

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments and Notice of Public Hearing on Potential Withdrawal of Tariff Concessions and Increase in Applied Duties in Response to European Union (EU) Enlargement

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing concerning a list of goods for which tariff concessions may be withdrawn and duties may be increased in the event the United States cannot reach agreement with the European Communities (EC) for adequate compensation owed under World Trade Organization (WTO) rules as a result of EU enlargement.

SUMMARY: The United States is continuing to negotiate with the EU regarding the EU's provision of adequate and permanent compensation to the United States for an event that increased duties on U.S. imports to EU markets above WTO bound rates of duty. On January 1, 2007, as part of its enlargement process, the EU raised tariffs above bound rates on some imports into the countries of Romania and Bulgaria. If this issue is not resolved, the United States may seek to exercise its rights under Article XXVIII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994") to withdraw substantially equivalent concessions and raise tariffs on select goods primarily supplied by the EU. The Trade Policy Staff Committee (TPSC) seeks public comment on the attached list of goods for which U.S. tariff concessions may be withdrawn and applied duties may be raised. The TPSC will hold a public hearing on Tuesday, April 24, 2007, on the list.

DATES: Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as a copy of their testimony, by noon on April 19, 2007. A hearing will be held in Washington, DC on Tuesday, April 24, 2007. Written comments are due by noon on Thursday, April 19, 2007.

ADDRESSES: Submissions by electronic mail to FR0628@ustr.eop.gov; requests to testify should also be addressed to Martez Higgins at e-mail: FR0628@ustr.eop.gov. Submissions can be sent by facsimile to: Martez Higgins at fax: (202) 395-3974. The public is strongly encouraged to submit documents electronically rather than by facsimile. (See requirements for submissions below).

FOR FURTHER INFORMATION CONTACT: For questions about procedural questions,

contact Martez Higgins at (202) 395-4620. All other questions should be directed to: Laurie Molnar, Director for European Trade Issues, (202) 395-3320 or MaryEllen Smith, Director Agricultural Trade Policy, (202) 395-6127; Office of the United States Trade Representative.

SUPPLEMENTARY INFORMATION: Under WTO rules, the United States is entitled to compensation from the EU resulting from EU tariff changes as a result of EU enlargement. If agreement on compensation cannot be reached, the United States would be entitled to withdraw substantially equivalent concessions and apply increased duties on products of interest to the EU.

Enlargement: With the accession to the EU of Romania and Bulgaria ("the new EU Member States"), the EU withdrew the entire WTO tariff schedules of the new EU Member States and applied the common external tariff of the EU of twenty five to imports into the territory of the new EU Member States, resulting in increased tariffs on certain products.

Legal Background: Article XXVIII of the GATT 1994 establishes that a WTO Member may modify or withdraw a tariff concession bound in its WTO schedule by negotiation and agreement with certain affected Members, more specifically, those Members that initially negotiated the relevant concession or are determined to have a principal supplying interest or a substantial interest in the concession. Such affected Members are entitled to receive adequate compensation or, in the absence of successful compensation negotiations, to withdraw "substantially equivalent concessions." Pursuant to Article XXIV:6 of the GATT 1994, where a WTO Member has modified or withdrawn a concession in the expansion of a customs union, the procedure under Article XXVIII also applies. The United States has negotiating and compensation rights on certain tariff concessions at issue as a result of enlargement. Affected WTO Members' rights to withdraw substantially equivalent concessions under Article XXVIII are time-limited; these rights expire within six months of the EU's withdrawal or modification of concessions unless exercised or extended. WTO Members intending to withdraw substantially equivalent concessions must provide notice to the WTO of their intent at least thirty days prior to the effective date of such action.

Whenever a foreign country withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United

States without granting adequate compensation, the President is authorized under section 125(d) of the Trade Act of 1974 (19 U.S.C. 2135) to withdraw, suspend or modify the application of any substantially equivalent trade agreement obligations of benefit and proclaim under section 125(c) such increased duties or other import restrictions as are appropriate to effect adequate compensation. Section 125(c) authorizes the President to proclaim increased duties or other import restrictions as he deems necessary or appropriate in order to exercise the rights of the United States whenever the United States, acting in pursuance of its rights or obligations under certain trade agreements, withdraws, suspends or modifies any obligation with respect to foreign trade. Section 125(f) provides that the President, normally before taking any action under section 125 to withdraw, suspend, or modify trade agreement obligations or to increase duties, must provide for a public hearing, at which time interested persons will be given an opportunity to be present, to produce evidence, and to be heard.

Pursuant to section 125(c), any new tariff rates proclaimed by the President would not exceed 50 percent above the rate set forth in rate column numbered 2 of the Tariff Schedules of the United States, as in effect on January 1, 1975, or 20 percent *ad valorem* above the rate existing on January 1, 1975, whichever is higher. If imposed, the increased duties would apply to imports from all countries that are subject to the rates of duty set forth in the Column 1 General rate of duty column of the Harmonized Tariff Schedule of the United States (HTSUS). The products affected by a suspension of concessions and duty increase would be drawn from the list of products set forth in the Annex to this notice. In recommending any action to the President under section 125, the TPSC will consider all comments and testimony by interested persons submitted in accordance with the procedures described below.

Public Comment on Potential Actions; Hearing Participation

Pursuant to section 125(f) of the Trade Act of 1974 (19 U.S.C. 2135), the TPSC, chaired by the Office of the United States Trade Representative, has scheduled a public hearing beginning at 9 a.m. on Tuesday, April 24, 2007, in Rooms 1 and 2, 1724 F Street, NW., Washington, DC 20508. Further details on the hearing and submission of testimony is provided below. In lieu of or in addition to participation at the public hearing, parties may submit

written comments to be received no later than noon, Thursday, April 19, 2007.

Written comments and/or written or oral testimony of interested persons should be limited to the following issues: (1) The appropriateness of withdrawing WTO tariff concessions upon the products listed in the Annex to this notice; (2) the appropriateness of imposing increased duties upon the products listed in the Annex to this notice; (3) the levels at which U.S. customs duties should be set for particular items; and (4) the degree to which increased duties might have an adverse effect upon U.S. consumers of the products listed in the Annex.

Persons wishing to testify orally at the hearing must provide both a written notification of their intention and a copy of their testimony by noon on Thursday, April 19, 2007. The notification should include: (1) The name, address, and telephone number, fax number, and firm or affiliation of the person wishing to testify; (2) a short (one or two paragraph) summary of the oral presentation; and (3) list of goods of interest (including HTSUS numbers). Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

Requirements for Submissions

In order to facilitate prompt processing of submissions, the TPSC strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: "EU Enlargement" followed by (as appropriate) "Written Comments," "Notice of Testimony," or "Testimony." Documents should be submitted as either Adobe PDF, 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. Similarly, 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, notices of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business 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 non-confidential summary of the confidential information. All public documents and non-confidential 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 may be made by calling (202) 395-6186. Appointments must be scheduled at least 48 hours in advance.

General information concerning USTR may be obtained by accessing its Internet Web site (<http://www.ustr.gov>).

ANNEX: PROPOSED WITHDRAWAL OF CONCESSIONS TARIFF LIST

HTS#	Description	MFN rate 2007	MFN unit 2007	Proposed new tariff rate	Proposed new tariff rate unit
02032920	Frozen retail cuts of meat of swine, nesoi	1.40	cents/kg	92.21	Cents/kg.
02101200	Bellies (streaky) and cuts thereof of swine, salted, in brine, dried or smoked.	1.40	cents/kg	92.9	Cents/kg.
02101900	Meat of swine other than hams, shoulders, bellies (streaky) and cuts thereof, salted, in brine, dried or smoked.	1.40	cents/kg	177.9	Cents/kg.
07129074	Tomatoes, dried in powder	9%	55%	
16010020	Pork sausages and similar products of pork, pork offal or blood; food preparations based on these products.	0.80	cents/kg	73.7	Cents/kg.
16024940	Prepared or preserved pork, not containing cereals or vegetables, nesi	1.40	cents/kg	72.8	Cents/kg.
20019025	Artichokes, prepared or preserved by vinegar or acetic acid	10%		55%	
20032000	Truffles, prepared or preserved otherwise than by vinegar or acetic acid ..	0		20%	
20049010	Antipasto, prepared or preserved otherwise than by vinegar or acetic acid, frozen.	3%		50%	
20079935	Peach jam	7%		55%	
20087020	Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included.	17%		55%	
38099350	Finishing agents, dye carriers and other preparations used in leather and like industries, < 5% by weight aromatic (mod.) substance(s).	6%		55%	
70133130	Glassware for table or kitchen purposes (o/than drinking glasses), of lead crystal, valued over \$3 but n/over \$5 each.	10.5%		90%	
71141130	Spoons and ladles with handles of sterling silver	3.3%		97.5%	
84201020	Calendering or similar rolling machines for making paper pulp, paper or paperboard.	0		55%	

Carmen Suro-Bredie,
Chairman, Trade Policy Staff Committee.
 [FR Doc. E7-5268 Filed 3-21-07; 8:45 am]
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RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Supplement to Claim of Person Outside the United States; OMB 3220-0155. Under the Social Security Amendments of 1983 (Pub. L. 98-21), which amends Section 202(t) of the Social Security Act, the Tier I or the O/M (overall minimum) portion of an annuity and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the U.S., may be withheld effective January 1, 1985. The benefit withholding provision of Public Law 98-21 applies to divorced spouses, spouses, minor or disabled children, students, and survivors of railroad employees who (1) Initially became eligible for Tier I amounts, O/M shares, and Medicare benefits after December 31, 1984; (2) are not U.S. citizens or U.S. nationals; and (3) have resided outside the U.S. for more than six consecutive months starting with the annuity beginning date. The benefit withholding provision does not apply, however to a beneficiary who is exempt under either a treaty obligation of the United States, in effect on August 1, 1956, or a totalization agreement between the United States and the country in which the beneficiary resides, or to an individual who is exempt under other criteria specified in Public Law 98-21.

RRB Form G-45, Supplement to Claim of Person Outside the United States, is currently used by the RRB to determine applicability of the withholding provision of Public Law 98-21. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent. The RRB estimates that 100 Form G-45s are completed annually. The completion time for Form G-45 is estimated at 10 minutes per response.

The RRB proposes no changes to Form G-45.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to Charles.Mierzwa@RRB.GOV. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092 or send an e-mail to Ronald.Hodapp@RRB.GOV. Written comments should be received within 60 days of this notice.

Charles Mierzwa,
Clearance Officer.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55479; File No. SR-Amex-2006-114]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto Clarifying the Continued Listing Standards for Units

March 15, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 4, 2006, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by Amex. On February 22, 2007, Amex filed Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the

proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (1) amend Section 1003(g) of the Amex Company Guide to strengthen the procedures applicable to units when their components fall below continued listing standards and clarify the application of continued listing standards to individual components comprising units once some (but not all) of the units have separated into their component parts and (2) make minor, technical changes to Sections 1003(a), (c), (d) and (f) of the Amex Company Guide. The text of the proposal is available at Amex, at the Commission's Public Reference Room, and on Amex's Web site at <http://www.amex.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below, and the most significant aspects of such statements are set forth in Sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 1003(g) of the Amex Company Guide currently provides that the Exchange will "normally consider" suspending or delisting units if any of their component parts do not meet the applicable continued listing standards. However, if one or more of the components is otherwise qualified for listing, such component may remain listed. For example, a unit comprised of both a common stock component and a debt component would face suspension or delisting procedures if either the common stock or the debt component no longer met its applicable continued listing standards. As a result, if the debt component failed to meet the continued listing standards for bonds, both the unit and such debt component would be subject to suspension or delisting procedures, but the common stock component could independently remain listed and continue to trade on the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.