

an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding. If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

### Major Issues Raised by Canada

The notice of the DOC preliminary countervailing duty determination and preliminary critical circumstances determination concerning certain softwood lumber from Canada was published in the **Federal Register** on August 17, 2001. The notice explains the basis for DOC's preliminary determinations that Canada provides countervailable subsidies to the Canadian lumber industry and that critical circumstances exist. The notice further states that DOC will instruct the U.S. Customs Service to suspend liquidation of all entries of certain softwood lumber from Canada that are entered, or withdrawn from warehouse, for consumption on or after May 19, 2001. In addition, importers will be required to post a cash deposit or bond equal to the 19.31 percent ad valorem subsidy rate calculated by DOC for all imports that are entered, or withdrawn from warehouse, for consumption on or after August 17, 2001. In its panel request, Canada describes its claims against DOC's determinations in the following manner:

Regarding the preliminary countervailing duty determination, Canada considers this determination to be inconsistent with U.S. obligations under Articles 1, 2, 10, 14, 17.1, 17.5, 19.4, and 32.1 of the SCM Agreement and Article VI(3) of GATT 1994. Such inconsistencies include the determination's treatment of stumpage as a "financial contribution", its finding that stumpage is "specific", its presumption that an alleged benefit from stumpage passes through an arm's-length transaction to a downstream recipient, its measurement of the "adequacy of remuneration" by reference to conditions in another country rather than prevailing market conditions in Canada, and its inflation of the subsidy found by calculating a "weighted average country-wide rate" based upon only a portion of Canadian exports of softwood lumber to the United States.

With respect to the preliminary critical circumstances determination, Canada considers this determination to be inconsistent with Articles 17.1, 17.3, 17.4, 19.4, and 20.6 of the SCM Agreement because it is based upon an alleged export subsidy that was found to be *de minimis*, purports to

apply a rate that is in excess of the rate determined for subsidies found to have been bestowed inconsistently with GATT 1994 and the SCM Agreement, was made without the requisite finding of injury caused by massive imports of softwood lumber benefiting from this alleged export subsidy, and was based on a distorted finding of "massive imports". Furthermore, there is no basis in the SCM Agreement for the application of provisional measures pursuant to such a determination.

Section 777a(e)(2)(A) and (B) of the Tariff Act of 1930 provides that, in certain situations, DOC may limit its investigation to less than all known exporters or producers of the subject merchandise or calculate a single, country-wide subsidy rate to be applied to all exporters and producers. The regulations at 19 CFR 351.214(k) and § 351.213(b) and (k) concern administrative reviews of countervailing duty orders. In its panel request, Canada describes its claims against section 777a(e)(2)(A) and (B) and the regulations in the following manner:

The U.S. measures at issue with regard to expedited and administrative reviews are section 777A(e)(2)(A) and (B) of the Tariff Act of 1930, U.S. Department of Commerce regulations at 19 CFR 351.214(k) and § 351.213(b) and (k), and the operation of these measures in the ongoing U.S. countervailing duty proceeding against certain softwood lumber products from Canada. Canada considers these measures to be inconsistent with U.S. obligations under Article VI:3 of the GATT 1994 and Articles 10, 19.3, 19.4, 21.1, 21.2 and 32.1 of the SCM Agreement. Canada also considers that the United States has failed to ensure that its laws and regulations are in conformity with its WTO obligations as required by Article 32.5 of the SCM Agreement and Article XVI:4 of the WTO Agreement.

### 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 business information 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.

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 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)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, N.W., Washington, D.C. 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, 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 panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/DS—, Softwood Lumber 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.

**Julia Christine Bliss,**

*Acting Assistant United States Trade Representative for Monitoring and Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Availability of a Tier 1 Draft Environmental Impact Statement (DEIS) for FAA Site Approval and Land Acquisition by the State of Illinois for a Proposed South Suburban Airport, and Notice of Public Comment Period and Schedule of Public Hearing

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability, notice of public comment period, notice of public hearing.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public that a Tier 1 Draft Environmental Impact Statement (DEIS)—FAA Site Approval and Land Acquisition by the State of Illinois for a

Proposed South Suburban Airport, has been prepared and is available for public review and comment. Written requests for the Tier 1 DEIS and written comments on the Tier 1 DEIS can be submitted to the individual listed in the section **FOR FURTHER INFORMATION CONTACT**. A public hearing will be held on October 4, 2001. The public comment period will commence on August 31, 2001 and will close on October 23, 2001.

**PUBLIC COMMENT AND A WORKSHOP/MEETING:** The start of the public comment period on the Tier 1 DEIS will be August 31, 2001 and will end on October 23, 2001 (which includes the Council on Environmental Quality's required 45 day public comment period). A Public Hearing will be held on October 4, 2001. Public comments will begin at 4:00 p.m. The public hearing will last till 8:00 p.m. The location for the public hearing is the Holiday Inn, 500 Holiday Plaza Drive, Matteson, Illinois.

Copies of the Tier 1 DEIS may be viewed during regular business hours at the following locations:

1. Chicago Airports District Office, Room 312, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.
2. Governors State University Library, Governors State University, University Park, Illinois 60466.
3. Joliet Public Library, 150 North Ottawa Street, Joliet, Illinois 60432.
4. Northwestern University Library, 1935 Sheridan Road, Evanston, Illinois 60202.
5. Harold Washington Public Library, 400 South State Street, Chicago, Illinois 60605.
6. Kankakee Public Library, 304 South Indiana, Kankakee, Illinois 60901.
7. Matteson Public Library, 801 South School Avenue, Matteson, Illinois 60443.
8. Crete Public Library, 1177 North Main Street, Crete, Illinois 60417.
9. Indiana University Northwest Library, 3400 Broadway, Gary, Indiana 46408.
10. Purdue University, Calumet Campus Library, 2200 169th Street, Hammond, Indiana 46323.
11. Village of Manteno, Village Hall, 269 North Main Street, Manteno, Illinois 60950.
12. Village of Monee, Village Hall, 5130 West Court Street, Monee, Illinois 60449.
13. Village of Beecher, Village Hall, 724 Penfield, Beecher, Illinois 60401.
14. Village of Peotone, Village Hall, 208 East Main Street, Peotone, Illinois 60468.

15. College of DuPage, Learning Resources Center (Library), 425 Second Street, Glen Ellyn, Illinois 60137.

16. Chicago Southland Development Inc., Third Airport Information Clearinghouse, 1655 Union Avenue, Chicago Heights, Illinois 60411.

17. Illinois Department of Transportation, 310 South Michigan Avenue, Chicago, Illinois 60604.

18. Illinois Department of Transportation, Illinois Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62707.

19. Illinois Department of Transportation, South Suburban Airport Program Office, 4749 Lincoln Mall Drive, Suite 501, Matteson Illinois 60443.

**FOR FURTHER INFORMATION, CONTACT:** Denis R. Rewerts, Capacity Officer, Federal Aviation Administration, Chicago Airports District Office, Room 312, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Mr. Rewerts can be contacted at (847) 294-7195 (voice), (847) 294-7046 (facsimile) or by e-mail at 9-AGL-SSA-EIS-PROJECT@faa.gov.

**SUPPLEMENTARY INFORMATION:** At the request of the State of Illinois, Department of Transportation, the FAA is preparing a tiered Environmental Impact Statement for site approval of a potential future air carrier airport in the south suburban area of Chicago. FAA Site approval and acquisition of land by the State of Illinois would preserve the option of developing a potential, future air carrier airport to serve the greater Chicago region if determined necessary and appropriate to meet future aviation capacity needs in the region. All reasonable alternatives will be considered including the no-action option. No use of Federal funds or Airport Layout Plan approval nor approval of any airport facilities is contemplated under this action. A subsequent tier, or tiers, may be prepared and considered at a later date to assess the potential impacts resulting from development of aviation facilities, as these issues become ripe for decision.

Comments from interested parties on the Tier 1 DEIS are encouraged and may be presented verbally at a public hearing or may be submitted in writing to the FAA at the address listed in section entitled **FOR INFORMATION CONTACT**. The comment period will close on October 23, 2001.

Issued in Des Plaines, Illinois, on August 22, 2001.

**Philip M. Smithmeyer,**

Manager, Chicago Airports District Office, FAA, Great Lakes Region.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34082]

#### Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP) over approximately 129.2 miles of BNSF trackage extending from BNSF milepost 218.1, near Temple, TX, to BNSF milepost 6.1, near Fort Worth, TX.<sup>1</sup>

The transaction was scheduled to be consummated on August 20, 2001. The temporary trackage rights will facilitate maintenance work on UP's lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34082 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert T. Opal, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

<sup>1</sup> On August 9, 2001, UP concurrently filed a petition for exemption in STB Finance Docket No. 34082 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein UP requests that the Board permit the proposed temporary overhead trackage rights arrangement described in the present proceeding to expire on September 23, 2001. That petition will be addressed by the Board in a separate decision.