

determining whether goods imported into the United States originate in the territory of a NAFTA party and thus are eligible for the tariff and other treatment contemplated under the NAFTA.

Section 202(q) of the NAFTA Implementation Act (19 U.S.C. 3332(q)) authorizes the President to proclaim, as a part of the HTS, the rules of origin set out in the NAFTA and to proclaim modifications to such previously proclaimed rules of origin, subject to the consultation and layover requirements of section 103(a) of the NAFTA Implementation Act (19 U.S.C. 3313(a)).

The President determined that the modifications to the HTS contained in Proclamation 7641 pursuant to sections 201 and 202 of the NAFTA Implementation Act, were appropriate and proclaimed such changes with respect to goods of Canada on January 17, 2003. The modifications were made effective with respect to goods of Canada that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2003. For goods of Mexico, the President decided that the effective date of the modifications shall be determined by the United States Trade Representative (USTR).

On April 29, 2004, the government of Mexico obtained the necessary authorization to implement the rule of origin changes with respect to qualifying goods entering from the United States. Subsequently, officials from the government of Mexico and the government of the United States agreed to implement these changes with respect to each other's eligible goods, effective July 15, 2004.

**Regina K. Vargo,**

*Assistant U.S. Trade Representative, Office of the Americas.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### WTO Dispute Settlement Proceeding Regarding the United States International Trade Commission Final Determination of Material Injury in the Investigation Concerning Hard Red Spring Wheat From Canada

**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 the Government of Canada has requested establishment of a dispute settlement panel to examine the United States International Trade

Commission ("ITC") final determination of material injury with respect to red hard spring wheat from Canada. The panel request alleges that the ITC's determination is inconsistent with Article VI of the General Agreement on Tariffs and Trade 1994 ("GATT 1994") and various provisions of the Agreement on Implementation of Article VI of GATT 1994 ("Anti-Dumping Agreement") and the Agreement on Subsidies and Countervailing Measures ("SCM 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 September 15, 2004 to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0434@ustr.gov](mailto:FR0434@ustr.gov), Attn: "Canada Wheat Injury (DS310)" in the subject line, or (ii) by fax, to Sandy McKinzy at 202-395-3640, with a confirmation copy sent electronically to the e-mail address above.

**FOR FURTHER INFORMATION CONTACT:** Mikhail S. Zeldovich, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395-3150.

**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 and Legal Basis of the Complaint

In its determination of October 3, 2003, published in the **Federal Register** on October 23, 2002, the ITC found that imports of red hard spring wheat from Canada, which the U.S. Department of Commerce found to be subsidized and sold at less than fair value, caused material injury to an industry in the United States. The reasons for the ITC's determination are set forth in USITC Publication No. 3639 (October 2003).

On June 11, 2004, Canada submitted a request that a dispute settlement panel

be established regarding the ITC's determination. That request may found at [www.wto.org](http://www.wto.org) contained in a document designated as WT/DS310/2.

In its request, Canada alleges that the United States has violated Article VI:6(a) of the GATT 1994, Articles 1, 3, and 18.1 of the Anti-Dumping Agreement, and Articles 10, 15, 19.1, and 32.1 of the SCM Agreement. Canada alleges that these violations stem from certain errors in the ITC's determination. In particular, Canada claims that the United States:

(i) "Violated Article 3.1 of the Anti-Dumping Agreement and Article 15.1 of the SCM Agreement by \* \* \* failing to conduct an objective examination of both (a) the volume of the dumped and subsidized imports and the effect of those imports on prices in the domestic market for like products, and (b) the consequent impact of those imports on domestic producers of such products;"

(ii) "violated Article 3.2 of the Anti-Dumping Agreement and Article 15.2 of the SCM Agreement by failing to properly consider the effect of the dumped and subsidized imports on prices, including whether there had been a significant price undercutting by the dumped and subsidized imports and whether the effect of those imports was otherwise to depress prices to a significant degree;"

(iii) "violated Article 3.4 of the Anti-Dumping Agreement and Article 15.4 of the SCM Agreement by failing to properly examine the impact of the dumped and subsidized imports on the domestic industry concerned;"

(iv) "violated Article 3.5 of the Anti-Dumping Agreement and Article 15.5 of the SCM Agreement" by "failing to demonstrate a causal relationship between the dumped and subsidized imports and the injury to the domestic industry" and "failing to examine known factors other than the dumped and subsidized imports which were injuring the domestic industry and further failing to ensure that the injuries caused by these other factors were not attributed to the dumped and subsidized imports;"

(v) "[i]n making a final determination of injury \* \* \* violated Articles 1 and 18.1 of the Anti-Dumping Agreement, Articles 10, 19.1, and 32.1 of the SCM Agreement and Article VI:6(a) of the GATT 1994."

### 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 [FR0434@ustr.gov](mailto:FR0434@ustr.gov), with "Canada Wheat Injury (DS310)" 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 designated as such and the submission must be 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 clearly 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-310, Canada Wheat Injury 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 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

### Federal Aviation Administration

#### **Proposed Advisory Circular (AC) 20-FIS-B, Safety and Interoperability Requirements for Initial Domestic Flight Information Service-Broadcast**

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

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** This notice announces the availability of and requests comments on a proposed Advisory Circular (AC) 20-FIS, Safety and Interoperability Requirements for Initial Domestic Flight Information Service-Broadcast (FIS-B). This proposed AC supports the use of Flight Information Service-Broadcast weather and other aeronautical data link products for enhance situational awareness. In it, we (1) describe a standardized way to identify the data communications operations environment, (2) how to execute an operational hazard assessment, and (3) allocate resulting safety and interoperability requirements for installing FIS-B equipment.

**DATES:** Comments must be received on or before August 9, 2004.

**ADDRESSES:** Send all comments on the proposed AC to: Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Avionic Systems Branch, AIR-130, 800 Independence Avenue, SW., Washington, DC 20591. Attn: Mr. Kevin Mattison. Or deliver comments to: Federal Aviation Administration, Room 815, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kevin Mattison, AIR-130, Room 815, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 385-4636, FAX: (202) 385-4651. Or, via e-mail at: [Kevin.mattison@faa.gov](mailto:Kevin.mattison@faa.gov).

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons are invited to comment on the proposed AC listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. Comments received on the proposed AC may be examined, before and after the comment closing date, in Room 815, FAA Headquarters Building 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date will be considered by the Director of the Aircraft Certification Service before issuing the final Advisory Circular.

### Background

For many years, the Aircraft Communication Addressing and Reporting (ACARS) has given aircraft operators a means of digitally up-linking weather and National Airspace System (NAS) status information for display in text format. The FAA's goal for FIS in the cockpit is to use digital data link to deliver information to the pilot, and in so doing, improve safety, reduce costs to users and the FAA, and increase the utility, efficiency, and capacity of the NAS. Timely delivery or high quality, accurate, and consistent information is essential for sound operational decisions by pilots, controllers, and dispatchers. As such, the objective of this proposed AC is to give pilots strategic information to help with their in-flight planning before arriving or departing the terminal area.

### How To Obtain Copies

You may get a copy of the proposed AC from the Internet at: <http://www.airweb.faa.gov/rgl>. Once on the RGL Web site, select "Advisory Circular", then select the document by number. See section entitled **FOR FURTHER INFORMATION CONTACT** for the complete address if requesting a copy by mail.

**Susan J.M. Cabler,**

*Assistant Manager, Aircraft Engineering Division, Aircraft Certification Service.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Noise Exposure Map Notice: Hartsfield-Jackson Atlanta International Airport**

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