

with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

*Notification:* Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: February 26, 2003.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

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## DEPARTMENT OF STATE

[Public Notice 4293]

### Bureau of Oceans and International Environmental and Scientific Affairs; Notice of Availability of a Draft National Plan of Action To Prevent, Deter, and Eliminate Illegal, Unregulated, and Unreported Fishing

**SUMMARY:** The Department of State announces the availability of a draft National Plan of Action (NPOA) developed pursuant to the International Plan of Action (IPOA) to Prevent, Deter, and Eliminate Illegal, Unregulated, and Unreported Fishing, adopted by the United Nations Food and Agriculture Organization (FAO) Committee on Fisheries (COFI) Ministerial Meeting in February 2001. Members of the public are encouraged to provide comments on the draft NPOA.

**DATES:** Comments must be received no later than May 31, 2003.

**ADDRESSES:** Written comments and requests for copies of the draft NPOA should be submitted to Deirdre Warner-Kramer, Office of Marine Conservation (OES/OMC), Bureau of Oceans, and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818, or may be sent via facsimile (fax) to 202-736-7350. An electronic version of the draft is available at <http://www.state.gov/g/oes/ocns/c7983.htm> Comments will not be accepted if submitted via e-mail.

**FOR FURTHER INFORMATION CONTACT:** Deirdre Warner-Kramer at 202-647-2335, fax 202-736-7350.

**SUPPLEMENTARY INFORMATION:** The United States and other members of the international community have experienced a growing incidence of fishing activity that does not respect applicable laws and regulations, including fishing rules adopted at the national and international levels. Examples of such activity include

reflagging of fishing vessels to evade controls, fishing in areas of national jurisdiction without authorization by the coastal State, and failure to report (or misreporting) catches. Such irresponsible fishing activity directly undermines efforts to manage fisheries properly and impedes progress toward the goal of sustainable fisheries.

Under the auspices of the Food and Agriculture Organization of the United Nations (FAO), a concerted effort was undertaken to develop a comprehensive "toolbox" of measures that States could take, both individually and collectively, to address the problems of IUU fishing. This effort culminated with the adoption in 2001 of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA).

As its title suggests, the objective of the IPOA is to prevent, deter and eliminate IUU fishing. The principles to guide the pursuit of this objective include: (1) Broad participation and coordination among States, as well as representatives from industry, fishing communities and non-governmental organizations; (2) the phasing-in of action to implement the IPOA on the earliest possible timetable; (3) the use of a comprehensive and integrated approach, so as to address all impacts of IUU fishing; (4) the maintenance of consistency with the conservation and long-term sustainable use of fish stocks and the protection of the environment; (5) transparency; and (6) non-discrimination in form or in fact against any State or its fishing vessels.

The draft U.S. National Plan of Action is organized along the same lines as the IPOA, including sections on All State Responsibilities, Flag State Responsibilities, Coastal State Measures, Port State Measures, Internationally Agreed Market State Measures, Measures to be Implemented Through Regional Fisheries Management Organizations and Special Requirements of Developing States. As envisioned in the IPOA, the United States intends to review the implementation of this National Plan of Action at least every four years after its adoption.

Dated: February 27, 2003.

**Margaret F. Hayes,**

*Acting Deputy Assistant Secretary for Oceans and Fisheries, Department of State.*

[FR Doc. 03-5287 Filed 3-5-03; 8:45 am]

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Proposed Measure and Opportunity for Public Comment Pursuant to Section 421 of the Trade Act of 1974: Certain Steel Wire Garment Hangers From the People's Republic of China

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

**ACTION:** Notice of proposed measure; request for comments.

**SUMMARY:** The United States International Trade Commission (ITC) has determined, pursuant to section 421(b)(1) of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2451(b)(1)), that certain steel wire garment hangers<sup>1</sup> from the People's Republic of China (China) are being imported into the United States in such increased quantities or under such conditions as to cause market disruption to the domestic producers of like or directly competitive products. Pursuant to section 421(h)(1) of the Trade Act, the United States Trade Representative (USTR) is publishing notice of proposed restrictions with respect to imports of the subject steel wire garment hangers from China. USTR invites domestic producers, importers, exporters, and other interested parties to submit their views and evidence on the appropriateness of the proposed restrictions and whether they would be in the public interest. USTR also invites interested parties to participate in a public hearing (if requested).

**DATES:** Requests for USTR to hold a public hearing are due by March 18, 2003. Written comments and requests to testify at any public hearing are due by March 20, 2003. If a request for USTR

<sup>1</sup> For purposes of its investigation, the ITC considered certain steel wire garment hangers to consist of garment hangers, fabricated from steel wire in gauges from 9 to 17, inclusive (3.77 to 1.37 millimeters, inclusive), whether or not galvanized or painted, whether or not coated with latex or epoxy or other similar gripping materials, and whether or not fashioned with paper covers or capes (with or without printing) and/or nonslip features such as saddles, tubes, or struts. After fabrication, such hangers are in lengths from 7 to 20 inches, inclusive (177.8 to 508 millimeters, inclusive), and the hanger's length or bottom bar is composed of steel wire and/or saddles, tubes, or struts. The product may also be identified by its commercial designation, referring to the shape and/or style of the hanger or the garment for which it is intended, including but not limited to Shirt, Suit, Strut, and Caped hangers. Specifically excluded are wooden, plastic, aluminum, and other garment hangers that are covered under separate subheadings of the Harmonized Tariff System of the United States (HTS). The products subject to the investigation are classified in subheading 7326.20.00 of the HTS and reported under statistical reporting number 7326.20.0020.

to hold a public hearing is received, the hearing will be held on April 1, 2003.

**ADDRESSES:** *Submissions by electronic mail:* [FR0070@ustr.gov](mailto:FR0070@ustr.gov); *Submissions by facsimile:* Sandy McKinzy, USTR, at (202) 395-9672.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning public comments and holding of a public hearing, contact Sandy McKinzy, USTR, telephone (202) 395-9483, facsimile (202) 395-9672. Other questions should be addressed to Terrence J. McCartin, Office of North Asian Affairs, USTR, telephone (202) 395-3900, or David L. Weller, Office of General Counsel, USTR, telephone (202) 395-3581.

**SUPPLEMENTARY INFORMATION:**

**1. The ITC Investigation and Section 421**

Following receipt of a petition filed on November 27, 2002, on behalf of CHC Industries, Inc., M&B Metal Products Co., Inc., and United Wire Hanger Corp., the ITC instituted investigation No. TA-421-2, under section 421 of the Trade Act (19 U.S.C. 2451) to determine whether the subject steel wire garment hangers from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products. The ITC made an affirmative determination on January 27, 2003, and transmitted a report on its determination, as well as its remedy proposals, to USTR on February 14, 2003. The views of the ITC, including its remedy proposals, are available on the ITC's Web site (<http://www.usitc.gov/7ops/chinasafeguard.htm>) and are contained in USITC Publication 3575 (February 2003), entitled "Certain Steel Wire Garment Hangers from China: Investigation No. TA-421-2". A copy of that publication, which also includes the ITC staff report, can be obtained from the ITC by faxing a request to (202) 205-2104 or calling (202) 205-1809.

Following an affirmative determination by the ITC, and pursuant to Section 421(h) of the Trade Act, USTR is required to make a recommendation to the President concerning what action, if any, to take to remedy the market disruption. Within 15 days after receipt of USTR's recommendation, the President is required to provide import relief unless the President determines that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that the taking of action would cause serious

harm to the national security of the United States. (Section 421(k)) Prior to making a recommendation, USTR is required to publish notice of any proposed measures and of the opportunity to comment.

**2. Proposed Measure and Opportunity for Comment**

The ITC recommended that the President impose a duty, in addition to the current rate of duty, for a three-year period on imports of the subject steel wire garment hangers from China, as follows: 25 percent ad valorem in the first year, 20 percent ad valorem in the second year, and 15 percent ad valorem in the third year. The ITC further recommended that, if applications are filed, the President direct the U.S. Department of Commerce and the U.S. Department of Labor to provide expedited consideration of trade adjustment assistance for firms and/or workers affected by the subject imports. (68 FR 8926) USTR proposes this remedy for further consideration by domestic producers, importers, exporters, and other interested parties, and invites any of these parties to submit their views and evidence on the appropriateness of the proposed remedy and whether it would be in the public interest. In addition, USTR invites comments on other possible actions, including: imposition of an additional duty on imports of the subject steel wire garment hangers from China, at a rate and/or for a period different from the ITC recommendation; imposition of a tariff-rate quota on the subject imports from China; imposition of a quota on the subject imports from China; an import monitoring mechanism; or no import relief (pursuant to a determination under Section 421(k) of the Trade Act regarding the national economic interest or national security). In commenting on possible actions, interested parties are requested to address: (i) The short- and long-term effects that implementation of the proposed action is likely to have on the domestic steel wire garment hanger industry, its workers, and on other domestic industries or communities.

An interested party may request that USTR hold a public hearing, which request must be received by March 18, 2003. Written comments, as well as requests to testify at any public hearing, must be received by March 20, 2003, and should be submitted in accordance with the instructions below. Parties that

have submitted comments and/or requested to testify at any public hearing will be informed if a hearing is to be held. In addition, information on any public hearing may be obtained by contacting Sandy McKinzy at (202) 395-9483. If a public hearing is requested, it will be held on April 1, 2003, at 9:30 a.m. in Rooms 1 and 2, 1724 F Street, NW., Washington, D.C. Requests to testify must include the following information: (1) Name, address, telephone number, fax number, and firm or affiliation of the person wishing to testify; and (2) a brief summary of the comments to be presented.

**3. Requirements for Submissions**

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic (e-mail) submissions in response to this notice.

Persons making submissions by e-mail should use the following subject line: "Wire Hangers" followed by (as appropriate) "Written Comments", "Request for Public Hearing", or "Request to Testify". Documents should be submitted as either WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, 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 characters "P-". The "P-" or "BC-" should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide 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.

Written comments submitted in response to this request will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Business confidential information submitted in accordance with 15 CFR 2003.6 must be clearly marked "BUSINESS CONFIDENTIAL" at the top of each page, including any cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public

inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling (202) 395-6186.

**Wendy S. Cutler,**

*Assistant United States Trade Representative,  
Office of North Asian Affairs.*

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**BILLING CODE 3190-01-P**

## OFFICE OF THE UNITED TRADE REPRESENTATIVE

[Docket No. WTO/DS-282]

### WTO Dispute Settlement Proceeding Regarding Antidumping Measures on Oil Country Tubular Goods From Mexico

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Office of the United States Trade Representatives ("USTR") is providing notice that on February 18, 2003, the United States received from Mexico a request for consultations under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") regarding various measures relating to the antidumping duty order on oil country tubular goods ("OCTG") from Mexico. Mexico alleges that determinations made by U.S. authorities concerning this product, and certain related matters, are inconsistent with Articles 1, 2, 3, 6, 11, and 18 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("AD Agreement"), Articles VI and X of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), and Article XVI:4 of the WTO 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 April 25, 2003, to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0069@ustr.gov](mailto:FR0069@ustr.gov), or (ii) by mail, to Sandy McKinzy, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, Attn: Mexico OCTG Dispute, with a confirmation copy sent electronically to

the address above, or by fax to (202) 395-3640, in accordance with the requirements for submission set out below.

**FOR FURTHER INFORMATION CONTACT:** William D. Hunter, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, (202) 395-3582.

**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 submit or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the 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 by Mexico

With respect to the measures at issue, Mexico's request for consultations refers to the following:

- The final sunset review determinations on OCTG from Mexico by the U.S. Department of Commerce ("Commerce") (66 FR 14131 (March 9, 2001), and the U.S. International Trade Commission ("ITC") (66 FR 35997 (July 10, 2001)), as well as the resulting continuation by Commerce of the antidumping duty order on OCTG from Mexico (66 FR 38630 (July 25, 2001);
- The final results of the fourth administrative review by Committee of the antidumping duty order on OCTG from Mexico, such review covering the time period from August 1, 1998 to July 31, 1999 (66 FR 15832 (March 21, 2001));
- Sections 751 and 752 of the Tariff Act of 1930;
- The URAA Statement of Administrative Action;
- Commerce's Sunset Policy Bulletin (63 FR 18871 (April 16, 1998));
- Commerce's sunset review regulations, 19 CFR 351.218;
- The ITC's sunset review regulations, 19 CFR 207.60-69; and
- Portions of Commerce's regulations concerning administrative reviews, including 19 CFR 351.213, 351.221, and 351.222.

With respect to the claims of WTO-inconsistency, Mexico's request for consultations refers to the following:

- With regard to the sunset review conducted by Commerce:
    - Commerce's misapplication of the standard of "would likely be to lead to"; and
    - Commerce's reliance on a presumption in favor of maintaining the anti-dumping measures.
  - With regard to the sunset review conducted by the ITC:
    - The ITC's misapplication of the "would be likely to lead to" principle;
    - The ITC's failure to conduct an "objective examination" of the record based on "positive evidence";
    - The ITC's failure to base its determination of injury on the "effects of dumping" on the domestic industry and to consider whether injury was caused by "any known factors other than the dumped imports";
    - The ITC's cumulative assessment of injury; and
    - The standards requiring that the ITC determine whether injury would be likely to continue or recur "within a reasonable foreseeable time" and that the ITC "shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves over a longer period of time", both *per se* and applied.
  - With regard to the fourth administrative review:
    - Commerce's determination not to revoke the antidumping order;
    - Commerce's retroactive application of new requirements for revocation; and
    - Commerce's use of the practice known as "zeroing" for negative dumping margins.
- Mexico also alleges that the U.S. statutory, regulatory and administrative provisions it cites require Commerce and the ITC to act inconsistently with Articles 1, 2, 11 and 18 of the AD Agreement and Article VI of the GATT 1994, thereby rendering the U.S. provisions inconsistent *per se* with those articles, as well as with Article 18.4 of the AD Agreement and Article XVI:4 of the WTO Agreement. In addition, Mexico alleges that its claims, viewed cumulatively, establish a violation of Article 11.1 of the AD Agreement and Article VI and Article X:3(a) of the GATT 1994.

#### 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 U.S. mail, first class, postage prepaid, to Sandy McKinzy at the address listed above, or transmit a