

South Building, 2430 E Street, NW.,  
Washington, DC 20037-2800.

**Harold S. Burman,**

*Executive Director, Secretary of State's  
Advisory Committee on Private International  
Law.*

[FR Doc. 97-31662 Filed 12-1-97; 8:45 am]

BILLING CODE 4710-08-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D-23]

### WTO Dispute Settlement Proceeding Regarding U.S. Antidumping Duties on Dynamic Random Access Semiconductors (DRAMS) of One Megabyte or Above From Korea

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

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

**SUMMARY:** Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that the government of Korea has requested the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (WTO) to examine the continuing imposition by the United States of antidumping duties on dynamic access memory semiconductors (DRAMS) of one megabyte or above from Korea. Specifically, on July 16, 1997, in its final determination in the administrative review of an antidumping order on DRAMS from Korea, the Department of Commerce determined not to revoke the order. 62 FR 39809 (July 24, 1997). Commerce declined to revoke the order because it found that one of the regulatory criteria for revocation had not been satisfied; namely, based on the evidence before it, Commerce was not satisfied that future dumping of DRAMS by the Korean producers in question was "not likely." **DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before January 5, 1998, to be assured of timely consideration by USTR in preparing its first written submission to the panel.

**ADDRESSES:** Comments may be submitted to Ileana Falticeni, Litigation Assistant, Office of Monitoring and Enforcement, Room 501, Attn: Korea DRAMS Dispute, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:**  
William D. Hunter, Office of the General  
Counsel (202) 395-3582.

**SUPPLEMENTARY INFORMATION:** By letter dated November 6, 1997, the Government of Korea requested the establishment of a panel to examine the Department of Commerce's continuing imposition of an antidumping order on DRAMS of one megabyte or above from Korea. Although there currently are no scheduled meetings of the WTO Dispute Settlement Body (DSB) during the remainder of 1997, it is possible that a meeting could be scheduled during this time and that the DSB could establish a panel before the end of 1997. Under normal circumstances, the panel, which will hold its meetings in Geneva, Switzerland, would be expected to issue a report detailing its findings and recommendations within six to nine months after it is established.

### Major Issues Raised by the Government of Korea and Legal Basis of Complaint

In its request for the establishment of a panel, the Government of Korea has identified as the measures at issue (1) the July 16 determination by Commerce; and (2) the U.S. Tariff Act of 1930, as amended (19 U.S.C. 1673 *et seq.*) and the relevant Commerce regulations (19 CFR Part 353 (1997), both as applied and on their face. The Government of Korea alleges that these measures are inconsistent with several provisions of the WTO agreements, including the following specific allegations:

- Commerce's final determination not to revoke the antidumping order, after findings of no or *de minimis* dumping margins, and respondent companies' certification that they would not dump in the future and agreement to reinstatement in the order in the event they were to dump the merchandise in the future, is inconsistent with Article 11 of the Antidumping Agreement and Article VI of GATT 1994;
- The "not likely" criterion under Commerce's regulations gives Commerce wide discretion in deciding on revocation, and allows Commerce to maintain an order in an arbitrary and unjustifiable manner despite the absence of dumping for several years, respondents' certification not to dump in the future, and the agreement to reinstatement of the order in the event they dump DRAMS in the future. This criterion, both as applied in Commerce's final determination and on its face, is inconsistent with Article 11 of the Antidumping Agreement and Article VI of GATT 1994 and exceeds the scope of those agreements;
- The negative standard of the "not likely" criterion and Commerce's

practice as applied in the final determination shifted the burden of proof from the United States to the respondents in contradiction of Article II of the Antidumping Agreement;

- The United States has failed to publish promptly, and in such a manner as to enable governments and traders to become acquainted with them, objective and specific factors regarding the "not likely" criterion, and Commerce impermissibly accepted and rejected data in a biased fashion inconsistent with Article X of GATT 1994 and Articles 11 and 17 of the Antidumping Agreement;

- The U.S. maintenance of the antidumping order on DRAMS without considering whether the injury to the U.S. industry would be likely to continue or recur if the duty were removed is inconsistent with Article 11 of the Antidumping Agreement;

- Commerce's decision regarding the products subject to the order is inconsistent with Articles 2 and 3 of the Antidumping Agreement because it included products that were never found to have been dumped or to have caused injury, and it arbitrarily excluded products that were like products to those investigated;

- Commerce's final determination not to revoke the order based on unverified information from the petitioner and mere conjecture without any substantial data, and Commerce's failure to give adequate consideration to information submitted by the Korean respondents in the administrative review is inconsistent with Articles 2, 6 and 17.6(I) of the Antidumping Agreement and Article VI of GATT 1994;

- Commerce's selection of the period of review for the "not likely" criterion was improper and not objective, and therefore is inconsistent with Article 17.6(I) of the Antidumping Agreement and Article X of GATT 1994;

- Commerce's final determination is inconsistent with Article I of GATT 1994 in that it denied to the Korean respondents the revocation of the antidumping order after three consecutive reviews finding no or *de minimis* dumping margins, and after those respondents certified that they would not dump in the future, and after they agreed to the reimposition of the order if dumping occurred, even though Commerce revoked antidumping orders in the same circumstances involving other Members;

- Commerce's standard for determining whether to revoke antidumping orders is impossible to meet in proceedings involving cyclical industries such as the DRAMS industry, and, therefore, both on its face and as

applied in the final determination, is inconsistent with Article 11 of the Antidumping Agreement;

- The margin of dumping established by the United States to be *de minimis* in administrative review proceedings is inconsistent with Article 5.8 of the Antidumping Agreement; and

- The refusal by the United States to revoke the antidumping order in light of Korea's data collection proposal is inconsistent with Article I of GATT 1994, given the U.S. acceptance of such proposals and consequent revocation of antidumping orders in similar cases involving other Members.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A person requesting that information submitted be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter in accordance with 15 CFR 2007.

Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate that information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding; the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as

the report of the dispute settlement panel and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D-23 ("U.S.-Anti-Dumping Duties on DRAMS from Korea")) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

**Frederick L. Montgomery,**

*Chairman, Trade Policy Staff Committee.*

[FR Doc. 97-31524 Filed 12-1-97; 8:45 am]

BILLING CODE 3190-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act 1995 (44 USC Chapter 35), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burden. The **Federal Register** (FR) Notice with a 60-day comment period soliciting comments on information collection 2125-0571 was published on July 22, 1997 [62 FR 39300] and the FR Notice for 2125-0572 was published on July 22, 1997 [62 FR 39301].

**DATES:** Comments must be submitted on or before (Insert 30 days from date of publication).

**FOR FURTHER INFORMATION CONTACT:** Contact Mr. Thomas Vining, Office of Motor Carriers, (202) 358-7028, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590; for information collections 2125-0571 and 2125-0572.

#### SUPPLEMENTARY INFORMATION:

##### Federal Highway Administration (FHWA)

*Title:* Request for Revocation of Authority Granted.

*OMB Number:* 2125-0571.

*Type of Request:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Affected Public:* Motor Carriers, Freight Forwarders, and Brokers.

*Form(s):* OCE-46.

*Abstract:* The Secretary of Transportation is authorized to promulgate regulations that provide for the registration of for-hire motor carriers of regulated commodities under 49 U.S.C. 13902, for surface freight forwarders under 49 U.S.C. 13903, and for property brokers under 49 U.S.C. 13904. The Secretary has adopted regulations to implement these registration procedures. Under Title 49 U.S.C. 13905, each registration is effective from the date specified and remains in effect for such period as the Secretary of Transportation determines appropriate by regulation. Subsection (c) of 49 U.S.C. 13905 provides that, on application of the registrant, the Secretary may amend or revoke a registration. Authority pertaining to these registrations has been delegated to the FHWA.

Form OCE-46 allows transportation entities to apply voluntarily for revocation of their registration in whole or in part. The form asks for the registrant's docket number, name and address, and the reasons for the revocation request.

*Estimated Annual Burden Hours:* 400 hours.

*Title:* Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers under 49 U.S.C. 13902(c).

*OMB Number:* 2125-0572.

*Affected Public:* Foreign Motor Carriers.

*Type of Request:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Form(s):* OP-2.

*Abstract:* Basic licensing procedures for registering foreign motor carriers to operate across the border into the United States are found at 49 U.S.C. 13902(c). Related regulations appear at 49 CFR 368. The FHWA carries out this registration program under authority delegated by the Secretary of Transportation. Form OP-2 is used by foreign motor carriers to apply for registration with the FHWA. The form requests information on the motor carrier's location, the form of business, ownership and control, and proposed operations.

**ADDRESS:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention FHWA Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department,