

International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-3940.

**SUPPLEMENTARY INFORMATION:** Section 609 prohibits imports of shrimp from foreign nations unless the President certifies to the Congress by May 1 of each year either: (1) that the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States; or (2) that the fishing environment in the harvesting nations does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the Federal Register on April 19, 1996 (FR Vol. 61, No. 77, pp. 17342-17344).

A December, 1995 U.S. Court of International Trade decision expanded the scope of Section 609 to include all countries which harvest shrimp. On April 30, 1996, the Department of State certified that 36 of the affected countries have met the requirements of the law. As a result, shrimp imports from all other countries harvested with commercial fishing technology which may adversely affect sea turtles were prohibited pursuant to Section 609 effective May 1, 1996. The ban on shrimp imports from Suriname (in effect since May 1, 1993) and French Guiana (in effect since May 1, 1992) remain in place.

The countries that were certified on April 30, 1996, are Argentina, the Bahamas, Belgium, Belize, Brunei, Canada, Chile, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, El Salvador, Germany, Guatemala, Guyana, Haiti, Iceland, Indonesia, Ireland, Jamaica, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Peru, Russia, Sri Lanka, Sweden, Trinidad and Tobago, the United Kingdom, Uruguay and Venezuela.

Of these, the Department certified that the fishing environment in some countries does not pose a threat of the incidental taking of sea turtles protected by Section 609. The following 15 nations have shrimp fisheries only in cold waters where there is essentially no risk of taking sea turtles: Argentina, Belgium, Canada, Chile, Denmark, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. The following 8 nations only harvest shrimp using manual

rather than mechanical means to retrieve nets: the Bahamas, Brunei, the Dominican Republic, Haiti, Jamaica, Oman, Peru and Sri Lanka. Use of such small-scale technology does not adversely affect sea turtles.

The following countries were certified as having adopted programs to reduce the incidental capture of sea turtles in shrimp fisheries comparable to the program in effect in the United States: Belize, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Indonesia, Mexico, Nicaragua, Panama, Trinidad and Tobago, and Venezuela.

In implementing the ban on shrimp imports from all countries not certified, any shipment with a recorded date of export prior to May 1, 1996, will be allowed entry into the United States even if it arrives on or after May 1, 1996. That is, shipments in transit prior to the effective date of the ban are not barred from entry.

The Department of State communicated the certifications under Section 609 to the Office of Trade Operations of the United States Customs Service in a letter transmitted on May 2, 1996.

As is clear from the revised guidelines issued by the Department of State on April 19, 1996, the implementation of the Court of International Trade's order has required certain procedural refinements. The Department will keep these guidelines under close review throughout the upcoming year to ensure the effective implementation of Section 609, and will carefully review their effectiveness and enforceability before making any 1997 certifications. It is the intention of the Department to promote the development of comprehensive TED programs in all harvesting nations where shrimp trawl fisheries pose a risk to sea turtles. Any comments on or information regarding the effectiveness of the implementation process is welcome.

#### Technical Revision

Public Notice 2368, "Revised Notice of Guidelines for Determining Comparability of Foreign Programs for the Protection of Turtles in Shrimp Trawl Fishing Operations," (61 FR 17342), is revised as follows:

"IV. Related Determinations" is amended to read "III. Related Determinations".

In Section III (as amended above), paragraph (b), the reference to "Sections II and III" is amended to read "Sections I and II".

Dated: May 13, 1996.

David A. Colson,  
*Ambassador, Deputy Assistant Secretary for Oceans.*

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#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### **Trade Policy Staff Committee; Public Comments on the Accessions of Albania, Armenia, Croatia, Saudi Arabia, and Ukraine to the World Trade Organization (WTO), and on U.S. Participation in Negotiations for the Terms of Those Accessions**

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

**SUMMARY:** The Trade Policy Staff Committee (TPSC) is requesting written public comments concerning U.S. commercial interests and other issues related to the accession of Albania, Armenia, Croatia, Saudi Arabia, and Ukraine to the WTO. Public comments should include, but not be limited to, information concerning these countries' current trade policies and practices which affect (A) market access for U.S. exports, e.g., tariffs, non-tariff measures; (B) trade and investment in services, and (C) other aspects of their trade regimes subject to WTO provisions that affect U.S. trade interests. Comments received will be considered in developing U.S. positions and objectives for the multilateral and bilateral negotiations that will determine the terms of WTO accession for Albania, Armenia, Croatia, Saudi Arabia, and Ukraine.

**DATES:** Public comments are due by noon on Friday, June 21, 1996.

**ADDRESSES:** Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

**FOR FURTHER INFORMATION CONTACT:** Barbara Chattin, Director for Tariff Negotiations (202-395-5097), Peter Collins, Deputy Assistant USTR for Services and Investment (202-395-7271) or Cecilia Leahy Klein, Director for WTO Accessions (202-395-3063), Office of the U.S. Trade Representative.

**SUPPLEMENTARY INFORMATION:** The Chairman of the Trade Policy Staff Committee invites written comments from the public on market access and other issues to be addressed in the course of negotiations with Albania, Armenia, Croatia, Saudi Arabia, and Ukraine for accession to the WTO. Each of these countries has applied for membership in the WTO and has

initiated negotiations with other WTO members. The terms of membership will be negotiated in bilateral meetings with government representatives and in meetings of the Working Parties established by the Members of the WTO to conduct the negotiations. All comments will be considered in developing U.S. positions and objectives for participation in these negotiations, establishment of schedules of commitments and concessions in the areas of agriculture, industrial goods, and trade and investment in services, and for development of the elements of these countries' protocols of accession to the WTO.

The Committee is seeking public comments on the possible affect on U.S. trade of these countries' accession to the WTO, with particular reference to tariffs applied to imports and any other trade measures currently applied by Albania, Armenia, Croatia, Saudi Arabia, and Ukraine that could be subject to the provisions of the WTO, particularly market access issues for goods and services or practices that could affect the competitiveness of U.S. goods and services in those markets. Issues of interest to the TPSC include, but are not limited to: (a) Comments on possible tariff reductions and the removal of border measures such as quotas or import licensing requirements; (b) uniform application of the trading system (c) the provision of national treatment and nondiscriminatory treatment for imports, especially in the area of domestic taxation; (d) transparency in application of trade laws and regulations; (e) right of appeal in cases involving application of trade laws and other laws relating to WTO provisions, such as protection and enforcement of intellectual property rights (IPR) and services; (f) customs processing issues, such as document certification prior to export, fees, customs valuation, and certification requirements; (g) industrial export and domestic subsidies; (h) agricultural export subsidies and domestic supports and incentives; (i) safeguard and unfair trade practice procedures applied to imports; (j) plant, animal, and human health and safety requirements; (k) labeling and shelf-life requirements; (l) food standards and other technical barriers to trade; (m) utilization of preshipment inspection services; (n) activities of state trading enterprises, including restrictions and other trade-distorting practices; (o) price controls and policies; (p) government procurement practices; (q) policies concerning trade in civil aircraft, and (r) the trade-related aspects of investment

policies and the protection and enforcement of IPRs. Market access issues for services include, but are not limited to, the right of establishment for U.S. services providers, the ability to provide services on a cross border basis, and the ability of persons to enter temporarily to provide services.

Information on products or practices subject to these negotiations should include, whenever appropriate, the import or export tariff classification number used by these countries for the product concerned. Submissions also should clearly separate issues by country.

Persons submitting written comments should provide a statement, in twenty copies, by noon, Friday, June 21, 1996, to Carolyn Frank, Executive Secretary, TPSC, Office of the U.S. Trade Representative, Room 501, 600 17th Street, NW., Washington, D.C. 20508. Non-confidential information received will be available for public inspection by appointment, in the USTR Reading Room, Room 101, Monday through Friday, 10:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. For an appointment call Brenda Webb on 202-395-6186. Business confidential information will be subject to the requirements of 15 CFR § 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof. Other countries pursuing WTO accession whose negotiations are not yet sufficiently advanced to warrant a request for public comment are Algeria, Belarus, Cambodia, Jordan, Kazakhstan, Kyrgyzstan, the Former Yugoslav Republic of Macedonia, Moldova, Nepal, Seychelles, Sudan, Tonga, Uzbekistan, Vanuatu, and Vietnam.

Frederick L. Montgomery,  
*Chairman, Trade Policy Staff Committee.*  
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#### [Docket No. 301-92]

#### **Request for Public Comment and Notice of Public Hearing: Determination Involving Expeditious Action; Proposed Determination Concerning What Further Action To Take Under Section 301(a) in Response to the People's Republic of China's Unsatisfactory Implementation of the 1995 Agreement on Enforcement of Intellectual Property and Market Access**

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

**ACTION:** Notice of determination on expeditious action and proposed determination on further action; request for public comment; notice of public hearing.

**SUMMARY:** Based on monitoring carried out pursuant to subsection 306(a) of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2416(a)), the Acting United States Trade Representative (USTR) considers that China is not satisfactorily implementing the 1995 Agreement on Enforcement of Intellectual Property Rights and Market Access (1995 Agreement) China entered into to resolve the intellectual property rights (IPR) enforcement and market access issues subject to investigation under Title III, chapter I of the Trade Act. In light of this, the USTR must, pursuant to sections 306(b), determine what further action to take under section 301(a) of the Trade Act (19 U.S.C. 2411(a)). The USTR proposes to take the following action: To impose prohibitive tariffs on imports of certain products of China to be drawn from the lists of products set forth in the Annexes to this Notice.

Since the products listed in Annex II to this Notice are subject to quantitative restrictions and it is essential to prevent surges of imports into the U.S. market, the USTR, pursuant to section 304(b)(1) of the Trade Act, has determined that expeditious action is necessary. Pursuant to section 301(a) and (c) of the Trade Act, the USTR has directed the Commissioner of Customs, to limit by date of export entries of the textile and apparel products listed in Annex II, over the 30-day period (commencing with exports from China on or after May 15, 1996) to 15 percent of the 1996 adjusted level for each category of product. In addition, the USTR has requested the Chair of the Committee on Implementation of Textile Agreements (CITA) to amend CITA's relevant directives dated November 30, 1995, and December 13, 1995, in order to facilitate Customs implementation of this determination, and to inform Customs accordingly.

Pursuant to section 304(b) and 306(c) of the Trade Act (19 U.S.C. 2414(b) and 2416(c)), the USTR is seeking public comments and will hold a public hearing on June 6-7, 1996, regarding the expeditious action taken and a proposed determination on what further action to take.

**EFFECTIVE DATE:** Requests to testify at the hearing must be submitted by noon, Wednesday, May 22, 1996; written testimony is due by noon, Friday, May 31, 1996; and written rebuttals are due by 5:00 p.m., Monday, June 10, 1996. Written comments on the proposed