

The ITAC will meet as follows with an agenda for preparations for the ITU-T Study Group 2 meeting on January 14 and February 2, 2005 from 9:30–12 p.m.; these meetings will be held in the Washington, DC area. People desiring to attend may find the actual location and the call-in numbers for a teleconference bridge by e-mailing the secretariat at [minardje@state.gov](mailto:minardje@state.gov).

The ITAC will meet as follows with an agenda for preparations for the CITELE Permanent Consultative Committee II meeting in Guatemala. These meetings will be held from 10 a.m. to 12 p.m. on January 25, February 22, March 8, March 22 and April 5, 2005 at a location to be determined in the Washington, DC area. For information on the location of these meetings, please contact Cecily Holiday at [holidaycc@state.gov](mailto:holidaycc@state.gov) or Anne Jillson at [jillsonad@state.gov](mailto:jillsonad@state.gov).

Dated: December 22, 2004.

**Anne Jillson,**

*Foreign Affairs Officer, International Communications and Information Policy, Department of State.*

[FR Doc. 04–28564 Filed 12–29–04; 8:45 am]

BILLING CODE 4710–07–P

**DEPARTMENT OF STATE**

[Public Notice 4944]

**Notice of Receipt of Application for Residential Permit To Expand the Mariposa Port of Entry at Nogales, Arizona**

Notice is hereby given that the Department of State has received an application for a permit authorizing the construction, operation and maintenance of two additional commercial cargo lanes at the Mariposa Port of Entry at Nogales, Arizona. The application has been filed by the Border Trade Association Foundation of Phoenix, Arizona. The expansion project to be carried out in conjunction with the Department of Homeland Security and the Arizona Department of Transportation will enable reconfiguration of the Mariposa Port of Entry and the construction of two Free and Secure Trade (FAST) lanes. FAST lanes are dedicated commercial traffic lanes capable of rapidly screening and clearing trucks operated by certified low-risk shippers.

The Department's jurisdiction with respect to this application is based upon Executive Order 11423, dated August 16, 1968, as amended.

As required by E.O. 11423, the Department is circulating this application to concerned agencies for comment.

Interested persons may submit their views regarding this application in writing by January 30, 2005 to Mr. John A. Ritchie, Coordinator, U.S.-Mexico Border Affairs, Room 4258, Department of State, 2201 C St. NW., Washington, DC 20520.

The application and related documents made part of the record to be considered by the Department of State in connection with this application are available for review in the Office of Mexican Affairs during normal business hours throughout the comment period.

Any questions related to this notice may be addressed to Mr. Ritchie at the above address or by fax at (202) 647–5752.

Dated: July 15, 2003.

**John A. Ritchie,**

*Coordinator US-Mexico Border Affairs.*

**Roberta S. Jacobson,**

*Director, Office of Mexican Affairs, Department of State.*

**Editorial Note:** This document was received in the Office of the Federal Register on December 23, 2004.

[FR Doc. 04–28565 Filed 12–29–04; 8:45 am]

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**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Petitions Under Section 302 on the Valuation of Chinese Currency; Decisions Not to Initiate Investigations**

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

**ACTION:** Decisions not to initiate investigations.

**SUMMARY:** The United States Trade Representative (USTR) has determined not to initiate investigations under section 302 of the Trade Act of 1974 with respect to petitions addressed to the valuation of Chinese currency because initiation of investigations would not be effective in addressing the issues raised in the petitions.

**EFFECTIVE DATES:** With respect to the petition filed by the China Currency Coalition: September 9, 2004. With respect to the petition filed by the Congressional China Currency Action Coalition: November 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** Terrence McCartin, Senior Director of Monitoring and Enforcement for China, (202) 395–3900; or William Busis, Associate General Counsel, (202) 395–3150.

**SUPPLEMENTARY INFORMATION:** On September 9, 2004, the China Currency Coalition filed a petition pursuant to

section 302(a)(1) of the Trade Act of 1974, as amended (the Trade Act), alleging that certain acts, policies and practices of the Government of China with respect to the valuation of Chinese currency deny and violate international legal rights of the United States, are unjustifiable, and burden or restrict U.S. commerce. In particular, the petition alleged that China's acts, policies and practices that maintain a fixed exchange rate vis a vis the U.S. dollar have resulted in a significant undervaluation of Chinese currency. The petition alleged that these acts, policies and practices: amount to a prohibited export subsidy under the Agreement on Subsidies and Countervailing Measures and articles VI and XVI of the General Agreement on Tariffs and Trade 1994 (GATT 1994); amount—under article XV of the GATT 1994—to exchange action that frustrates the intent of articles I, II, III, and XI of the GATT 1994; and amount to subsidies that are inconsistent with China's obligations under articles 3, 9, and 10 of the Agreement on Agriculture. The petition also alleged that these acts, policies and practices of China violate international legal rights of the United States under articles IV and VIII of the Articles of Agreement of the International Monetary Fund, and that they burden or restrict U.S. commerce by, among other things, suppressing U.S. manufacturing for domestic consumption and the growth in U.S. exports.

Upon receipt of the petition, the USTR determined not to initiate an investigation under section 302 of the Trade Act because an investigation would not be effective in addressing the acts, policies, and practices covered in the petition. The Administration is currently involved in efforts to address with the Government of China the currency valuation issues raised in the petition. The USTR believes that initiation of an investigation under section 302 would hamper, rather than advance, Administration efforts to address Chinese currency valuation policies.

Subsequent to the USTR's decision not to initiate an investigation in response to the petition filed by the China Currency Coalition, a different petitioner—the Congressional China Currency Action Coalition—filed a petition on September 30, 2004 with respect to Chinese currency valuation. As compared to the earlier petition, the second petition addressed the same acts, policies and practices of China, and contained substantially the same allegations that those acts, policies, and practices deny and violate international legal rights of the United States, are

unjustifiable, and burden or restrict U.S. commerce. The USTR's determination with respect to the second petition was the same as his determination with respect to the earlier petition: namely, the USTR decided not to initiate an investigation in response to the second petition because an investigation would not be effective in addressing the acts, policies, and practices covered in the petition.

**William Busis,**

*Chairman, Section 301 Committee.*

[FR Doc. 04-28625 Filed 12-29-04; 8:45 am]

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### WTO Dispute Settlement Proceeding Regarding Countervailing Duty Measures Concerning Certain Products from the European Communities

**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 that the European Communities ("EC") has requested the establishment of a dispute settlement panel under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO Agreement"). That request may be found at <http://www.wto.org> contained in a document designated as WT/DS212/15. As a result of that request, a dispute settlement panel has been established to examine certain sunset review determinations by the United States Department of Commerce ("Commerce"). USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before January 31, 2005, to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0504@ustr.eop.gov](mailto:FR0504@ustr.eop.gov), Attn: "Change in Ownership Methodology Dispute" in the subject line, or (ii) by fax, to Sandy McKinzy at 202-395-3640, with a confirmation copy sent electronically to the e-mail address above.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth V. Baltzan, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street,

NW., Washington, DC 20508, (202) 395-3582.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act ("URAA") (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. The dispute settlement panel, which will hold its meetings in Geneva, Switzerland, is expected to issue a report on its findings and recommendations by May, 2005.

### Major Issues Raised by the EC

On January 8, 2003, the WTO Dispute Settlement Body ("DSB") adopted the Appellate Body report and the panel report, as modified by the Appellate Body, in the case WT/DS212 (*United States—Countervailing Measures concerning Certain Products from the European Communities*). These reports involved the "change-in-ownership" methodology applied by Commerce in proceedings under the U.S. countervailing duty law. The DSB recommended that the United States bring its administrative practice and the twelve individual determinations found to be inconsistent with the *Agreement on Subsidies and Countervailing Measures* ("SCM Agreement") into conformity with its WTO obligations.

On January 27, 2003, the United States informed the DSB that it intended to implement the recommendations and rulings of the DSB in a manner consistent with its WTO obligations. After publishing a modification of its change-in-ownership methodology, Commerce applied that new methodology to the twelve individual determinations that had been found by the DSB to be inconsistent with U.S. WTO obligations. Commerce issued final revised determinations November 7, 2003. Also on November 7, 2003, the United States informed the DSB that it had fully complied with the DSB's recommendations and rulings.

On March 17, 2004, the EC initiated proceedings under Article 21.5 of the DSU by requesting consultations with the United States. In its consultation request, the EC alleged that the United States had not fully complied with the DSB's recommendations and rulings. Because consultations did not resolve the matter, the EC requested the establishment of a panel pursuant to Articles 6 and 21.5 of the DSU, Article 30 of the SCM Agreement, and Article XXIII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"). The DSB established the panel and

referred the matter to the original panelists.

In its panel request, the EC identifies the following measures and claims:

- With respect to the revised determination in the sunset review on *Certain Corrosion-Resistant Carbon Steel Flat Products from France* (C-427-810), the EC claims that Commerce failed to properly examine the existence, continuation or likelihood of recurrence of subsidization. In particular, with regard to the privatization concerned, the EC alleges that Commerce improperly analysed the consequences of the price charged to employees and retirees for shares in the privatized company. The EC claims that this is inconsistent with Articles 10, 14, 19.4, 21.1 and 21.3 of the SCM Agreement and Article VI: 3 of GATT 1994.

- With respect to the revised determinations in the sunset reviews on *Cut-to-Length Carbon Steel Plate from United Kingdom* (C-412-815), and *Cut-to-Length Carbon Steel Plate from Spain* (C-469-804) (Case No. 11), the EC claims that Commerce failed to properly determine whether there was continuation or recurrence of subsidization and injury, because Commerce did not examine the nature of the privatizations in question and their impact on the continuation of the alleged subsidization. According to the EC, this is inconsistent with Articles 10, 14, 19.4, 21.1 and 21.3 of the SCM Agreement and Article VI:3 of GATT 1994.

*Public Comment:* Requirements for Submissions.

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons submitting comments may either send one copy by fax to Sandy McKinzy at (202) 395-3640, or transmit a copy electronically to [FR0504@ustr.eop.gov](mailto:FR0504@ustr.eop.gov), with "Change in Ownership Methodology Dispute (DS212)" in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy to the electronic mail address listed above.

USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic 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.