

7305, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 182 of the Trade Act, the USTR must identify those countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are to be identified as Priority Foreign Countries. Acts, policies or practices that are the basis of a country's designation as a Priority Foreign Country are normally the subject of an investigation under the Section 301 provisions of the Trade Act.

USTR may not identify a country as a Priority Foreign Country if it is entering into good faith negotiations, or making significant progress in bilateral or multilateral negotiations, to provide adequate and effective protection of intellectual property rights.

In identifying countries that deny adequate and effective protection of intellectual property rights in 2002, USTR will continue to pay special attention to other countries' efforts to reduce piracy of optional media (music CDs, video CDs, CD-ROMs, and DVDs) and prevent unauthorized government use of computer software. USTR will also focus on countries' compliance with their TRIPS obligations, which came due on January 1, 2000.

Section 182 contains a special rule regarding actions of Canada affecting United States cultural industries. The USTR is obligated to identify any act, policy or practice of Canada which affects cultural industries, is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). Any such act, policy or practice so identified shall be treated the same as an act, policy or practice which was the basis for a country's identification as a Priority Foreign Country under section 182(a)(2) of the Trade Act, unless the United States has already taken action pursuant to Article 2106 of the NAFTA.

USTR must make the above-referenced identifications within 30 days after publication of the National Trade Estimate (NTE) report, *i.e.*, no later than April 30, 2003.

#### Requirement for Comments

Comments should include a description of the problems experienced and the effect of the acts, policies and

practices on U.S. industry. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies and practices. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses. Comments must be in English and provided in twenty copies. A submitter requesting that information contained in a comments 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" in a contrasting color ink at the top of each page of each copy. A non-confidential version of the comment must also be provided.

All comments should be sent to Sybia Harrison, Staff Assistant to the section 301 committee, at [fr0061@ustr.gov](mailto:fr0061@ustr.gov), and must be received no later than 12 noon on Friday, February 14, 2003.

#### 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 may be made by calling Tecola Plowden, (202) 395-6186. The USTR reading room is open to the public from 10 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday.

**Claude Burcky,**

*Acting Assistant USTR for Services, Investment and Intellectual Property.*

[FR Doc. 02-32955 Filed 12-27-02; 8:45 am]

**BILLING CODE 3190-01-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for a Waiver of Compliance

In accordance with Title 49, Code of Federal Regulations (CFR), Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

#### Atlantic & Western Railway, L.P.

(Docket Number FRA-2002-13808)

Atlantic & Western Railway, L.P., (hereafter "ATW") is a short line railroad managed by Rail Management Corporation operating over approximately 10 miles of track in the vicinity of Sanford, North Carolina. The railroad operates with five (5) full-time employees and handles approximately 1500 cars per year. A two-person switching crew works five days a week, Monday through Friday, 8 a.m. to 5 p.m. The railroad interchanges with CSX Transportation at Sanford, North Carolina and with the Norfolk Southern Corporation at Cumnock, North Carolina.

ATW seeks to petition the Federal Railroad Administration (FRA) for a waiver from the requirements of Federal regulations on behalf of Kinder Morgan, a shipper located on the ATW line. ATW proposes to allow Kinder Morgan the use of its trackage to conduct "trans-loading" switching operations near Cumnock, North Carolina. The operation would entail movements from the Kinder Morgan facility, at approximately mile post 126.5, onto ATW trackage for a distance of approximately .25 miles each way by Kinder Morgan employees. The proposed operational limits would be controlled by Kinder Morgan and protected by the placement of stop signs and derails at each end of the limits. The method of operation on this section of track is yard limits (restricted speed not to exceed 10 mph). ATW crews would be required to stop at the stop sign and request permission from Kinder Morgan to proceed through the limits. ATW indicates it would use this track approximately once per day for interchange purposes with Norfolk Southern Corporation. Kinder Morgan plans to work two shifts per day, seven days per week, at its facility using ATW trackage occasionally.

ATW believes that relief from applicable Federal regulations will make the operations economically feasible for Kinder Morgan and more manageable for ATW's limited staff. ATW further believes that, because of its low volume of traffic and its low operating speed (10 mph), granting the waiver request will not jeopardize the safety of its employees or those of Kinder Morgan.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a

hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2002-13808) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility.

Issued in Washington DC on December 23, 2002.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development*

[FR Doc. 02-32945 Filed 12-27-02; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Locomotive and Tower Preservation, Ltd.

[Docket Number FRA-2002-13810]

The Locomotive and Tower Preservation, Ltd. seeks a waiver of compliance, number FRA-2002-13810, with the Inspection and Maintenance Standards for Steam Locomotives, 49 CFR Part 230, published November 17, 1999. Section 230.3(c)(1) of the standards requires steam locomotives having flue tubes replaced after September 25, 1995, must request a Special Consideration to come under the new requirements by January 18, 2001, or have a 1,472-service-day inspection [49 CFR 230.17] performed

prior to being allowed to operate under the requirements. The Locomotive and Tower Preservation, Ltd. seeks an extension of time beyond January 18, 2001, to file for a Special Consideration for Soo Line steam locomotive number 2719, which had the flue tubes replaced and was returned to service July 28, 1998.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2002-13810) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, 700 4th Street, SW., Room PL-401 (Plaza Level), Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Issued in Washington, DC on December 23, 2002.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 02-32943 Filed 12-27-02; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being

requested, and the petitioner's arguments in favor of relief.

#### Montana Rail Link, Inc.

[Docket Number FRA-2002-13967]

Montana Rail Link, Inc. (MRL) seeks a waiver of compliance from the provisions of the Track Safety Standards, 49 CFR Section 213.121(b), regarding cracked or broken joint bars in Classes 3 through 5 track.

The MRL is petitioning for a waiver which would provide relief from cracks which can develop between the outermost bolt holes of a specified six-hole skirted joint bar in use on 115-pound rail. The petitioner states that the cracks develop from spike notches on the skirted portion of the bar and in some cases penetrate the entire bar, producing a complete end failure.

The petitioner states that these six-hole bars which develop cracks between the outermost bolt holes are comparable in strength and stability to their conventional 115-pound, four-hole unskirted joint bars and present no additional safety hazards. The trackage subject to this waiver consists of approximately 20 miles of MRL main line between Billings and Laurel, Montana and between Helena and Tobin, Montana. Trackage and joint bars were formerly Burlington Northern (BNSF) trackage prior to MRL purchasing the property in 1987. MRL submits that the bars are very similar or exactly the same as the BNSF in their waiver under Docket Number FRA-2001-10653. BNSF has submitted laboratory test results to support their request for a waiver.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2002-13967) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are