

the 76th session of the IMO Legal Committee, which was held October 13–17, 1997, in London, regarding the provision of financial security for seagoing vessels (focussing on security for passenger claims), compensation for pollution from ships' bunkers, a draft convention on wreck removal, the carriage by sea of radioactive materials, and other matters. This meeting will also be a further opportunity for interested members of the public to express their views on whether the United States should ratify the 1996 Hazardous and Noxious Substances Convention, or the 1996 protocol to the Limitation of Liability for Maritime Claims convention of 1976, both adopted in London in May, 1996.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room. For further information, or to submit views concerning the subjects of discussion, write to either Captain Malcolm J. Williams, Jr., or Lieutenant Commander Bruce P. Dalcher, U.S. Coast Guard (G-LMI), 2100 Second Street, S.W., Washington, D.C. 20593, or by telephone (202) 267-1527, telefax (202) 267-4496.

Dated: November 20, 1997.

Russell A. La Mantia,
Chairman, Shipping Coordinating Committee.
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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request of the Government of Anguilla To Be Designated a Beneficiary of the Caribbean Basin Economic Recovery Act; Request for Public Comment

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for public comment.

SUMMARY: Anguilla has requested designation as a beneficiary country under the Caribbean Basin Economic Recovery Act. Interested parties are invited to submit comments relevant to the criteria to be examined in determining Anguilla's eligibility for such designation.

DATES: Comments are due at USTR by January 2, 1998.

ADDRESSES: Comments should be addressed to: Susan Cronin, Director for Caribbean and Central American Affairs, Office of the U.S. Trade Representative, 600 17th Street, N.W., Room 523, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Susan Cronin, Director for Caribbean and Central American Affairs, Office of the United States Trade Representative, 600 17th Street, N.W., Room 523, Washington, DC 20506; (202) 395-5190.

SUPPLEMENTARY INFORMATION: The Caribbean Basin Economic Recovery Act (the "CBERA") (Title II, Pub. L. 98-67, as amended (19 U.S.C. 2701 et seq.)) authorizes the President to proclaim duty-free treatment for eligible articles from designated beneficiary countries in the Caribbean Basin. Anguilla has requested designation as a beneficiary country under the CBERA.

Section 212(b) of the CBERA provides that the President shall not designate any country a CEBRA beneficiary country—

(1) If such country is a Communist country;

(2) If such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States Citizen or a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure

has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their disputes;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent;

(6) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens; and

(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).

Paragraphs (1), (2), (3), (5), and (7) shall not prevent the designation of any country as a beneficiary country under this Act if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

Section 212(c) of the CBERA provides that the President, in determining whether to designate any country a CBERA beneficiary country, shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to provide its own economic development;

(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.

(9) the extent to which such country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights;

(10) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(11) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this title.

Interested parties are invited to submit comments on the application to Anguilla of some or all of these criteria for designation.

Public Comments

Interested parties must provide twelve copies of any comments, which must be in English and which must be received at USTR no later than 5 p.m., Friday, January 2, 1998. If the comments contain business confidential information, ten copies of a non-confidential version must also be submitted. A justification as to why the information contained in the comments should be treated confidentially must be included in the comments. In addition, comments containing confidential information should be clearly marked "confidential" at the top of each page.

The version that does not contain confidential information should be clearly marked "public version" or "non-confidential" at the top of each page.

Comments submitted in response to this notice, except for information granted "business confidential" status pursuant to 15 CFR 2007.7, will be available for public inspection shortly after the filing deadline, by appointment with the staff of the USTR Public Reading Room (202 395-6186).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 97-30954 Filed 11-24-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-97-3129; Notice 1]

Ford Motor Company; Receipt of Application for Decision of Inconsequential Noncompliance

Ford Motor Company, Dearborn, Michigan, has estimated that approximately 853,000 of the 1995-1997 Ford Explorer and 1997 Mercury Mountaineer vehicles with console armrests fail to comply with 49 CFR 571.302, Federal Motor Vehicle Safety Standard (FMVSS) No. 302, "Flammability of Interior Materials," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defects and Noncompliance Reports." Ford has also petitioned to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

FMVSS No. 302, Paragraphs S4.2 and S4.3 specify that any portion of a single or composite material which is within 1/2 inch of the occupant compartment air space, when tested in accordance with paragraph S5, shall not burn, nor transmit a flame across its surface at a rate of more than 4 inches per minute. Composite is defined as a material that adheres to other material(s) at every point of contact. FMVSS No. 302's burn rate testing requires a 4-inch wide by 14-inch long sample, wherever possible (S5.2).

The Ford armrest has multi-layer cover materials: a 1.5mm thick exterior

cover, a 2mm thick second layer Ethylene Vinyl Acetate/Polyethylene (EVA/PE), referred to in the petition as "plus pad," a 13mm thick third layer foam bun pad, and a 3mm polycarbonate substratum. The subject flammable interior material of Ford's petition for determination of inconsequential noncompliance is the 2mm thick "plus pad" layer.

Ford acknowledged that the "plus pad" material is not adhered to its 1.5mm exterior cover material or the 13mm foam bun under it at every point of contact. Therefore, as specified in FMVSS No. 302, the "plus pad" material cannot be tested with other materials as a composite material and has to be tested separately. Ford reported that when the "plus pad" material was tested separately, it showed a burn rate range from 8 to 10 inches per minute—a noncompliance to FMVSS No. 302. Ford stated that all other affected materials in the armrest satisfy the 4-inch per minute burn rate, presumably they were tested according to the standard's requirements. Ford explained that the supplier of the "plus pad" material only "certified" the raw material for FMVSS No. 302 by testing 11mm thick samples, not the designed 2mm thickness.

Ford supports its application for inconsequential noncompliance with the following:

A. Ford stated that the FMVSS No. 302 burn rate testing requirement of cutting a sample from the "normal configuration and packaging in the vehicle" is conservative in regard to the actual fire spreading potential of the tested material.

B. The 2mm "plus pad" failed the FMVSS No. 302 test requirements when tested as a single material. However, a series of further testing demonstrates that the noncompliance does not adversely affect occupant safety because it does not increase the burn rates of the assembly or the adjacent materials in the assembly to levels higher than specified by FMVSS No. 302.

C. The "plus pad" counts less than 10 percent of the armrest material and is an insignificant percentage of the vehicle's remaining materials. All other flammable interior materials of the subject vehicles complied with FMVSS No. 302. Therefore, the noncompliance of the "plus pad" offers an insignificant portion of interior materials that could potentially support an interior fire.

Ford attached the following summary results of several alternative tests, including a worse case scenario test:

1. FMVSS No. 302 type tests (cover, plus pad, and foam)—treated the