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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-162 and WTO/DS-136]

WTO Dispute Settlement Proceeding Regarding the Antidumping Act of 1916

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 of the request by the Government of Japan for the establishment of dispute settlement panels under the Marrakesh Agreement Establishing the World Trade Organization ("WTO") to examine the Antidumping Act of 1916 ("the 1916 Act"). On February 1, 1999, a separate WTO dispute settlement panel was established at the request of the European Communities ("EC") to examine the same matter. Japan and the EC both allege that this statute is inconsistent with obligations of the United States under the General Agreement on Tariffs and Trade 1994 ("GATT 1994") and the Agreement on Implementation of Article VI of GATT 1994 ("the Antidumping Agreement"). The USTR invites written comments from the public concerning the issues raised in these disputes.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by July 15, 1999, to be assured of timely consideration by the USTR.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122, Attn: DS162 and DS 136 Disputes, Office of the United States Trade Representative, 600 17th Street NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Rhona Schnare, Assistant General Counsel, 202-395-3582.

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C.

3537(b)(1)), the USTR is providing notice that on February 1, 1999, a WTO dispute settlement panel was established at the request of the European Communities to examine the Antidumping Act of 1916 and that, on June 3, 1999, the Government of Japan submitted a separate request for the establishment of a dispute settlement panel to examine the same matter.

Major Issues Raised and Legal Basis of the Complaint

Both the EC and Japan allege that the 1916 Act is inconsistent with Article III:4 of GATT 1994 which requires that imported products shall be accorded treatment no less favorable than that accorded to like domestic products in respect of all laws, regulations and requirements affecting their internal sale, etc. The EC and Japan also assert that the 1916 Act is inconsistent with Article VI of GATT 1994 and various provisions of the Antidumping Agreement. Specifically, Japan alleges that the 1916 Act is inconsistent with Article VI:2 and 18.1 of the Antidumping Agreement, which Japan asserts permits the imposition of antidumping duties as the only possible remedy for dumping. Japan also alleges that the 1916 Act is inconsistent with Articles 1, 2, 3, 4, 5, 9 and 11 of the Antidumping Agreement and Article XI of GATT 1994.

The EC alleges that the 1916 Act is inconsistent with Article VI:2 of GATT 1994, which the EC asserts provides the sole remedy for dumping. The EC also asserts that the 1916 Act is inconsistent with Articles 1, 2, 3, 4, 5 of the Antidumping Agreement and Article VI:1 of GATT 1994.

Finally, both the EC and Japan assert that the United States has failed to comply with Article XVI:4 of the Marrakesh Agreement establishing the World Trade Organization ("WTO") which requires that Members bring their laws into compliance with their obligations under the WTO agreements.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in these disputes. Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above.

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 submitting person. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by the 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 so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; 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)), the USTR will maintain a file on these dispute settlement proceedings, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by the USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other parties in the dispute, as well as the report of the dispute settlement panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/DS-162 or WTO/DS-136 United States—Antidumping Act of 1916) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon

and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant U.S. Trade Representative for Monitoring and Enforcement.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement on the Proposed Commuter Rail Project Between Tacoma and Lakewood, Washington

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and the Central Puget Sound Regional Transit Authority (Sound Transit) intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA). Sound Transit will ensure that the EIS also satisfies the requirements of the Washington State Environmental Policy Act (SEPA). The FTA will be the NEPA lead agency. Sound Transit will be the SEPA lead agency.

The EIS will evaluate the Tacoma-Lakewood Commuter Rail Project, including station locations, a light maintenance and layover facility location, park-and-ride facility alternatives, and track design variations along an approximately 11-mile long corridor between Tacoma and just south of Lakewood, Washington. The project will generally be located in existing Burlington Northern Santa FE Railway (BNSF) and Tacoma Eastern (TE) rights-of-way. A short new rail connection will be needed to connect the BNSF and TE lines proposed to be used for the project. The EIS will evaluate route alternatives for this new at-grade track, which will be approximately 0.8 miles long. The EIS will evaluate the no-build alternative and any new reasonable alternatives within the corridor generated through the scoping process. Corridor alternatives were evaluated in a SEPA plan-level EIS (1993) and in a federally required Major Investment Study (1997).

The proposed Commuter Rail Project is intended to provide peak-hour commuter rail service between Tacoma and Lakewood, key activity centers along the corridor. The commuter rail line will extend the proposed Tacoma-Seattle commuter rail service. It will

connect to the Tacoma Light Rail Transit line. It will also connect ultimately, with the proposed Central Light Rail Transit line between SeaTac and Seattle, Washington.

The project was originally the subject of a proposed environmental assessment (EA) under NEPA. FTA and Sound Transit determined that preparation of a NEPA EIS is appropriate after reviewing information developed through the public involvement and preliminary environmental review processes. The Commuter Rail facility at the Tacoma Dome Station was evaluated in a separate EA for which a Finding of No Significant Impact was issued on April 6, 1999. The EIS also will evaluate alternatives and impacts for a related Sound Transit project to provide additional parking capacity in the vicinity of, or at the existing, SR512 Park-and-Ride Lot in Lakewood.

Scoping will be accomplished through correspondence with interested persons, organizations, and federal, state, regional and local agencies. A public scoping meeting will be held. See **DATES** below for details.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to Sound Transit by August 10, 1999. See **ADDRESSES** below. Oral comments should be made at the public scoping meeting scheduled below.

Scoping Meeting Dates: Public scoping meetings will be held on the following days and locations:

Monday, July 26, 1999 South Park Community Center, 4851 South Tacoma Way, Tacoma, 5:00 p.m.–8:00 p.m.

Tuesday, July 27, 1999 Pierce Transit Lakewood Training Center, Colonial Center, 6132 Motor Avenue, Lakewood, 5:00 p.m.–8:00 p.m.

The locations for the scoping meetings are accessible to people with disabilities. People with special needs (such as individuals needing a language translator) should contact Sound Transit at the address below or by calling (206) 398-5000. A TDD number is also available: (206) 398-5086.

The scoping meetings will be held in an "open-house" format. Project representatives will be available to discuss the project throughout the entire meeting. Informational displays and written materials will also be available throughout the entire meeting. In addition to written comments, which may be made at the meeting or as described below, individual oral comments will be recorded at the meeting.

ADDRESSES: *Written comments on the project scope should be sent to:*

Desmond Brown, SEPA Responsible Official, Sound Transit, 1100 Second Avenue, Suite 500, Seattle, WA 98101-3423; fax number (206) 398-5222.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Morse, Federal Transit Administration, Region X, 915 Second Avenue, Room 3142, Seattle, WA 98174; phone number: (206) 220-7964.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and Sound Transit invite interested individuals, organizations, and federal, state, regional, and local agencies and tribal governments to participate in defining the alternatives relating to the track alignment and corridor improvements, commuter rail parking, expanded park-and-ride lot capacity for Sound Transit Express, Pierce Transit and Intercity Transit bus services, and light maintenance and layover facility and in identifying any significant, social, economic, or environmental issues related to the alternatives. Scoping comments may be made orally at the public scoping meeting or in writing. See **DATES** above for location and time, and see the **ADDRESSES** section above for written comments. During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated and suggesting alternatives that are more cost-effective or have fewer environmental impacts while achieving similar transportation objectives.

Scoping materials will be available at the scoping meetings or in advance of the meetings by contacting Sound Transit at (206) 398-5000. If you wish to be placed on the mailing list to receive further information as the project proceeds, please contact the following at Sound Transit: John L. Hubbard, AICP at (253) 581-8137.

II. Description of Study Area and Project Need

The Tacoma-Lakewood Commuter Rail Project consists of an approximately 11 mile long rail corridor between Tacoma and just south of Lakewood, Washington. The project will include a group of physical and operational improvements to existing tracks and rights-of-way, along with station facilities and systems in order to provide commuter rail service. Service is expected to operate during peak commute periods, with a total of 9 train trips in each direction. Trains will consist of 4 to 10 passenger cars pulled by a diesel locomotive.