

address, contact numbers, including email addresses if available, and affiliation(s) if any to Jake Sullivan at 617-951-8613 or at [jake.sullivan@bingham.com](mailto:jake.sullivan@bingham.com), not later than February 20. Persons who cannot attend but who wish to comment on any of the topics referred to are welcome to do so in writing.

DOCUMENTS on this project are obtainable at <http://www.Uncitral.org/Working Groups/Working Group VI> on secured finance. Additional documents may be available following the UN Working Group's meeting in early February, which may be obtained from Mr. Sullivan. For further information on UNCITRAL or the project generally please contact Hal Burman at the State Department at [BurmanHS@State.gov](mailto:BurmanHS@State.gov) or 202-776-8421, fax 776-8482.

Dated: January 26, 2006.

**Harold S. Burman,**

*Advisory Committee Executive Director,  
Department of State.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-121]

### Results of Out-Of-Cycle Review Under Section 182 and Termination of Action Under Section 301(b): Intellectual Property Laws and Practices of the Government of Ukraine

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

**ACTION:** Revocation of identification of Ukraine as a Priority Foreign Country under section 182 and termination of action under section 301(b).

**SUMMARY:** The Out-of-Cycle Review ("OCR") under section 182 (commonly referred to as the "Special 301" provision) of the Trade Act of 1974, as amended ("Trade Act"), has concluded with a finding that the Government of Ukraine substantially has improved its intellectual property right ("IPR") enforcement efforts. As a result, the United States Trade Representative ("Trade Representative") is revoking the identification of Ukraine as a Priority Foreign Country ("PFC") under section 182 and instead is placing Ukraine on the Priority Watch List, and is restoring the tariff-free treatment under the Generalized System of Preferences ("GSP") accorded to products of Ukraine. Pursuant to section 306 of the Trade Act, the Office of the United States Trade Representative ("USTR") will continue to monitor closely the

Government of Ukraine's IPR enforcement efforts.

**DATES:** The restoration of tariff-free GSP treatment accorded to products of Ukraine is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 23, 2006.

**FOR FURTHER INFORMATION CONTACT:** For questions concerning the results of the Special 301 Out-of-Cycle Review: Jennifer Choe Groves, Director for Intellectual Property and Chair of the Special 301 Committee, USTR, (202) 395-4510, Laurie Molnar, Director for European and Mediterranean Trade Affairs, USTR, (202) 395-4620, or Stephen Kho, Associate General Counsel, USTR, (202) 395-3150; for questions concerning procedures under Section 301: William Busis, Associate General Counsel and Chairman of the Section 301 Committee, USTR, (202) 395-3150; and for questions concerning entries: Teiko Campbell, Program Officer, Office of Trade Compliance and Facilitation, U.S. Customs and Border Protection, Department of Homeland Security, (202) 344-2698.

#### SUPPLEMENTARY INFORMATION:

##### History of the 301 Investigation

On March 12, 2001, the Trade Representative identified Ukraine as a PFC under Special 301. The PFC identification was based on deficiencies in Ukraine's acts, policies and practices regarding IPR protection, including weak enforcement, as evidenced by high levels of piracy of optical media products (such as CDs and DVDs), and the failure of the Government of Ukraine to enact adequate and effective IPR legislation to address optical media piracy. The Trade Representative simultaneously initiated an investigation (Docket 301-121) under Section 301(b) of the Trade Act in order to investigate these IPR protection issues. *See* 66 FR 18,346 (April 6, 2001).

In August 2001, the Trade Representative determined that the acts, policies, and practices of Ukraine with respect to IPR protection were unreasonable and burdened or restricted United States commerce, and were thus actionable under section 301(b) of the Trade Act. As an initial action in response, the Trade Representative suspended GSP treatment accorded to products of Ukraine, effective August 24, 2001. *See* 66 FR 42,246 (Aug. 10, 2001). In December 2001, the Trade Representative took the additional action of imposing 100% *ad valorem* tariffs on certain Ukrainian exports with an annual trade value of approximately

\$75 million, effective January 23, 2002. *See* 67 FR 120 (Jan. 2, 2002).

In August 2005, the Government of Ukraine adopted important amendments to its Laser-readable Disc Law that strengthen Ukraine's licensing regime and enforcement capabilities to stem the illegal production and trade of optical media products. In response, the Trade Representative terminated the 100% *ad valorem* duties. The Trade Representative also announced that at the conclusion of an OCR focused on whether Ukraine had implemented fully the legislative improvements and had otherwise strengthened IPR enforcement, he would determine whether to revoke the identification of Ukraine as a PFC and whether to restore Ukraine's GSP benefits. USTR requested written comments from the public concerning these matters. *See* 70 FR 53,410 (Sep. 8, 2005).

#### Results of OCR

In the OCR, the interagency Special 301 Committee has concluded that enforcement against optical media piracy in Ukraine has improved since the initiation of the investigation in 2001, and that the Government of Ukraine has made substantial progress on IPR enforcement actions suggested in an August 2005 OCR Action Plan. The Government of Ukraine has presented statistical and other data to show that it has conducted raids against entities involved in commercial distribution of IPR-infringing products and has conducted numerous and continuing inspections of Ukraine's licensed optical disc plants. The Government of Ukraine has established a specialized IPR unit within the Economic Crime Division under the Ministry of the Interior and a specialized unit in Customs to deal with IP crimes. The Government of Ukraine has agreed to establish an Enforcement Coordination Group that will provide Ukrainian IPR enforcement officials, U.S. Government officials, and copyright industry representatives with a forum to meet and share information on Ukraine's enforcement efforts. In sum, in contrast to 2001 when the Trade Representative designated Ukraine as a PFC, Ukraine is no longer a major producer of pirated optical media sold elsewhere in Europe. IPR enforcement concerns do remain, however, including with respect to the transshipment through Ukraine of pirated optical media produced in neighboring countries.

Under section 182(c)(1)(A) of the Trade Act, the Trade Representative is authorized to revoke the identification of any foreign country as a PFC at any time. In light of the positive results of

the OCR, the Trade Representative has determined to revoke the identification of Ukraine as a PFC under section 182 and instead has placed Ukraine on the Priority Watch List.

#### Termination of Action

Section 307(a) of the Trade Act authorizes the Trade Representative to “modify or terminate any [Section 301] action, subject to the specific direction, if any, of the President \* \* \* if \* \* \* such action is being taken under Section 301(b) and is no longer appropriate.” In passing the amendments to its Laser-readable Disc Law, in improving its record of IPR enforcement, and by agreeing to the creation of an Enforcement Coordination Group, the Government of Ukraine has responded adequately to the two issues (inadequate IPR legislation and inadequate IPR enforcement) that were the basis of the PFC designation and the Trade Representative’s finding that Ukraine’s acts, policies and practices were actionable under section 301(b). In recognition of these changes in Ukraine’s acts, policies, and practices regarding IPR enforcement, and taking into account public comments and the results of consultations with U.S. copyright industries, the Trade Representative has decided to terminate the suspension of GSP treatment accorded to products of Ukraine. The termination of the GSP suspension concludes this Section 301 investigation, except for the ongoing monitoring required by section 306 of the Trade Act.

The termination of the suspension of the GSP treatment accorded to products of Ukraine restores the GSP treatment applicable in August 2001, when Ukraine’s GSP benefits were suspended. Accordingly, effective January 23, 2006, the Harmonized Tariff Schedule of the United States (HTS) is modified as follows: (1) General note 4(a) is modified by adding “Ukraine” to the list entitled “Independent Countries”; (2) general note 4(d) is modified by adding in numerical sequence “2306.30.00 Ukraine” and “2804.29.00 Ukraine”; and (3) the Rates of Duty 1–Special subcolumn for HTS subheadings 2306.30.00 and 2804.29.00 is modified by deleting the “A” and inserting an “A\* ”. The foregoing modifications to the HTS apply to articles entered, or withdrawn from warehouse, for consumption on or after January 23, 2006.

#### Section 306 Monitoring

Pursuant to section 306 of the Trade Act, USTR is required to continue to monitor the implementation of each

measure undertaken, and agreement entered into, to provide a satisfactory resolution of a matter subject to a section 301 investigation. Accordingly, USTR will continue to monitor Ukraine’s IPR enforcement efforts, including through the activities of the Enforcement Coordination Group. If on the basis of such monitoring the Trade Representative were to conclude that the Government of Ukraine is not satisfactorily implementing a measure or agreement that resulted in the resolution of this investigation, the Trade Representative would be authorized under section 306(b) to take further action.

**William Busis,**

*Chairman, Section 301 Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice; Alexandria International Airport, Alexandria, LA

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the England Economic and Industrial Development District for Alexandria International Airport under the provisions of 49 U.S.C. 47501 *et. seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

**DATES:** *Effective Date:* The effective date of the FAA’s determination on the noise exposure maps is January 26, 2006.

**FOR FURTHER INFORMATION CONTACT:** Tim Tandy, Federal Aviation Administration, ASW–630, Fort Worth, TX 76193–0630; telephone number 817–222–5635.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Alexandria International Airport are in compliance with applicable requirements of part 150, effective January 26, 2006. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as “the Act”), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such

maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the England Economic and Industrial Development District. The documentation that constitutes the “noise exposure maps” as defined in section 150.7 of part 150 includes: Figure 2.1, Existing Land Use Map; Figure 3.2, Existing Airport Layout; Figure 3.3, 2004 Existing Condition North Flow Flight Tracks; Figure 3.4, 2004 Existing Condition South Flow Flight Tracks; Figure 3.5, 2004 Existing Condition Noise Exposure Map; Figure 4.1, Aviation Activity Forecast; Figure 4.2, Future Airport Layout; Figure 4.3, 2010 Future Condition North Flow Flight Tracks; Figure 4.4, 2010 Future Condition South Flow Flight Tracks; Figure 4.5, 2010 Future Condition Noise Exposure Map; Table 3.1, 2004 Runway and Helipad Utilization Rates; Table 3.2, Flight Track Utilization Rates; Table 3.3, 2004 Existing Condition Noise Exposure Estimates; Table 4.1, 2010 Runway and Helipad Utilization Rates; Table 4.2, 2010 Flight Track Utilization Rates; Table 4.3, 2010 Future Condition Noise Exposure Estimates; Appendix A, Aviation Activity Forecast; Appendix B, Integrated Noise Model Inputs; and Appendix C, Noise Monitoring Results. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on January 26, 2006.

FAA’s determination on an airport operator’s noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant’s data, information or plans, or a commitment to approve a noise compatibility program or to fund the