

Côte d'Ivoire (formerly known as Ivory Coast). In addition, U.S. manufacturers and exporters and any other affected parties are hereby notified that the Department of State has suspended all previously issued licenses and approvals to export or otherwise transfer defense articles and defense services to Côte d'Ivoire. These actions have been taken in accordance with U.N. Security Council Resolution 1572, unanimously passed on November 15, 2004, which imposes an embargo on the export of arms and related material, as well as defense services, to the West African nation of Côte d'Ivoire. The embargo will remain in effect for a period of 13 months unless otherwise amended.

The resolution establishing the embargo enjoins all states to "take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities".

The resolution establishes several exceptions under which the embargo will not apply, namely:

(a) Supplies and technical assistance intended solely for the support of or use by UNOCI (United Nations Operations in Côte d'Ivoire) and the French forces who support them;

(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by a representative committee consisting of all the members of the Security Council;

(c) Supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(d) Supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, as notified in advance to the representative committee consisting of all the members of the Security Council; and

(e) Supplies of arms and related materiel and technical training and assistance intended solely for support of or use in the process of restructuring defense and security forces as approved

in advance by the representative committee consisting of all the members of the Security Council.

U.S. exporters are advised that, effective November 16, 2004, no application for the export to Ivory Coast of defense articles or services covered by the International Traffic in Arms Regulations (ITAR) will be approved. Exceptions to this policy will be made, in accordance with the ITAR, on a case-by-case basis for proposed exports that conform to the conditions specified in (a) through (e) above. Any existing license or authorization for the export to Ivory Coast of ITAR-controlled defense articles or services is hereby suspended. Holders of existing licenses and authorizations for exports to Ivory Coast must submit documentation for review by the Directorate of Defense Trade Controls (DDTC) supporting the meeting of one of the exceptions cited above prior to DDTC lifting the suspension.

This action has been taken pursuant to Sections 38 and 42 of the AECA (22 U.S.C. 2778, 2791) and Section 126.7 of the ITAR in furtherance of the foreign policy of the United States.

Dated: December 6, 2004.

**Rose M. Likins,**

*Acting Assistant Secretary, Political-Military Affairs, Department of State.*

[FR Doc. 04-27353 Filed 12-13-04; 8:45 am]

**BILLING CODE 4710-25-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment on Out- of-Cycle Review of the People's Republic of China

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242), requires the United States Trade Representative (USTR) to identify countries that deny adequate and effective protection of intellectual property rights (IPRs) or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. In addition, USTR is required to determine which of those countries should be identified as Priority Foreign Countries. Section 182 is commonly referred to as the "Special 301" provision of the Trade Act.

The People's Republic of China (China) was designated a Priority Foreign Country in 1994, and has

subsequently remained subject to monitoring under Section 306 of the Trade Act (19 U.S.C. 2416). On May 3, 2004, USTR announced the results of the 2004 Special 301 review and stated that an Out-of-Cycle Review (OCR) would be conducted in early 2005 to assess China's actions to implement effectively the commitments it undertook under the Joint Commission on Commerce and Trade (JCCT), its WTO commitments, and a 1995 bilateral intellectual property agreement with the United States (including additional commitments made in 1996). USTR will examine whether China's actions are producing substantial progress toward a significant reduction in IPR infringement levels in China. USTR requests written comments from the public concerning the acts, policies, and practices relevant for this review under Section 182 of the Trade Act.

**DATES:** Submissions must be received on or before 5 p.m. on Monday, January 31, 2005.

**ADDRESSES:** Comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to [FR0446@ustr.eop.gov](mailto:FR0446@ustr.eop.gov), with "Special 301 Out-of-Cycle Review" in the subject line, or (ii) by fax, to (202) 395-9458, with a confirmation copy sent electronically to the e-mail address above.

### FOR FURTHER INFORMATION CONTACT:

Victoria Espinel, Deputy Assistant U.S. Trade Representative for Intellectual Property, at (202) 395-6864, Angela Davis, Director of China Affairs, at (202) 395-3900, or Stanford McCoy, Assistant General Counsel, at (202) 395-3581, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 182 of the Trade Act, USTR must identify those countries that deny adequate and effective protection for 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 may 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. China was designated a Priority Foreign Country in 1994, and has subsequently remained

subject to monitoring under Section 306 of the Trade Act.

Improving protection for intellectual property in China is a top priority for this Administration. To that end, during the April 2004 meeting of the Joint Commission on Commerce and Trade (JCCT), China agreed to take certain specific steps toward China's goal of significantly reducing IPR infringement.<sup>1</sup>

On May 3, 2004, USTR announced the results of the 2004 Special 301 review and stated that an OCR would be conducted in early 2005 to assess China's actions to implement effectively the commitments it undertook under the JCCT, its WTO commitments, and the 1995 bilateral intellectual property agreement with the United States (including additional commitments made in 1996). USTR will examine whether China's actions are producing substantial progress toward a significant reduction in IPR infringement levels in China. The direct input of U.S. IPR leaders and participants in China's market is critical to USTR's ability to thoroughly evaluate China's progress.

Earlier this year, Ambassador Josette Sheeran Shiner, Deputy U.S. Trade Representative, sent an open letter to industry requesting data on the prevalence of IPR infringement in China and examples of specific individual cases where IPRs in China have or have not been respected. USTR reiterates this request as part of the formal OCR. Given the scale and nature of the information needed and the importance of this issue, receipt of data regarding both successes and failures from January 2002 and onward is crucial to identifying short- and long-term progress in China, and any additional shortcomings in China's IPR regime. Submission of responses is entirely voluntary, and it is up to each respondent to decide how to respond. For example, industry groups may wish to provide data on prevalence of IPR infringement, while individual companies may wish to focus on specific individual cases of IPR infringement.

The following information will be particularly useful for the OCR evaluation process:

- Detailed retail and consumer market surveys (for example, calculating on a monthly basis the rates of pirated or counterfeit product available through various retail channels in major cities across China);
- Detailed reports on major centers around China dealing in or producing infringing product and the success or

- failure of Chinese authorities in eliminating those centers;
- Detailed reports on particular geographic areas or sectors where China's enforcement of IPRs is notable for either its weakness or its strength;
- industry data on exports of infringing products from China to the United States and other international markets;
- information on sources and supporters of the production of infringing products (*e.g.*, whether infringing production is individual, corporate, state-supported, supported by organized crime or official corruption, etc., and whether such support is local, provincial, regional or national in scope);
- trade estimates showing any effect on trade of IPR infringing goods;
- statistical data, if appropriate, aggregated from the experiences of members of right holder organizations, on the actions undertaken and results produced by China's authorities responsible for enforcement of specific IPRs of concern to industry, including data based on right holder experience with

■ type and amount of penalties (*e.g.*, fines, license suspensions, imprisonments) and seizures of infringing goods and implements used to make them;

■ frequency and type of all relevant forms of enforcement action, such as initiation of administrative action, raids, referrals for criminal prosecution, imposition of penalties, and other relevant enforcement actions; and

■ data on deterrence or lack thereof, *e.g.*, recidivism; and

- dossiers prepared by individual right holders on significant enforcement cases, preferably in the format specified by the template available on the USTR Web site (referenced below), together with other information that right holders consider to be relevant.

In addition to this factual information, USTR encourages respondents to provide a detailed evaluation of specific strengths and weaknesses of China's legal regimes for enforcement of IPRs in light of relevant international standards and U.S.-China bilateral commitments. In particular, we seek comments on implementation of China's JCCT commitment to issue new judicial interpretations by the end of 2004 that will (a) lower the value thresholds that trigger criminal investigation and the application of criminal penalties for IPR violations; and (b) facilitate the application of criminal sanctions to on-line piracy and to the import, export,

distribution, storage and sale of counterfeit and pirated goods by clarifying the standards for such application.

Any submitted information that respondents wish to remain confidential should be certified and marked as indicated in this notice.

#### *Requirements 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. A template available on the USTR Web site provides optional guidance for submission of information on specific cases.<sup>2</sup> Respondents using the template may depart from the template as necessary and are encouraged to provide supplementary information.

Comments must be in English. No submissions will be accepted via postal service mail. Documents should be submitted as either WordPerfect, MS Word, or text (.TXT) files. Supporting documentation submitted as spreadsheets is acceptable as Quattro Pro or Excel files. A submitter requesting that information contained in a comment 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. A non-confidential version of the comment must also be provided. For any document containing business confidential 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. 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.

All comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to [FR0446@ustr.eop.gov](mailto:FR0446@ustr.eop.gov),

<sup>1</sup> [http://www.ustr.gov/assets/Document\\_Library/Fact\\_Sheets/2004/asset\\_upload\\_file225\\_5834.pdf](http://www.ustr.gov/assets/Document_Library/Fact_Sheets/2004/asset_upload_file225_5834.pdf).

<sup>2</sup> [http://www.ustr.gov/assets/Trade\\_Sectors/Intellectual\\_Property/2005\\_China\\_Out\\_of\\_Cycle\\_Review/asset\\_upload\\_file942\\_6340.doc](http://www.ustr.gov/assets/Trade_Sectors/Intellectual_Property/2005_China_Out_of_Cycle_Review/asset_upload_file942_6340.doc).

with "Special 301 Out-of-Cycle Review" in the subject line, or (ii) by fax, to (202) 395-9458, with a confirmation copy sent electronically to the e-mail address above.

**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.

**James Mendenhall,**

*Assistant U.S. Trade Representative for Services, Investment, and Intellectual Property.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Proposed Advisory Circulars 25.856-1X, Thermal/Acoustic Insulation Flame Propagation Test Method Details; and 25.856-2X, Installation of Thermal/Acoustic Insulation for Burnthrough Protection**

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

**ACTION:** Notice of proposed advisory circulars and request for comments.

**SUMMARY:** The Federal Aviation Administration invites public comment on two draft advisory circulars concerning thermal/acoustic insulation installed on transport category airplanes. The draft advisory material provides for demonstrating compliance with amendment 25-111, which was adopted on July 31, 2003.

**DATE:** Comments must be received on or before January 28, 2005.

**ADDRESSES:** You should send your comments to the Federal Aviation Administration, Transport Airplane Directorate, Attention: Jeff Gardlin, Airframe/Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056. You may also fax your comments to (425) 227-1149, or you may send them electronically to: [jeff.gardlin@faa.gov](mailto:jeff.gardlin@faa.gov). You may review all comments received at the above address

between 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jeff Gardlin at the above address, telephone (425) 227-2136.

#### **SUPPLEMENTARY INFORMATION:**

##### **How Do I Obtain a Copy of the Proposed Advisory Circular?**

An electronic copy of the draft advisory circulars is available at the following Internet address: <http://www.airweb.faa.gov/rgl>. If you do not have access to the Internet, you may request a copy by contacting Jeff Gardlin at the address or phone number listed above.

##### **How Do I Submit Comments on the Proposed Advisory Circular**

You are invited to comment on the draft ACs by submitting written comments, data, or views. Please identify the ACs by title and number. You should submit your comments to the address specified above. We will consider all comments that we receive on or before the closing date for comments before issuing the final AC.

#### **Discussion**

On July 31, 2003, we published amendment 25-111 to 14 CFR part 25 (68 FR 45046). That amendment added new fire protection requirements applicable to thermal/acoustic insulation materials. It introduced a new test method and requirement that improves the fire penetration resistance of those materials, and added new test requirements related to flame propagation and burnthrough penetration resistance.

We have developed two draft advisory circulars to assist in demonstrating compliance with amendment 25-111. These ACs are:

- AC 25.756-1X, "Thermal/Acoustic Insulation Flame Propagation Test Method Details." This AC describes the test method to determine the flammability and flame propagation characteristics of thermal/acoustic insulation materials. It addresses issues such as test sample construction, test conduct considerations, and the applicability of amendment 25-111 to certain materials and installations.
- AC 25.856-2X, "Installation of Thermal/Acoustic Insulation for Burnthrough Protection." This AC provides guidance concerning the test method to determine the burnthrough resistance of thermal/acoustic insulation materials installed in transport category airplanes. Also included is guidance on the installation details and techniques, as well as test condition details.

Issued in Renton, Washington, on December 3, 2004.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **RTCA Special Committee 202: Portable Electronic Devices**

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

**ACTION:** Notice of RTCA Special Committee 202 meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 202: Portable Electronic Devices.

**DATES:** The meeting will be held on January 11-15, 2005 from 9 a.m. to 4:30 p.m.

**ADDRESSES:** The meeting will be held at Prime Hotel & Suites, 5975 Lusk Blvd., San Diego, CA 92121.

**FOR FURTHER INFORMATION CONTACT:** RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036-5133; telephone (202) 833-9339; fax (202) 833-9434; web site <http://www.rtca.org>.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 202 meeting. The agenda will include:

- January 11 & 14:
- Working Groups 1 through 4 meet all day
- January 12:
- Opening Plenary Session (Welcome and Introductory Remarks, Review Agenda, Review/Approve previous Common Plenary Summary, Review Open Action Items)
- Update from EUROCAE Working Group WG-58
- Report from Consumer Electronic Association (CEA) Discovery Group
- Update from Regulatory Agencies (FAA, UK-CAA, Canadian TSB, or other members present)
- Report on PMC approval of Phase 1 document: DO-294
- RF-ID Tags for Phase 2 work by J. Dimtroff of FAA Seattle, ACO
- Testing and development by the EC Wireless Cabin consortium by DLR, Germany
- Airbus and On-Air testing/development on mobile phone solutions to the aircraft cabin, by R. Keibel of Airbus