, including weak enforcement, as evidenced by

alarming levels of piracy of optical media products (such as CDs and DVDs), and the failure of the Government of Ukraine to enact adequate and effective IPR legislation to address optical media piracy. The Trade Representative simultaneously initiated an investigation (Docket 301-121) under Section 301(b) of the Trade Act in order to investigate these IPR protection issues. See 66 FR 18,346 (April 6, 2001).

In August 2001, the Trade Representative determined that the acts, policies, and practices of Ukraine with respect to IPR protection were unreasonable and burdened or restricted United States commerce, and were thus actionable under section 301(b) of the Trade Act. As an initial action in response, the Trade Representative suspended GSP treatment accorded to products of Ukraine, effective August 24, 2001. See 66 FR 42,246 (Aug. 10, 2001).

In December 2001, the Trade Representative took the additional action of imposing 100% *ad valorem* tariffs on certain Ukrainian exports with an annual trade value of approximately \$75 million, effective January 23, 2002. The trade value of the action was based on the level of the burden on U.S. commerce resulting from Ukraine’s inadequate protection of U.S. IPR. See 67 FR 120 (Jan. 2, 2002).

In July 2005, USTR notified in writing representatives of U.S. copyright industries that, pursuant to Section 307(c) of the Trade Act, the suspension of Ukraine’s GSP benefits would terminate unless USTR received a written request for a continuation from one or more representatives of U.S. copyright industries prior to the four-year anniversary of the GSP suspension (*i.e.*, prior to August 24, 2005). U.S. copyright industry representatives responded in writing prior to August 24, 2005 by requesting that the GSP suspension remain in place until USTR determines that Ukraine has adequately improved IPR enforcement. Accordingly, the suspension of GSP benefits continued under Section 307(c) of the Trade Act.

Since 2001, the Government of the United States has been working with the Government of Ukraine to address the IPR protection issues that are the subject of this investigation. In particular, the United States has been encouraging Ukraine (i) to improve its IPR legislation, and (ii) to enhance enforcement of existing IPR laws by, for example, shutting down pirate optical disc factories.

Ukraine's July 2005 Legislation and Termination of 100% *ad valorem* Duties

On July 6, 2005, the Ukrainian parliament approved a package of important amendments to its Laser-readable Disc Law (the "optical media amendments") that strengthen Ukraine's licensing regime and enforcement capabilities to stem the illegal production and trade of optical media products. President Yushchenko signed the amendments into law on July 26, 2005, and they were formally promulgated on August 2, 2005.

Section 307(a) of the Trade Act authorizes the Trade Representative to "modify or terminate any [Section 301] action, subject to the specific direction, if any, of the President * * * if * * * such action is being taken under Section 301(b) and is no longer appropriate." In passing the optical media amendments, the Government of Ukraine has addressed one of the two issues (those being inadequate IPR legislation and inadequate IPR enforcement) that were the basis of the PFC designation and the Trade Representative's finding that Ukraine's inadequate IPR protections were actionable under Section 301(b). The Trade Representative has determined that an appropriate response to Ukraine's adoption of the optical media amendments is to terminate the 100% *ad valorem* duties that have been in place since January 2002. As set out in the Annex to this notice, the termination of 100% *ad valorem* duties is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after August 30, 2005. Prior to terminating the 100% *ad valorem* duties, USTR consulted with U.S. copyright industries and at this time is providing an opportunity for public comment.

Out-of-Cycle Review and Next Steps

The other action previously taken under Section 301—the August 2001 suspension of Ukraine's GSP benefits—will continue pending the results of the OCR of Ukraine's Special 301 status. The OCR focuses on whether Ukraine has fully implemented the optical media amendments and has otherwise improved its IPR enforcement.

At the conclusion of the OCR, the Trade Representative will consider (1) whether to take action under section 182(c)(1)(A) of the Trade Act, which authorizes the Trade Representative to revoke the identification of any foreign country as a PFC at any time; and (2) whether to terminate the suspension of GSP benefits. As specified below, USTR seeks public comments in relation to the

OCR and the possible restoration of Ukraine's GSP benefits.

Request for Public Comments

USTR invites public comments on the following matters:

(i) *100% ad valorem duties*—Comments on the termination of the 100% *ad valorem* duties, which (as noted) is effective for entries on or after August 30, 2005;

(ii) *GSP benefits*—Comments on the suspension of Ukraine's GSP benefits, including the effectiveness of the GSP suspension in achieving the objectives of the 301 investigation; the effects of the GSP suspension on the U.S. economy, including consumers; and the possible restoration of GSP benefits upon conclusion of the OCR; and

(iii) *OCR*—Comments addressing the Special 301 status of Ukraine in the light of Ukraine's enforcement of its IPR laws, including a description of any problems with and/or improvements in IPR enforcement in Ukraine (including, but not limited to, implementation of the optical media amendments) and the effect of such problems and/or improvements on U.S. commerce.

Submitters should feel free to address any or all of the above matters. Submitters should make their comments as detailed as possible and should provide all necessary information for assessing the assertions made in the comments.

Comments should be submitted by 5 p.m. on October 14, 2005. All comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to FR0524@ustr.eop.gov, with "Ukraine-IPR" in the subject line, or (ii) by fax, to (202) 395-9458, with a confirmation copy sent electronically to the email address above. No submissions will be accepted via postal service mail.

Documents should be submitted as either WordPerfect, MS Word, or text (.TXT) files. Supporting documents submitted as spreadsheets are acceptable as Quattro Pro or Excel files. Submissions should not include separate cover letters; information that might appear in a cover letter should be included in the submission itself. 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. Comments must be in English.

In accordance with 15 CFR 2006.15, a submitter may request that information contained in a comment be treated as confidential business information exempt from public inspection. In such case, the submitter must also provide a non-confidential version of the

comment. For any document containing confidential business information, the file name of the business confidential version should begin with the characters "BC-", and the file name of the public version should begin with the character "P-". The "P-" or "BC-" should be followed by the name of the submitter.

Public Inspection of Submissions

Within one business day of receipt, non-confidential submissions will be placed in a public file open for inspection at the USTR reading room, Office of the United States Trade Representative, Annex Building, 1724 F Street, NW., Room 1, Washington, DC. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling Jacqueline Caldwell at (202) 395-6186. The USTR reading room is open to the public from 10 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday.

William Busis,

Chairman, Section 301 Committee.

Annex

I. Effective with respect to merchandise entered, or withdrawn from warehouse, for consumption on or after August 30, 2005, the imposition of 100 percent *ad valorem* tariffs as provided in subheadings 9903.27.01 (affecting articles in subheading 2710.19.05, 2710.19.10, 2710.99.05 or 2710.99.10); 9903.27.02 (affecting articles in subheading 2804.29.00); 9903.27.03 (affecting articles in subheading 2825.60.00); 9903.27.04 (affecting articles in subheading 2849.20.10 or 2849.20.20); 9903.27.05 (affecting articles in subheading 3105.51.00); 9903.27.06 (affecting articles in subheading 3206.11.00 or 3206.19.00); 9903.27.07 (affecting articles in subheading 4804.51.00); 9903.27.08 (affecting articles in subheading 6403.99.60, 6403.99.75 or 6403.99.90); 9903.27.09 (affecting articles in subheading 6404.19.35); 9903.27.10 (affecting articles in subheading 7102.10.00); 9903.27.11 (affecting articles in subheading 7102.31.00 or 7102.39.00); 9903.27.12 (affecting articles in subheading 7115.10.00); 9903.27.13 (affecting articles in heading 7402.00.00); 9903.27.14 (affecting articles in subheading 7601.20.90); and 9903.27.15 (affecting articles in subheading 8418.69.00) of the Harmonized Tariff Schedule of the United States is terminated.

II. Effective August 30, 2005, the instruction in the notice of January 2, 2002, 67 FR 120, that "any merchandise

subject to this determination that is admitted to U.S. foreign-trade zones on or after January 23, 2002 must be admitted as "privileged foreign status" as defined in 19 CFR 146.41" is terminated.

[FR Doc. 05-17751 Filed 9-7-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA-98-4334, FMCSA-99-5578, FMCSA-99-6480, FMCSA-2000-7363, FMCSA-2000-8398, FMCSA-2001-9258, FMCSA-2001-9561, FMCSA-2003-14504]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 20 individuals. The FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective September 23, 2005. Comments from interested persons should be submitted by October 11, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Numbers FMCSA-98-4334, FMCSA-99-5578, FMCSA-99-6480, FMCSA-2000-7363, FMCSA-2000-8398, FMCSA-2001-9258, FMCSA-2001-9561, and FMCSA-2003-14504 by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

• Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

• Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington,

DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366-4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Public Participation: The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the "help" section of the DMS Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such

exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 20 individuals who have requested renewal of their exemptions in a timely manner. The FMCSA has evaluated these 20 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Grady L. Black, Jr.
John A. Chizmar
Weldon R. Evans
Richard L. Gagnebin
Orasio Garcia
Chester L. Gray
James P. Guth
Rayford R. Harper
Paul M. Hoerner
Edward E. Hooker
Michael S. Maki
John E. Musick
Kenneth A. Reddick
Leonard Rice, Jr.
Richard C. Simms
Edd J. Stabler, Jr.
James T. Sullivan
Steven C. Thomas
Edward A. Vanderhei
Larry J. Waldner

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).