

**Bureau of Oceans and International
Environmental and Scientific Affairs**

[Public Notice 2498]

**Shrimp Import Certifications Pursuant
to Section 609 of Public Law 101-162**

January 21, 1997.

SUMMARY: On April 30, 1995, the Department of State certified, pursuant to section 609 of Public Law 101-162, that 36 countries with commercial shrimp trawl fisheries have adopted programs to reduce the incidental capture of sea turtles in such fisheries comparable to the program in effect in the United States and have an incidental take rate comparable to that of the United States, or that the fishing environment in the countries does not pose a threat of the incidental taking of species of sea turtles protected under U.S. law and regulations. The Department also certified Honduras on August 1, 1996 and Thailand on November 8, 1996. The Department was unable to issue certification on April 30 for China or Nigeria and, as a result, imports of shrimp harvested in China and Nigeria in a manner harmful to sea turtles were prohibited effective May 1, 1996. The Department of State subsequently issued certifications for China on December 23, 1996, and for Nigeria on January 1, 1997, and, as a result, the ban on shrimp imports from those two countries that had been in effect since May 1, 1996, was lifted.

EFFECTIVE DATE: January 31, 1997.

FOR FURTHER INFORMATION CONTACT: Hollis Summers, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-3940.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101-162 prohibits imports of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the Federal Register on April 19, 1996 (61 FR 17342).

On April 30, 1996, the Department of State certified that 36 shrimp harvesting nations have met, for the current year, the requirements of the law. The Department also certified Honduras on August 1, 1996 and Thailand on November 8, 1996. The Department of State was unable to certify China or Nigeria at that time. As a result, imports of shrimp from those countries that were harvested in ways harmful to sea turtles were prohibited pursuant to Public Law 101-162 effective May 1, 1996.

The Department did not previously certify China because the Chinese government had not required all commercial shrimp trawl vessels subject to its jurisdiction that operated in waters where there is a likelihood of intercepting sea turtles to use fishing gear that is not harmful to sea turtles at all times. The Department of State has determined that China has now instituted such a requirement, based on documentation that China has provided which includes their law requiring the use of turtle excluder devices on gear which poses a threat of incidental capture of sea turtles. The Department of State, therefore, was able to certify to Congress that China has met the standards of Section 609 of Public Law 101-162.

The Department did not previously certify Nigeria because it had not demonstrated that its sea turtle protection program was comparable to that of the United States, or that its specific fishing environment did not pose a threat to sea turtles. The Government of Nigeria has now provided documentary evidence of the adoption of a sea turtle protection program comparable to the program in the United States. On October 21, 1996 Nigeria's Ministry of Fisheries published a regulation requiring all shrimp trawl vessels operating in Nigerian waters to install sea turtle excluder devices on shrimp nets not later than December 31, 1996. The Department has verified that Nigeria's shrimp boats have TEDs in their nets and that Nigeria is pursuing effective enforcement of its TEDs regulation. The Department of State, therefore, was able to certify to Congress that Nigeria has met the standards of section 609 of Public Law 101-162.

In a related matter, the Department's Form DSP-121, "Shrimp Exporter's/Importer's Declaration," has been issued an extended approval from the Office of Management and Budget. The form has been approved in its current version until September 31, 1999. Respondents are required to complete the form when exporting shrimp and shrimp products

to the United States under Sec. 609, and should begin using the form with the current approval and new expiration date immediately. Forms with the previous approval expiring July 31, 1996, should not be used after May 1, 1997. The approval expiration date is shown on the form in the upper right hand corner of the first page.

Respondents should also note that exemption 7(A)(2) "Harvested using TEDs" is no longer valid and may not be used for export of shrimp and shrimp products to the United States under the requirements of Section 609. Copies of the form are available from the Department at the number above, or from any U.S. Embassy.

Dated: January 21, 1997.

R. Tucker Scully,

*Acting Deputy Assistant Secretary For
Oceans.*

[FR Doc. 97-2369 Filed 1-30-97; 8:45 am]

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**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

[Docket No. WTO/D-13]

**WTO Dispute Proceeding Regarding
Argentina's Specific Duties on
Textiles, Apparel and Footwear and
Three Percent Ad Valorem Statistical
Tax on Imports**

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for written 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 United States has requested the establishment of a dispute settlement panel under the Agreement Establishing the World Trade Organization (WTO) to examine certain acts, policies and practices of the Government of Argentina concerning the imposition of (1) specific duties on textiles, apparel and footwear above the 35 percent *ad valorem* rate to which Argentina is bound under the General Agreement on Tariffs and Trade 1994 ("GATT 1994"); and (2) a statistical tax of 3 percent *ad valorem* on imports from sources other than MERCOSUR countries. The United States alleges that these acts, policies and practices are inconsistent with certain provisions of GATT 1994, the Agreement on Implementation of Article VII of the GATT 1994 and the Agreement on Textiles and Clothing. USTR invites

written comments from the public on the matters raised in this dispute.

DATES: Comments should be submitted on or before March 3, 1997, to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments must be submitted to Ileana Falticeni, Office of Monitoring and Enforcement, Room 501, Attn: Argentina Textiles, Apparel and Footwear Dispute, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Karen James Chopra, Deputy Assistant United States Trade Representative for the Western Hemisphere, (202) 395-5190, or Hal S. Shapiro, Assistant General Counsel, (202) 395-3582.

SUPPLEMENTARY INFORMATION: On January 22, 1997, the United States requested establishment of a WTO dispute settlement panel to examine whether Argentina's measures are inconsistent with Articles II, VII, VIII and X of the GATT 1994; Articles 1 through 8 of the Agreement on Implementation of Article VII of the GATT 1994; and Article 7 of the Agreement on Textiles and Clothing.

Major Issues Raised by the United States and Legal Basis of Complaint

Under the GATT 1994, Argentina has agreed to a bound tariff rate of 35 percent *ad valorem* for textiles, apparel and footwear. Beginning in September 1995, Argentina converted its tariff regime for textiles, apparel and footwear to specific duties that are in excess of Argentina's bound rate.

Article II of the GATT 1994 provides that imports shall be exempt from all other duties or charges of any kind imposed on or in connection with importation in excess of those set forth in a WTO member's binding and that a WTO member shall not alter its method of determining dutiable value so as to impair the value of its tariff concessions. Article VII of the GATT 1994 and Articles 1 through 8 of the Agreement on Implementation of Article VII of the GATT 1994 set forth the bases for determining dutiable value. The United States contends that Argentina's specific duties are inconsistent with these provisions.

Argentina also imposes a statistical tax of 3 percent *ad valorem* on imports. Article VIII of the GATT 1994 states that all fees and charges imposed by WTO members shall be limited to the approximate cost of services rendered and shall not represent an indirect protection to domestic products or a

taxation of imports for fiscal purposes. In the view of the United States, Argentina's statistical tax is not limited to the amount of any service rendered, and it is an indirect protection of domestic products as well as a taxation of imports.

Finally, Article 7 of the Agreement on Textiles and Clothing requires WTO members to take such actions as may be necessary to achieve improved access to markets for textile and clothing products. Argentina's specific duties and statistical tax hinder the achievement of improved import access, and the United States maintains that they are contrary to Article 7.

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 contained in a comment submitted by that person be treated as confidential must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

A person requesting that information or advice contained in a comment submitted by that person, other than business confidential information, be treated as confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155)—

(1) must so designate that information or advice;

(2) must clearly mark the material as "CONFIDENTIAL" in a contrasting color ink at the top of each page or each copy; and

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

Pursuant to section 127(e) of the URAA, 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, NW, Washington, DC 20508. The public file will include a listing of any comments made to USTR from the public with respect to the proceeding; the United States submissions to the panel in the proceeding, the submissions, or non-confidential summaries of the 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 file (Docket WTO/D-13) may be made by calling Brenda Webb at (202) 395-6186. The USTR Reading Room is open to the public from 10:00 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday.

A. Jane Bradley,

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

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

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

AGENCY: Department of Transportation (DOT).

ACTION: Notice and Request for Comments.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published November 21, 1996 [FR 61, Page 59271].

DATES: Comments on this notice must be received on or before April 1, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Cronin. Telephone: (202) 366-9424.

SUPPLEMENTARY INFORMATION:

Office of the Secretary

Title: Indoor Air Quality Medical Questionnaire.

OMB Control Number: 2105-0533.

Type of Request: New Collection.

Affected Entities: 5,500 Occupants of the U.S. Department of Transportation workers in the Nassif Building.

Abstract: The Department of Transportation (DOT) is announcing a 3-year voluntary health questionnaire to conduct surveys to provide medical evaluations of DOT workers in the Nassif Building. Participation is entirely voluntary. Health surveys of the Nassif Building occupants will be conducted to help determine the role that the building conditions play in employees