

**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

[Docket No. WTO/D-21]

**WTO Dispute Settlement Proceeding  
Regarding Australia—Measures  
Affecting the Importation of Salmonids**

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

**ACTION:** Notice.

**SUMMARY:** The Office of the United States Trade Representative ("USTR") is providing notice of the United States' request for the establishment of a dispute settlement panel under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO") to examine Australia's measures affecting the importation of salmonids. In this dispute, the United States alleges that Australia's measures are inconsistent with its obligations under the *Agreement on the Application of Sanitary and Phytosanitary Measures* ("SPS Agreement") and the *General Agreement on Tariffs and Trade 1994* ("GATT 1994").

**FOR FURTHER INFORMATION CONTACT:** Marjorie Florestal, Assistant General Counsel, (202) 395-3581 or Betsy Stillman, Special Advisor for Asia and Pacific Affairs, (202) 395-9543.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), USTR is providing notice that on June 16, 1999, the WTO Dispute Settlement Body ("DSB") established a panel to review the Australian measure on imports of salmonids at the request of the United States. A panel was composed for this purpose on August 2, 1999, but was suspended at the United States' request on November 5, 1999, because the panelists are currently engaged in a related dispute brought by Canada and will examine the U.S. complaint after they have completed their work in the Canadian dispute. Once the panelists are prepared to examine the U.S. dispute, USTR will issue a notice with request for written comments from the public.

**Major Issues Raised and Legal Basis of the Complaint**

Australia currently maintains certain prohibitions on imports of fresh, chilled, or frozen salmonids, which the United States believes is inconsistent with Australia's obligations under Articles 2, 5, 7 and 8 of the SPS Agreement and Article XI of the GATT 1994.

The Australian measure already has been the subject of a panel proceeding

brought by Canada in *Australia—Measures Affecting Importation of Salmon* (WT/DS18/R, WT/DS18/AB/R), and the DSB adopted findings that the ban is inconsistent with Articles 2.2, 2.3, 5.1 and 5.5 of the SPS Agreement. The United States was a third party in that dispute.

On July 19, thirteen days after the reasonable period of time for implementation of the DSB's rulings had expired, Australia announced a new quarantine policy for salmonids and other finfish, designed to implement the WTO panel and Appellate Body reports. The new policy maintains certain restrictions on salmon imports that do not appear to be based on science, including, among other things, differing requirements for "consumer-ready" imports that are based on the size of the product concerned.

On November 17, 1995, the United States requested consultations with Australia regarding its import prohibition pursuant to Article 4 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*, Article XXII of the GATT 1994 and Article 11 of the SPS Agreement. Consultations were held on December 13, 1995, but failed to settle the dispute.

**A. Jane Bradley,**

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

[FR Doc. 99-32029 Filed 12-9-99; 8:45 am]

**BILLING CODE 3190-01-P**

**DEPARTMENT OF TRANSPORTATION**
**Federal Railroad Administration**
**Proposed Agency Information  
Collection Activities; Comment  
Request**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection (ICR) requirement abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. A Notice of Proposed Rulemaking (NPRM) was published in the *Federal Register* on May 20, 1999 (64 FR 27488). However, at that time, FRA had not yet determined the exact burden hour impact associated with the information collection requirements of this rule. FRA is now soliciting additional public

comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than January 10, 2000.

**ADDRESSES:** Send comments regarding this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, N.W., Washington, D.C. 20503, Attention: FRA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:**

JoAnne M. McGowan, Chief of Freight Programs Division, RDV-12, Office of Passenger and Freight Services, FRA, 1120 Vermont Ave., N.W., Mail Stop 20, Washington, D.C. 20590 (telephone: (202) 493-6336) or Joseph R. Pomponio, Senior Attorney, Office of Chief Counsel, FRA, 1120 Vermont Ave., N.W., Mail Stop 10, Washington, D.C. 20590 (telephone: (202) 493-6336). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:**

The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. §§ 3501-3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received

will advance three objectives: (i) reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below are brief summaries of the information collection activity that FRA will submit for clearance by OMB as required under the PRA:

*Title:* Railroad Rehabilitation and Improvement Financing Program.

*OMB Control Number:* 2130-new.

*Abstract:* The Department of Transportation (DOT) is implementing the Railroad Rehabilitation and Improvement Financing Program (RRIFP) to provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least one railroad. Eligible projects include: (1) acquisition, improvement or rehabilitation of intermodal or rail equipment or facilities (including tracks, components of tracks, bridges, yards, buildings, and shops), (2) refinancing outstanding debt incurred

for these purposes, or (3) development or establishment of new intermodal or railroad facilities. The aggregate unpaid principal amounts of obligations cannot exceed \$3.5 billion at any one time and not less than \$1 billion is to be available solely for projects benefiting freight railroads other than Class I railroads (i.e., carriers).

*Affected Public:* Small railroads, state and local governments, and National Passenger Rail Corporation (Amtrak).

*Respondent Universe:* 21,956

potential applicants.

*Frequency of Submission:* Annual.

*Reporting Burden:*

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
260.19 Pre-application meeting.	21,956 potential applicants	FRA expects no meetings	N/A	N/A	N/A
260.23 Form and content of application generally.	21,956 potential applicants	20 applications	20 hours	400 hours	\$14,867
260.25 Additional information for applicants w/o credit rating.	555 potential applicants	18 financial document packages.	40 hours	720 hours	\$25,776
260.27 Additional information for loan guarantees.	None	FRA expects no applications for loan guarantees.	N/A	N/A	N/A
260.31 Execution & filing of application:					
Certificate of Pres.	21,956 potential applicants	20 certificates	.6 hours	12 hours	\$489
Certificate of CFO	21,956 pot. applcnt	20 certificates	.6 hours	12 hours	\$482
Transmittal letter	21,956 pot. applcnt	20 letters	.6 hours	12 hours	\$482
Copy/mail app. pkg	21,956 pot. applcnt	20 app. packages	1.5 hours	30 hours	\$819
260.33 Info. Request	21,956 pot. applcnt	20 statements	1 hour	20 hours	\$791
260.35 Environment Assessment.	21,956 pot. applcnt	1 envir. document	4,475 hours	4,475 hours	492,250
260.37 Waivers and modifications.	None	FRA expects no applications for waivers.	N/A	N/A	N/A
260.41 Maintenance standards—waivers.	None	Burden included in section 260.37.	N/A	N/A	N/A
260.43 Inspection and reporting.	21,956 applicants	20 financial records/other docs.	10 hours	200 hours	\$7,910
260.47 Events of Default for guaranteed loans:					
Lender notification	None	None <sup>1</sup>	N/A	N/A	N/A
Det. Liquid. Plan	None		N/A	N/A	N/A
Modif. to Liquid Plan	None		N/A	N/A	N/A
Reports during Liquidation.	None		N/A	N/A	N/A
Final Report	None		N/A	N/A	N/A
260.55 Lenders' Functions and responsibilities:					
Obtain approval	None	None <sup>2</sup>	N/A	N/A	N/A
Envir. Review	None		N/A	N/A	N/A
Add'l Envir. data	None		N/A	N/A	N/A
260.57 Lender's loan servicing:					
Report semiannually on status of loan.	None	None <sup>2</sup>	N/A	N/A	N/A
Meet w Admin.	None		N/A	N/A	N/A
Obtain & forward borrower's financial statements annually.	None		N/A	N/A	N/A
Request approval for modifications.	None		N/A	N/A	N/A

<sup>1</sup>FRA expects no applications for guaranteed loans.

<sup>2</sup>FRA expects that there will be no loan guarantees.

*Estimated Total Annual Burden Hours: 5,881.*

*Status: Regular Review.*

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, D.C. on December 3, 1999.

**Marie S. Savoy,**

*Director, Office of Information Technology and Support Systems, Federal Railroad Administration.*

[FR Doc. 99–32038 Filed 12–9–99; 8:45 am]

**BILLING CODE 4910–06–U**

## 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.

*New Jersey Transit Rail Operations, Inc.*

*Waiver Petition Docket Number FRA–1999–6356*

New Jersey Transit Rail Operations, Inc. (NJTROI) seeks a temporary waiver of compliance from certain provisions of 49 CFR 238.235, which stipulates that by December 31, 1999, each powered, exterior side door shall have a manual override device installed in the vestibule.

NJTROI requests an extension of this time requirement; specifically, NJTROI requests that it be allowed to complete the required manual override device installation by July 1, 2004, instead of the December 31, 1999 deadline date as specified in the CFR.

#### Background

NJTROI operates a total of 745 passenger railcars on its system, all of which are equipped with power exterior side doors. None of the cars comply with the new regulation. Of the total, 484 cars are of the push pull type, 230 are electric MU cars, and 31 are push

pull cars owned by Metro North and operated by NJTROI. This makes a grand total of 2,959 manual doors that need a manual override system installed.

#### Reason for Request

NJTROI feels that it cannot complete this project by the required deadline because of the design, manufacturing, retrofitting, testing and installation of a total 2,959 critical safety devices that need to be installed in a total of 745 cars.

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 1999–6356) 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 by December 30, 1999, 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 (9:00 a.m.—5:00 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, D.C. on December 8, 1999.

**Michael J. Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 99–32152 Filed 12–9–99; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 558 (Sub–No. 3)]

#### Railroad Cost of Capital—1999

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of decision instituting a proceeding to determine the railroads' 1999 cost of capital.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 1999. The decision solicits comments on: (1) the railroads' 1999 cost of debt capital; (2) the railroads' 1999 current cost of preferred stock equity capital; (3) the railroads' 1999 cost of common stock equity capital; and (4) the 1999 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due no later than January 14, 2000. A service list will then be prepared and issued by January 28, 2000. Statements of the railroads are due by March 31, 2000. Statements of other interested persons are due by April 21, 2000. Rebuttal statements by the railroads are due by May 12, 2000.

**ADDRESSES:** Send an original and 10 copies of statements and a copy of the statement on a 3.5 inch disk in WordPerfect 6.1, and an original and 1 copy of the notice of intent to participate to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, NW., Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Leonard J. Blistein, (202) 565–1529. [TDD for the hearing impaired: (202) 565–1695.]

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Surface Transportation Board, 1925 K Street, NW., Room 100, Washington, DC 20423. Telephone: (202) 565–1674. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.] A copy of the decision can also be obtained from the Board's Internet site ([www.stb.dot.gov](http://www.stb.dot.gov)).

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Authority:** 49 U.S.C. 10704(a).

Decided: December 6, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 99–32080 Filed 12–9–99; 8:45 am]

**BILLING CODE 4915–00–P**