

**FOR FURTHER INFORMATION CONTACT:**

Larry P. Bevan, Assistant Director for Management, Trade and Development Agency, 1621 N. Kent Street, Arlington, VA 22209-2131 (703) 875-4357.

**SUPPLEMENTARY INFORMATION:** Section 4314(c)(1) through (5), U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The following have been selected as acting members of the Performance Review Board of the Trade and Development Agency: Duff Gillespie, Deputy Assistant Administrator, Center for Population, Health and Nutrition, Bureau for Global Programs, Field Support and Research, U.S. Agency for International Development; Franklin Moore, Deputy Assistant Administrator, Office of Microenterprise Development, Center for Economic Growth and Agricultural Development, U.S. Agency for International Development; and Sandy Owens, Deputy Chief Financial Officer, Office of Financial Management, U.S. Agency for International Development.

Dated: November 27, 2001.

**Larry P. Bevan,**

*Assistant Director for Management.*

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BILLING CODE 8040-01-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of a New System of Records and Request for Public Comment Pursuant to Privacy Act of 1974

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

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

**SUMMARY:** Pursuant to the Privacy Act of 1974, 5 U.S.C. 552(a)(e)(4), the Office of the United States Trade Representative (USTR) is required to publish notice in the **Federal Register** upon the establishment of a system of records on identifiable individuals maintained by the USTR and to provide opportunity to comment. USTR has established a new system of records maintaining information submitted by individuals who are interested in serving on dispute settlement panels under certain trade

agreements and seeks comments on the "routine uses" of this information.

**DATES:** Comments should be submitted by December 31, 2001.

**ADDRESSES:** Comments should be sent to: Attn: Ms. Sybia Harrison, FOIA Officer, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508. Due to the recent disruption of mail to federal agencies in Washington, DC, commentors may also submit their comments by fax: (202) 395-3639, or by e-mail: [boverton@ustr.gov](mailto:boverton@ustr.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Sybia Harrison, FOIA Officer, (202) 395-3419.

**SUPPLEMENTARY INFORMATION:** In accordance with international trade agreements, the Office of the U.S. Trade Representative has established a system of records which maintains information by name on the qualifications of individuals who have responded to public solicitations and have indicated their interest in serving on a panel to resolve trade disputes. Specifically, Annex 1901.2 of the North American Free Trade Agreement (NAFTA) and section 123(h) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3533(b)) make provision for USTR to maintain rosters of individuals interested in serving on such panels. On a periodic basis, USTR seeks applications through notice in the **Federal Register** from individuals for consideration as potential panelists. Solicitation of panelists under the URAA, was last made on November 9, 1999, 64 FR 61173. Solicitation of panelists under the NAFTA is being done concurrently with the publication of this notice. A specific notice seeking applications appeared on November 16, 2001, 66 FR 57767.

Notice of this systems of record, as required by 5 U.S.C. 552a(r), is being transmitted to Congress and the report required by Office of Management and Budget Circular A-130 has been submitted to the Administrator, Office of Information and Regulatory Affairs.

The notice for this USTR system is set forth as an annex to this notice.

#### Public Comment on "Routine Uses"

Written comments concerning the "routine uses" sections of the above USTR system of records notice is invited from interested persons pursuant to 5 U.S.C. 552a(e)(11). Comments may be presented in writing

to the Office of the United States Trade Representative as indicated above.

**John Hopkins,**

*Assistant U.S. Trade Representative for Administration.*

#### Annex

#### USTR-6

##### SYSTEM NAME:

Dispute Settlement Panelists Roster.

##### SYSTEM LOCATION:

Office of the General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-governmental individuals who have expressed an interest in being selected to serve on a dispute settlement panel, or other similar entity, established under trade agreements to resolve trade disputes.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Applications from potential panelists typically include, correspondence with the potential panelist, general resume information, statements of citizenship when required, information regarding registration under the Foreign Agents Registration Act (22 U.S.C. 611), lists of publications and speeches, descriptions of professional affiliations, lists of clients, information regarding substantive qualifications in trade law, and names of references. In addition, the system contains disclosure forms submitted by candidate panelists setting forth areas where they may have a potential conflict-of-interest with respect to service on a specific panel. These typically cover financial interests, affiliations, identity of clients of the candidate or the candidate's firm.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Annex 1901.2 of the North American Free Trade Agreement (NAFTA), section 402 of the NAFTA Implementation Act, as amended (19 U.S.C. 3432), section 123(b) Uruguay Round Agreements Act (19 U.S.C. 3533(b)).

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE.

Records are used by USTR staff to select potential panelist candidates to resolve trade disputes.

Relevant records in the system of records may be referred, as a routine use to other federal agencies in the course of determining eligibility for the roster, or assessing qualifications for service on a particular panel. Relevant records are also shared with foreign governments,

the World Trade Organization and the NAFTA Secretariat, in the course of making determinations on panel members.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Stored in a guarded building; released only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are maintained in accordance with the Records Schedule for the Office of the General Counsel.

**SYSTEM MANAGER(S) AND ADDRESS:**

The General Counsel, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**NOTIFICATION PROCEDURE:**

Contact system manager noted above.

**RECORD ACCESS PROCEDURE:**

These records are available to the public except in instances where the panelists have asked that certain information be maintained as confidential in accordance with USTR's regulation on business confidential information found at 15 CFR 2003.6.

**CONTESTING RECORD PROCEDURES:**

See USTR access regulations in 15 CFR part 2005.

**RECORD SOURCE CATEGORIES:**

The subject individual; the USTR.  
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**BILLING CODE 3190-01-M**

**DEPARTMENT OF TRANSPORTATION**

**Maritime Administration**

[Docket Number MARAD-2001-11052]

**Requested Administrative Waiver of the Coastwise Trade Laws**

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SEA CHATEAU.

**SUMMARY:** As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build

requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before December 31, 2001.

**ADDRESSES:** Comments should refer to docket number MARAD-2001-11052. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver

criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

**Vessel Proposed for Waiver of the U.S.-Build Requirement**

(1) Name of vessel and owner for which waiver is requested. Name of vessel: SEA CHATEAU. Owner: Gregory Lewis.

(2) Size, capacity and tonnage of vessel. According to the applicant: "49'6" over all length fiberglass catamaran sailboat sloop; 27'1" beam, 3'9" draft. Gross weight: 11 Tons pursuant to 46 U.S.C. 14502."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Intended use for vessel is for fully crewed day and term charters in the following regions:

A. Puerto Rico and the surrounding islands of Vieques and Culerba

B. Eastern and Atlantic Seaboard area from New England and as far South as South Florida. (the Long Island Sound, New England, and the surrounding Islands, Delaware Bay & Chesapeake Bay, Maryland's Eastern shore \* \* \* as far south as Florida and the Florida Keys in the winter months.)"

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1997. Place of construction: Cape Town, South Africa.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "Our vessel is a production made catamaran which we would like to bring and charter in the United States. There are NO U.S. made production catamarans that are direct competitors to this vessel. Although there are some luxury catamarans operating in the United States, the industry is very slight and I feel this will stimulate charter and the sailing industry into the United States waters. Due to the fact that we are a catamaran, we offer a totally different charter experience than a monohull sailboat, therefore we cater to a different market and would not be taking business way from existing monohull sailboats."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "I do not believe this waiver will have an adverse impact on U.S. shipyards as there are currently no shipyards producing this type of production catamaran vessel in the United States."

Dated: November 27, 2001.