

(ii) as to which Philadep consents, the Commission will:

A. By order approve such proposed rule change or

B. Institute procedures to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making such submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements respecting the proposed rule change that are filed with the Commission, and all written communications concerning the proposed rule change between the Commission and any person, other than those that may be withheld from the public pursuant to the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filings will also be available for inspection and copying at the principal office of Philadep. All submissions should refer to file number SR-Philadep-96-16 and should be submitted by November 20, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-27811 Filed 10-29-96; 8:45 am]

BILLING CODE 8010-01-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request For Public Comment With Respect To The Annual National Trade Estimate Report on Foreign Trade Barriers

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 303 of the Trade and Tariff Act of 1984, as amended, USTR is required to publish annually the National Trade Estimate Report on Foreign Trade Barriers (NTE). With this notice, the Trade Policy Staff Committee (TPSC) is requesting interested parties to assist it in identifying significant barriers to U.S. exports of goods, services and overseas direct investment for inclusion in the NTE. Particularly important are

impediments materially affecting the actual and potential financial performance of an industry sector. The TPSC invites written comments that provide views relevant to the issues to be examined in preparing the NTE.

**DATES:** Public comments are due not later than November 29, 1996.

**ADDRESSES:** Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street NW., Room 501, Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:** Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395-3475.

**SUPPLEMENTARY INFORMATION:** The information submitted should relate to one or more of the following nine categories of foreign trade barriers:

(1) Import policies (e.g., tariffs, and other import charges, quantitative restrictions, import licensing, and customs barriers);

(2) Standards, testing, labeling, and certification (including unnecessarily restrictive application of phytosanitary standards, refusal to accept U.S. manufacturers' self-certification of conformance to foreign product standards, and environmental restrictions);

(3) Government procurement (e.g., "buy national" policies and closed bidding);

(4) Export subsidies (e.g., export financing on preferential terms and agricultural export subsidies that displace U.S. exports in third country markets);

(5) Lack of intellectual property protection (e.g., inadequate patent, copyright, and trademark regimes);

(6) Service barriers (e.g., limits on the range of financial services offered by foreign financial institutions, regulation of international data flows, restrictions on the use of data processing, quotas on imports of foreign films, and barriers to the provision of services by professionals (e.g., lawyers, doctors, accountants, engineers, nurses, etc.));

(7) Investment barriers (e.g., limitations on foreign equity participation and on access to foreign government-funded R&D consortia, local content, technology transfer and export performance requirements, and restrictions on repatriation of earnings, capital, fees and royalties);

(8) Anticompetitive practices with trade effects tolerated by foreign governments (including anticompetitive activities of both state-owned and private firms that apply to services or to goods and that restrict the sale of U.S.

products to any firm, not just to foreign firms that perpetuate the practices; and

(9) Other barriers (*i.e.*, barriers that encompass more than one category, e.g., bribery and corruption, or that affect a single sector).

As in the case of last year's NTE, we are asking that particular emphasis be placed on any practices that may violate U.S. trade agreements. We are also interested in receiving any new or updated information pertinent to the barriers covered in last year's report as well as new information. Please note that the information not used in the NTE will be maintained for use in future negotiations.

It is most important that your submission contain estimates of the potential increase in exports that would result from the removal of the barrier, as well as a clear discussion of the method(s) by which the estimates were computed. Estimates should fall within the following value ranges: less than \$5 million; \$5 to \$25 million; \$25 million to \$50 million; \$50 million to \$100 million; \$100 million to \$500 million; or over \$500 million. Such assessments enhance USTR's ability to conduct meaningful comparative analyses of a barrier's effect over a range of industries.

Please note that interested parties discussing barriers in more than one country should provide a separate submission (*i.e.*, one that is self-contained) for each country.

#### Written Comments

All written comments should be addressed to: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street N.W., Room 501, Washington, D.C. 20508.

All submissions must be in English and should conform to the information requirements of 15 CFR Part 2003.

A party must provide ten copies of its submission which must be received at USTR no later than November 30, 1996. If the submission contains business confidential information, ten copies of a non-confidential version must also be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked "confidential" at the top and bottom of the cover page (or letter) and of each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and

bottom of each page, "public version" or "non-confidential."

Written comments submitted in connection with this request, except for information granted "business confidential" status pursuant to 15 CFR 2003.6, will be available for public inspection shortly after the filing deadline. Inspection is by appointment only with the staff of the USTR Public Reading Room and can be arranged by calling (202) 395-6186.

Frederick L. Montgomery,  
*Chairman, Trade Policy Staff Committee.*  
[FR Doc. 96-27840 Filed 10-29-96; 8:45 am]

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#### [Docket No. 301-101]

#### **Denial of Benefits Under a Trade Agreement by the European Union: Termination of Section 302 Investigation**

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

**ACTION:** Notice of termination and monitoring.

**SUMMARY:** Having reached an agreement that provided a satisfactory resolution of the issues under investigation, the Acting United States Trade Representative (USTR) has decided to terminate an investigation initiated under section 302(b) of the Trade Act of 1974 (Trade Act) with respect to denial of benefits under a trade agreement by the European Union (EU) and to monitor EU implementation pursuant to section 306 of the Trade Act.

**DATES:** This investigation was terminated effective October 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mark Mowrey, Director, European Regional Affairs, (202) 395-4620, or Amelia Porges, Senior Counsel for Dispute Settlement, (202) 395-7305, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**SUPPLEMENTARY INFORMATION:** When Austria, Finland and Sweden acceded to the EU in January 1995, the EU withdrew the entire WTO tariff schedules of these three countries and of the EU of twelve members and applied the common external tariff of the EU of twelve to imports into these three countries. The result was to increase the tariffs applicable on a number of U.S. exports to Austria, Finland and Sweden, impairing prior tariff concessions by these three countries. The EU then began negotiations pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade 1994

(GATT 1994) on compensation to its trading partners for the impairment of concessions; Articles XXIV:6 and XXVIII entitle relevant affected WTO Members in such a situation to receive negotiated compensation or, in the absence of agreement on compensation, to modify or withdraw "substantially equivalent concessions."

In order to exercise U.S. rights under a trade agreement, the USTR on October 24, 1995, initiated an investigation pursuant to section 302(b)(1) of the Trade Act (19 U.S.C. 2412(b)) with respect to the EU's policies and practices in this matter. (See 60 FR 55076 of October 27, 1995). At that time, the USTR proposed that, unless the United States and EU negotiated a mutually acceptable solution that compensated the United States in accordance with its rights under the WTO, the USTR would determine pursuant to section 304 of the Trade Act that the EU's policies and practices denied the United States trade agreement benefits and were actionable under section 301(a) and that the appropriate action in response would be to suspend, by the end of 1995, concessions on selected products. However, on November 29, 1995, the EU and the United States concluded negotiations and reached agreement on the permanent compensation which would be accorded to the United States in this connection.

As a result of the Agreement for the Conclusion of Negotiations Between the United States and the European Community Under Article XXIV:6 of the GATT 1994 (the Agreement), the USTR decided that no action was necessary under Section 301 and the United States did not give written notice of its intention to modify or suspend substantially equivalent concessions. On December 4, 1995, the European Council formally approved the Agreement, and on July 22, 1996, representatives of both sides formally signed the Agreement with effect from December 30, 1995. The Agreement provides full and permanent compensation for increased tariffs imposed on U.S. imports into Austria, Finland, and Sweden. Having reached an agreement that provides a satisfactory resolution of the issues under investigation, the Acting USTR terminated the investigation on November 24, 1996, and will monitor EU implementation pursuant to section 306 of the Trade Act (19 U.S.C. 2416).  
Irving A. Williamson,  
*Chairman, Section 301 Committee.*  
[FR Doc. 96-27759 Filed 10-29-96; 8:45 am]  
BILLING CODE 3190-01-M

#### DEPARTMENT OF TRANSPORTATION

#### **Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 17, 1995**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-95-470.

*Date filed:* February 16, 1995.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* March 16, 1995.

*Description:* Application of DHL Airways, Inc., pursuant to 49 U.S.C., Section 41102 and Subpart Q of the Regulations, requests an Amendment No. 1 to its certificate of public convenience and necessity authorizing it to provide foreign air transportation of property and mail between the coterminal points Cincinnati, Ohio, and Houston, Texas and the terminal points Mexico City, Monterrey, and Guadalajara, Mexico, and that the Department grant such additional or other authority, consistent with this application (including a request to the Mexican Government to concur in a designation of DHL as the second U.S. all-cargo carrier between Houston and Monterrey and Guadalajara). Motion of DHL Airways, Inc. for leave to file Amendment No. 1 to Application.

Paulette V. Twine,

*Chief, Documentary Services Division.*

[FR Doc. 96-27781 Filed 10-29-96; 8:45 am]

BILLING CODE 4910-62-P

#### Federal Aviation Administration

#### **Approval of Noise Compatibility Program, Snohomish County Airport/Paine Field, Snohomish County, Washington**

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its