

by calculating the dumping margin in the Seventh Administrative Review by using the facts available;

- Commerce's "amalgamation" of the firms Cementos de Chihuahua, S.A. de C.V. and CEMEX S.A. de C.V. in order to calculate a single weighted average dumping margin; and

- Commerce's "duty absorption" standard and the use of that finding in the calculation of the dumping margin reported to the ITC, as such and as applied.

- With regard to the imposition of antidumping duties on imports of cement from Mexico:

- The U.S. retrospective duty assessment system; and

- The U.S. requirement that interest be paid over and above the amount of the dumping margin.

- With regard to failure on the part of Commerce and the ITC to apply U.S. antidumping laws, regulations, decisions and rulings in a uniform, impartial and reasonable manner:

- Commerce's imposition of additional requirements on foreign parties, greater than those imposed on domestic parties, in response to Commerce's sunset initiation notice;

- Commerce's imposition of a more stringent standard on foreign parties than on the regional industry for assessing the adequacy of participation in sunset review process;

- The ITC's verification of information submitted by CEMEX and the failure to verify information submitted by members of the regional industry;

- Commerce's "below cost" investigations;

- The ITC's failure to require producers to provide sufficient detail to permit exporters to have a reasonable understanding of the substance of the information in the record.

#### Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons submitting the comments may either send one copy by fax to Sandy McKinzy at (202) 395-3640, or transmit a copy electronically to [Fr0068@ustr.gov](mailto:Fr0068@ustr.gov) with "Mexico Cement Dispute" in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy electronically, to the electronic mail address listed above.

USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail.

Comments must be in English.

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.

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 submitter. Confidential business information must be clearly designated as such and marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page of the submission.

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 submitting person believes that information or advice may qualify as such, the submitting person—

- (1) Must clearly so designate the information or advice;

- (2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of each page of the cover page and each succeeding page; 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, NW., 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 may be made by calling the USTR Reading Room at (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.

**Daniel E. Brinza,**

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

[FR Doc. 04-5588 Filed 3-11-04; 8:45 am]

**BILLING CODE 3190-W3-M**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-291]

### WTO Dispute Settlement Proceeding Regarding Measures of the European Communities Affecting the Approval and Marketing of Biotech Products

**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 on March 4, 2004, a dispute settlement panel was composed under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") concerning measures of the European Communities (EC) affecting the approval and marketing of the products of agricultural biotechnology ("biotech products"). USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although USTR will accept comments received throughout the course of the dispute settlement proceedings, comments should be received on or before April 6, 2004, to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted either (i) electronically, to [FR040@ustr.gov](mailto:FR040@ustr.gov), with "EC-Biotech 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:** William Busis, Associate General Counsel, (202) 395-3150, or Richard White, Director, Sanitary and Phytosanitary Affairs, (202) 395-6127.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)), USTR is providing notice that, at the request of the United States, the WTO Dispute Settlement Body (DSB) has composed a panel to examine EC measures affecting the approval and marketing of biotech products. The DSB has also composed panels at the request of Argentina and Canada to examine the EC measures. The three proceedings have been combined and will be heard by a single panel.

Since October 1998, the EC has applied a moratorium on the approval of biotech products. Pursuant to the moratorium, the EC has suspended consideration of applications for, or granting of, approval of biotech

products under the EC approval system. In particular, the EC has blocked in the approval process under EC legislation all applications for placing biotech products on the market, and has not considered any application for final approval. The approvals moratorium has restricted imports of agricultural and food products from the United States.

In addition, EC member States maintain a number of national marketing and import bans on biotech products even though those products have already been approved by the EC for import and marketing in the EC. The national marketing and import bans have restricted imports of agricultural and food products from the United States.

The United States panel request explains that the United States considers that these measures of the EC and its member States are inconsistent with the EC's obligations under the *Agreement on the Application of Sanitary and Phytosanitary Measures* ("SPS Agreement"), the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"), the *Agreement on Agriculture* ("Agriculture Agreement"), and the *Agreement on Technical Barriers to Trade* ("TBT Agreement"). The specific EC measures are as follows:

(1) The suspension by the EC of consideration of applications for, or granting of, approval of biotech products;

(2) The failure by the EC to consider for approval applications for the biotech products mentioned in Annexes I and II to this notice; and

(3) National marketing and import bans maintained by EC member States, as described in Annex III to this notice.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised by the United States 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 [FR0401@ustr.gov](mailto:FR0401@ustr.gov), with "EC-Biotech Dispute" in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy electronically.

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.

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 submitter. Confidential business information must be clearly designated as such and marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page of the submission.

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 submitting person believes that information or advice may qualify as such, the submitting person—

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(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of each page of the cover page and each succeeding page; 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, NW., 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 may be made by calling the USTR Reading Room at (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.

#### Daniel E. Brinza,

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

#### Annex I—Applications Under EC Directives 2001/18 and 90/220—Deliberate Release

Bayer oilseed rape (MS1/RF1)  
Bayer hybrid oilseed rape (MS1/RF2)

Bejo Zaden red-hearted chicory (RM3-3, RM3-4 and RM3-6)  
Bayer oilseed rape (Falcon GS40/90)  
Bayer hybrid oilseed rape (MS8/RF3)  
Trifolium/Monsanto/Danisco Roundup Ready fodder beet (A5/15)  
Monsanto Bt cotton (531)  
Monsanto Roundup Ready cotton (RRC1445)  
Amylogene starch potato  
Bayer winter oilseed rape (Liberator pHoe6/Ac)  
Syngenta glufosinate tolerant and Bt resistant (Bt-11) corn  
Monsanto Roundup Ready corn (GA 21)  
Monsanto Roundup Ready oilseed rape (GT73)  
Syngenta Bt hybrid corn (Bt-11)  
Monsanto Roundup Ready oilseed rape (GT73)  
Bayer Liberty Link soybeans (A2704-12 and A5547-127)  
Monsanto/Syngenta Roundup Ready sugar beet  
Bayer Liberty Link oilseed rape (T45 & Topas 19/2) (stack)  
Stoneville BXN cotton (10215, 10222, 10224) (formerly held by Aventis and Calgene)  
Monsanto MaisGard Roundup Ready (MON 810 & GA21) corn (Stack)  
Bayer Liberty Link sugar beet (T120-7)  
Pioneer/Dow AgroSciences Bt corn Cry1F (1507)  
Pioneer/Dow AgroSciences Bt corn Cry1F (1507)  
Monsanto Roundup Ready corn (NK603)  
Pioneer Bt corn (MON 809)  
Zeneca extended shelf life tomato (TGT7-F)  
Monsanto Roundup Ready corn (GA 21)  
Pioneer Liberty Link and Bt (T25 & MON 810) corn (stack)  
Pioneer/Dupont high-oleic soybean (260-05)

#### Annex II—Applications Under EC Regulation 258/97—Novel Foods

Bejo-Zaden Transgenic Radicchio rosso  
Bejo-Zaden Transgenic Green hearted chicory  
Monsanto Roundup Ready corn (GA21)  
Syngenta Bt-11 sweet corn  
Pioneer/Dupont high-oleic soybean (260-05)  
Bayer LibertyLink soybeans  
Monsanto MaisGard Roundup Ready corn (GA 21 & MON 810) (stack)  
Monsanto/Syngenta Roundup Ready sugar beet (77)  
Pioneer/Dow AgroSciences Bt corn Cry1F (1507)  
Monsanto Roundup Ready corn (NK603)  
Pioneer Liberty Link and Bt (T25 x MON 810) corn (stack)

#### Annex III—EC Member State Marketing and Import Bans

Austria Corn: Bt-176, MON 810, T25

France Repeseed: C/UK/95/M5/1; and  
C/UK/94/M1/1  
Germany Corn: Bt-176  
Greece Rapeseed: Topas 19/2  
Italy Corn: Bt-11, MON 809, MON  
810, T25  
Luxembourg Corn: Bt-176  
[FR Doc. 04-5589 Filed 3-11-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Airport Noise Compatibility Program; Noise Exposure Maps; Fort Lauderdale Executive Airport, FL

**AGENCY:** Federal Aviation  
Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the City of Fort Lauderdale, Florida for the Fort Lauderdale Executive Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements.

**EFFECTIVE DATE:** The effective date of the FAA's determination on the noise exposure maps is February 19, 2004.

**FOR FURTHER INFORMATION CONTACT:** Bonnie L. Baskin, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Dr., Suite 400, Orlando, Florida 32822, (407) 812-6331, Extension 130.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for Fort Lauderdale Executive Airport are in compliance with applicable requirements of Part 150, effective February 19, 2004. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the

requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the City of Fort Lauderdale, Florida. The documentation that constitutes the "noise exposure maps" as defined in § 150.7 of Part 150 includes: Figure 53: 2002 Noise Exposure Map with Existing Noise Compatibility Program, Figure 54: 2007 Noise Exposure Map with Revised Noise Compatibility Program, Figure 11: Noise Measurement Locations, Figure 30: Runway 08 Departure and Arrival Flight Tracks and Usage, Figure 31: Runway 26 Departure and Arrival Flight Tracks and Usage, Figure 32: Runway 13 Departure and Arrival Flight Tracks and Usage, Figure 33: Runway 31 Departure and Arrival Flight Tracks and Usage, Figure 34: Helicopter Departure and Arrival Flight Tracks and Usage, Figure 35: Touch-and-Go Flight Tracks and Usage, Table 7: 2002 Modeled Average Daily Aircraft Operations, Table 8: 2007 Modeled Average Daily Aircraft Operations, and Table 34: Population within DNL Contours for the 2002 NEM with Existing NCP, and for the 2007 NEM with the Revised NCP. The document states that there are no known structures included in or eligible for inclusion in the National Register of Historic Places located within the 65 DNL contour (page 160). The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on February 19, 2004.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with

regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration,  
Airports District Office, 5950  
Hazeltine National Drive, Suite 400,  
Orlando, Florida 32822.

Ms Clara Bennett, Acting Airport  
Manager, Fort Lauderdale Executive  
Airport, 6000 NW 21st Avenue, Suite  
200, Fort Lauderdale, Florida 33309.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Orlando, Florida, February 19, 2004.

**Bart Vernace,**

*Acting Manager, Orlando Airports District  
Office.*

[FR Doc. 04-5689 Filed 3-11-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2004-14]

#### Petitions for Exemption; Summary of Petitions Received

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

**ACTION:** Notice of petitions for  
exemption received.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code