

DEPARTMENT OF STATE**Office of the Deputy Assistant Secretary for Energy, Sanctions, and Commodities**

[Public Notice 3055]

Receipt of Application for a Presidential Permit for Pipeline Facilities To Be Constructed and Maintained on the Border of the United States

AGENCY: Department of State.

SUMMARY: The Department of State has received an application from City of Sumas, Washington requesting a Presidential permit, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993, authorizing City of Sumas to construct and maintain a pipeline to establish an intertie between the municipal water systems of the City of Sumas, Washington and the City of Abbotsford, British Columbia, Canada. The project consists of one 12-inch diameter pipeline of approximately 4,10021 feet in length crossing the International Boundary between the United States and Canada.

DATES: Interested parties are invited to submit, in duplicate, comments relative to this proposal on or before June 13, 1999.

FOR FURTHER INFORMATION CONTACT: Matthew McManus, Division Chief, Energy Producer Country Affairs, Department of State, Washington, D.C. 20520, (202) 647-4557.

Matthew McManus,
Division Chief.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-161]

WTO Dispute Settlement Proceeding Regarding Korea—Measures Affecting Imports of Fresh, Chilled, and Frozen Beef

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice of the request by the United States for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade organization ("WTO"), to examine: (1) Korea's retail distribution

system, which discriminates against beef from the United States by imposing sales and other requirements on such beef from which Korean beef is exempt; (2) Korea's imposition of charges that exceed the other duties or charges provided for in Korea's WTO Schedule of concessions; (3) Korea's provision of excessive domestic support to agricultural producers; and (4) other Korean Government measures that have disrupted market access and impaired the ability of U.S. producers to fill the quota allotted by the Korean government for beef imports. In this dispute, the United States alleges that the Korean measures are inconsistent with the obligations of Korea under the General Agreement on Tariffs and Trade (GATT) 1994, the Agreement on Agriculture, and the Agreement on Import Licensing Procedures. The USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by July 15, 1999, to be assured of timely consideration by the USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122, Attn: Korea Beef Dispute, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: James Lyons, Associate General Counsel, Office of the United States Trade Representative, (202) 395-7305 or Mary Latimer, Director for Korea, (202) 395-6813.

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the USTR is providing notice that on April 15, 1999, the United States requested the establishment of a WTO dispute settlement panel to examine whether Korea's discriminatory retail distribution requirements for imported beef, an additional charge not provided for in Korea's Schedule of concessions, domestic support payments which exceed Korea's reduction commitments, and other restrictions on market access for imported beef are inconsistent with the WTO obligations of Korea. The WTO Dispute Settlement Body ("DSB") considered the United States' first request for the establishment of a panel on April 28, 1999, and the United States will present its second request at a

meeting of the DSB on May 26, 1999. A panel will be established at that time unless the DSB decides by consensus not to establish a panel.

Major Issues Raised by the EC and Legal Basis of the Complaint

The USTR believes that these measures are inconsistent with the obligations of Korea under several provisions of the WTO Agreements, including Articles II, III, X, XI, and XVII of the GATT 1994, Articles 3, 4, 6 and 7 of the Agreement on Agriculture, Articles 1 and 3 of the Agreement on Import Licensing Procedures.

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 to Sandy McKinzy at the address provided above. A person requesting that information contained in a comment submitted by that person 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 commentator. 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 the 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 submitting persons believes that information or advice may qualify as such, the submitting person—

(1) Must so designate the 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)), the 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, D.C. 20508. The public file will include a listing of any comments received by the 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 parties 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/DS-161, Korea—Measures Affecting Imports of Fresh, Chilled, and Frozen Beef Dispute) 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.

A. Jane Bradley,

Assistant U.S. Trade Representative for Monitoring and Enforcement.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, Key West International Airport, Key West, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Monroe County, Florida under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On November 9, 1998, the FAA determined that the revised noise exposure maps submitted by Monroe County, Florida under part 150 were in compliance with applicable requirements. On May 7, 1999, the Administrator approved the Key West International Airport noise compatibility program. Six (6) of the eight (8) proposed program measures were fully approved. Two (2) measures were disapproved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Key West International Airport noise compatibility program is May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822, (407) 812-6331, Extension 29. Documents reflecting this

FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Key West International Airport, effective May 7, 1999. Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the revised noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measure should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonable consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical users, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting others powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise

compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, Florida.

Monroe County, Florida submitted to the FAA on October 26, 1998, updated noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from October 1, 1996 through October 25, 1998. The Key West International Airport revised noise exposure maps were determined by FAA to be in compliance with applicable requirements on November 9, 1998. Notice of this determination was published in the **Federal Register**.

The Key West International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2003. It was requested that FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on November 9, 1998, and was required by a provision of the Act to approve or disapprove the program within 180-days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained eight (8) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administration effective May 7, 1999.

Outright approval was granted for six (6) of the specific program measures. Two (2) measures were disapproved.