

may not be included in the calculation of Chile's trade surplus. During calendar year 2004, the most recent year for which data is available, Chile's imports of the foregoing goods exceeded its exports by 299,120 metric tons according to data published by its customs authority, the *Servicio Nacional de Aduana*. Accordingly, based on this data, USTR determines that Chile's trade surplus for 2004 is negative and sugar exports from Chile are not eligible to enter the United States in 2005.

**Allen F. Johnson,**

*Chief Agricultural Negotiator.*

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**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Technical Corrections to the Harmonized Tariff Schedule of the United States**

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

**ACTION:** Technical corrections to the Harmonized Tariff Schedule of the United States.

**SUMMARY:** The United States Trade Representative ("the USTR") is modifying the Harmonized Tariff Schedule of the United States (HTS) as set forth in the Annex to this notice, pursuant to authority granted to the President in section 604 of the Trade Act of 1974 ("Trade Act") and delegated to the USTR in Presidential Proclamation No. 6969 of January 27, 1997 (62 FR 4415). These modifications will correct errors in the tariff rates that

are being applied to a small number of products that are originating goods of Chile under the United States—Chile Free Trade Agreement. The modifications will ensure that the intended tariff treatment is accorded to the products at issue.

**ADDRESSES:** Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:** Leslie Yang, Director for Mercosur, (202) 395-5190.

**Explanation of Technical Corrections**

This notice makes technical corrections to the HTS to remedy errors included in Presidential Proclamation No. 7746 of December 30, 2003 (68 FR 75789) implementing the United States—(Chile Free Trade Agreement (FTA). The corrections pertain to the tariff rates that are being applied to a small number of originating goods of Chile under the FTA. The modifications will ensure that the intended tariff treatment is accorded to the products at issue.

Paragraph 2 of the General Notes of the United States to Annex 3.3 of the FTA states that the base rates of duty set forth in the U.S. Schedule to the FTA reflect the lower of the HTSUS Column 1 General rates of duty in effect January 1, 2002 or the rate scheduled for January 1, 2004 under existing WTO duty-elimination commitments. For a small number of originating goods of Chile, the January 1, 2002 rates were set forth in the schedule, although the rates scheduled for January 1, 2004 were lower. As a consequence of this error, the tariff rates being applied to these products are higher than the intended rates under the FTA. The Annex to this

notice modifies the HTS to apply the proper tariff rates to the products at issue. The modifications shall apply with respect to originating goods of Chile, under the terms of general note 26 to the HTS, entered, or withdrawn from warehouse for consumption, on or after January 1, 2004.

Requests for application of the tariff modification and duty treatment provided for herein must be filed with the Bureau of Customs and Border Protection (CBP) and contain sufficient information to enable CBP to identify each relevant entry (including but not limited to the entry number for the shipment concerned).

**Rob Portman,**

*Ambassador, United States Trade Representative.*

**Annex**

Effective with respect to goods of Chile, under the terms of general note 26 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after January 1, 2004, and on January 1 of each of the successive years, for each of the enumerated subheadings in the following table, the Rates of Duty 1 Special subcolumn in the HTS is modified (i) by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the January 1, 2004 column followed by the symbol "CL" in parentheses, and (ii) for each of the subsequent dated columns the rates of duty that are followed by the symbol "CL" in parentheses are deleted and the rates of duty for such dated column are inserted in such subheadings in lieu thereof.

HTS Sub-heading	Base Rate	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
6503.00.90	13.5¢/kg + 6.3% + 1.9¢/article	10.1¢/kg + 4.7% + 1.4¢/article	6.7¢/kg + 3.1% + 0.9¢/article	3.3¢/kg + 1.5% + 0.4¢/article	Free	Free	Free	Free	Free	Free	Free.
6505.90.25	7.5%	5.6%	3.7%	1.8%	Free	Free	Free	Free	Free	Free	Free.
6505.90.30	25.4¢/kg + 7.7%	19¢/kg + 5.7%	12.7¢/kg + 3.8%	6.3¢/kg + 1.9%	Free	Free	Free	Free	Free	Free	Free.
6505.90.60	20¢/kg + 7%	15¢/kg + 5.2%	10¢/kg + 3.5%	5¢/kg + 1.7%	Free	Free	Free	Free	Free	Free	Free.
6505.90.90	20.7¢/kg + 7.5%	15.5¢/kg + 5.6%	10.3¢/kg + 3.7%	5.1¢/kg + 1.8%	Free	Free	Free	Free	Free	Free	Free.
6907.10.00	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free.
6907.90.00	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free.
6908.10.10	10%	9%	8%	7%	6%	5%	4%	3%	2%	1%	Free.
6908.10.50	8.5%	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free.
6908.90.00	8.5%	7.6%	6.8%	5.9%	5.1%	4.2%	3.4%	2.5%	1.7%	0.8%	Free.
6911.10.80	20.8%	18.7%	16.6%	14.5%	12.4%	10.4%	8.3%	6.2%	4.1%	2%	Free.
6912.00.20	28%	25.2%	22.4%	19.6%	16.8%	14%	11.2%	8.4%	5.6%	2.8%	Free.
7013.21.10	15%	13.1%	11.2%	9.3%	7.5%	5.6%	3.7%	1.8%	Free	Free	Free.
7013.29.10	28.5%	25.6%	22.8%	19.9%	17.1%	14.2%	11.4%	8.5%	5.7%	2.8%	Free.
7013.29.20	22.5%	20.2%	18%	15.7%	13.5%	11.2%	9%	6.7%	4.5%	2.2%	Free.
7013.29.50	7.5%	6.5%	5.6%	4.6%	3.7%	2.8%	1.8%	0.9%	Free	Free	Free.
7013.31.10	15%	13.1%	11.2%	9.3%	7.5%	5.6%	3.7%	1.8%	Free	Free	Free.
7013.32.20	22.5%	20.2%	18%	15.7%	13.5%	11.2%	9%	6.7%	4.5%	2.2%	Free.
7013.32.30	11.3%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free.
7013.39.20	22.5%	20.2%	18%	15.7%	13.5%	11.2%	9%	6.7%	4.5%	2.2%	Free.

HTS Sub-heading	Base Rate	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
7013.39.30	11.3%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free.
7013.99.10	15%	13.1%	11.2%	9.3%	7.5%	5.6%	3.7%	1.8%	Free	Free	Free.
7013.99.80	11.3%	9.8%	8.4%	7%	5.6%	4.2%	2.8%	1.4%	Free	Free	Free.
8213.00.90	3¢ each + 3%	2.6¢ each + 2.6%	2.2¢ each + 2.2%	1.8¢ each + 1.8%	1.5¢ each + 1.5%	1.1¢ each + 1.1%	0.7¢ each + 0.7%	0.3¢ each + 0.3%	Free	Free	Free.
9612.10.90	7.9%	5.9%	3.9%	1.9%	Free	Free	Free	Free	Free	Free	Free.
9911.69.10	25%	22.5%	20%	17.5%	15%	12.5%	10%	7.5%	5%	2.5%	Free.

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS317]

### WTO Dispute Settlement Proceeding Regarding United States—Measures Affecting Trade in Large Civil Aircraft

**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 of the request by the European Communities (“EC”) for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (“WTO Agreement”) to examine certain U.S. measures affecting trade in large civil aircraft (“LCA”). The request for the establishment of a panel alleges that such measures are inconsistent with various provisions of the Agreement on Subsidies and Countervailing Measures (“SCM Agreement”) and the General Agreement on Tariffs and Trade 1994 (“GATT 1994”). 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 July 22, 2005 to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0506@ustr.eop.gov](mailto:FR0506@ustr.eop.gov), with “United States—Aircraft (DS317)” 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:** Willis S. Martyn III, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395-3581; or Jonathan S. Kallmer, Assistant General Counsel, Office of the United States Trade Representative, 600 17th

Street, NW., Washington, DC 20508, (202) 395-3150.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act (“URAA”) (19 U.S.C. 3537(b)) 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. Consistent with this obligation, USTR is providing notice that the establishment of a panel has been requested pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes (“DSU”). The EC’s request for the establishment of a panel may be found at <http://www.wto.org> contained in a document designated as WT/DS317/2. If a panel is established, 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 and Legal Basis of the Complaint

On October 6, 2004, the EC requested consultations with the United States with respect to certain U.S. measures affecting trade in LCA. Consultations were held on November 5, 2004.

On May 31, 2005, the EC requested the establishment of a panel pursuant to Article 6 of the DSU, Article XXIII:2 of the GATT 1994, and Articles 4, 7, and 30 of the SCM Agreement with respect to such measures. In its request, the EC alleges that such measures are inconsistent with Articles 3.1(a), 3.1(b), 3.2, 5(a), 5(c), 6.3(a), 6.3(b), and 6.3(c) of the SCM Agreement and Article III:4 of the GATT 1994. In particular, the EC claims that WTO-inconsistent subsidies were provided to the U.S. LCA industry by:

1. State and local governments in the States of Washington, Kansas, and Illinois through financial incentives such as tax advantages, bond financing, lease arrangements, corporate headquarters relocation assistance, research funding, infrastructure measures, and other measures;
2. The National Aeronautics and Space Administration (“NASA”), Department of Defense (“DoD”), and

Department of Commerce (“DOC”) through research and development (“R&D”) contracts, allowances, and other programs;

3. NASA, DoD, and DOC through the waiver of patent rights, the protection of trade secrets, and the granting of exclusive rights to data;

4. NASA and DoD through the procurement of goods on better than commercial terms;

5. NASA and DoD through the provision of personnel and research, test, and evaluation facilities support on a non-commercial basis;

6. The Department of Labor through a grant of funds to Edmonds Community College in the State of Washington; and

7. The U.S. Government through the Federal tax system, specifically through the American Jobs Creation Act of 2004, among other measures.

### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the EC’s request for the establishment of a panel. Persons submitting comments may either send one copy by fax to Sandy McKinzy at (202) 395-3640, or transmit a copy electronically to [FR0506@ustr.eop.gov](mailto:FR0506@ustr.eop.gov), with “United States—Aircraft (DS317)” 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.

Comments must be in English. 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