

These measures included, but were not limited to, the following: (1) Tariff Code 9958, which prohibits the importation into Canada of certain periodicals; (2) Part V.1 of the Excise Tax Act, as enacted by Bill C-103 of December 15, 1995, which imposed an excise tax on certain so-called "split-run" periodicals, and (3) application of two types of discriminatory postal rates in favor of certain Canadian periodicals. As required under section 303(a) of the Trade Act, the USTR requested consultations with the Government of Canada under the procedures of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU).

Pursuant to Section 304(a)(1)(A) of the Trade Act, the USTR must determine in this case whether any act, policy or practice of the Government of Canada violates, or otherwise denies benefits to which the United States is entitled to under, any trade agreement. If that determination is affirmative, the USTR must take action under section 301 of the Trade Act, subject to the specific direction of the President, if any, unless, *inter alia*, the United States finds that the foreign country is taking satisfactory measures to grant the rights of the United States under the trade agreement.

#### Reasons for Determinations

##### (1) Canada's Acts, Policies and Practices

The WTO panel in this case circulated its report on March 14, 1997. The panel found that the following three Canadian measures violated Canada's obligations under the GATT: (1) Canada's import ban on certain periodicals; (2) Canada's 80 percent excise tax on so-called "split-run" periodicals, and (3) Canada's discriminatory "commercial" postal rates. Canada appealed the WTO panel's finding regarding the 80 percent excise tax, and the United States cross-appealed the panel's conclusion that a fourth Canadian measure—Canada's discriminatory "funded" postal rates—were a subsidy exempt from GATT national treatment requirements. The Appellate Body upheld the WTO panel's findings on the excise tax, but reversed the panel's finding (agreeing with the United States) regarding Canada's "funded" postal rates. The DSB adopted the WTO panel and Appellate Body reports on July 30, 1997. Thus, based on the results of the WTO dispute settlement proceedings, the public comments received and appropriate consultations, the USTR has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act that certain acts, policies and practices of the

Government of Canada violate, or otherwise deny benefits to which the United States is entitled to under, GATT 1994.

##### (2) U.S. Action

Upon affirmative determination of the denial of rights under a trade agreement, the USTR must decide pursuant to section 304(a)(1)(B) of the Trade Act to take action unless, *inter alia*, the USTR finds that the foreign country is taking satisfactory measures to grant the rights of the United States under the trade agreement. On August 29, 1997, Canada submitted a letter to the DSB stating that it will meet its WTO obligations and will comply with the WTO panel and Appellate Body reports within a reasonable period of time. The USTR has determined that, in light of Canada's letter of intention, Canada is taking satisfactory measures to grant the rights of the United States under GATT. Thus, the USTR will not take action under section 301 of the Trade Act at this time and has determined this investigation. Pursuant to section 306 of the Trade Act, the USTR will monitor Canada's compliance with the WTO panel and Appellate Body report and will take action under section 304(a) of the Trade Act if Canada does not come into compliance.

Irving A. Williamson,

Chairman, Section 301 Committee.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 97-063]

### National Boating Safety Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

**SUMMARY:** The National Boating Safety Advisory Council (NBSAC) will meet to conduct a comprehensive review of currently effective boating safety regulations as previously announced. Special subcommittees will meet to review boating safety regulations dealing with manufacturer requirements, boat and equipment standards and operator requirements. Additionally, Council subcommittees on boat occupant protection, navigation lights, and personal flotation device-life saving index will meet to discuss various issues relating to recreational boating. All meetings will be open to the public.

**DATES:** NBSAC will meet on Monday and Tuesday, October 27 and 28, 1997, from 8:30 a.m. to 5 p.m. The Manufacturer Requirements, Boat and Equipment Standards, and Operator Requirements Regulations Review Subcommittees will meet on Saturday, October 25, 1997, from 1:30 p.m. to 5 p.m. and on Sunday, October 26 from 1:30 to 5:00 p.m. The Navigation Light and the Personal Flotation Device-Life Saving Index Subcommittees will meet from 8:30 to 10:30 a.m., and the Boat Occupant Protection Subcommittee from 10:00 a.m. to noon, on Sunday, October 26, 1997. Written material and requests to make oral presentations should reach the Coast Guard on or before October 20, 1997. Requests to have a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting should reach the Coast Guard on or before October 14, 1997.

**ADDRESSES:** NBSAC will meet at the Holiday Inn Hotel and Conference Center, 210 Holiday Court, Annapolis, Maryland. The subcommittee meetings will be held at the same address. Send written material and requests to make oral presentations to Mr. Albert J. Marmo, Commandant (G-OPB-1), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593-0001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Albert J. Marmo, Executive Director of NBSAC, telephone 202-267-0950, fax 202-267-4285. You may obtain a copy of this notice by calling the U.S. Coast Guard Infoline at 1-800-368-5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at URL address [www.uscgboating.org/](http://www.uscgboating.org/).

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. A Notice of Request for Comments concerning the review of currently effective boating safety regulations by NBSAC was published in the **Federal Register** on May 28, 1997 (62 FR 28824).

### Agendas of Meetings

*National Boating Safety Advisory Council (NBSAC).* The agenda includes the following:

- (1) Executive Director's report.
- (2) Chairman's session.
- (3) Manufacturer Requirements Regulations Review Subcommittee report.
- (4) Boat and Equipment Standards Regulations Review Subcommittee report.
- (5) Operator Requirements Regulations Review Subcommittee report.

(6) Boat Occupant Protection Subcommittee report.  
(7) Navigation Light Subcommittee report.

(8) Personal Flotation Device—Life Saving Index Subcommittee report.

(10) Recreational Boating Safety Program report.

(11) Canadian Coast Guard report.

(12) National Association of State Boating Law Administrators report.

(13) Coastal Zone Mission Analysis discussion.

(14) Fire extinguisher labeling discussion.

(15) Update on mandatory personal flotation device wearing requirements and mandatory boating safety education requests for comments.

(16) Update on Global Maritime Distress and Safety System and National Distress System Modernization Project Issues.

(17) Report on personal flotation device conspicuity research.

#### **Manufacturer Requirements Regulations Review Subcommittee**

The agenda includes the following:

(1) Review recreational boating safety regulations concerning capacity; flotation; certification; hull identification number, and defect notification.

(2) Present recommendation to the Council as to whether the current recreational boating safety regulations need to be changed or removed based on a review of need, technical accuracy, cost/benefit, problems and alternatives.

#### **Boat and Equipment Standards Regulations Review Subcommittee**

The agenda includes the following:

(1) Review recreational boating safety regulations concerning fuel and electrical systems, ventilation; start-in-gear protection; and backfire flame control.

(2) Present recommendations to the Council as to whether the current recreational boating safety regulations need to be changed or removed based on a review of need, technical accuracy, cost/benefit, problems and alternatives.

#### **Operator Requirements Regulations Review Subcommittee**

The agenda includes the following:

(1) Review recreational boating safety regulations concerning intoxicated operation; regattas and marine parades; personal flotation devices; visual distress signals; correction of especially hazardous conditions; numbering; accident reporting; and fire extinguishers.

(2) Present recommendations to the Council as to whether the current

recreational boating safety regulations need to be changed or removed based on a review of need, technical accuracy, cost/benefit, problems and alternatives.

#### **Boat Occupant Protection Subcommittee**

The agenda includes the following:

(1) Review and discuss boat occupant protection study issues.

(2) Discuss risk avoidance alternatives.

(3) Discuss planned study research efforts.

#### **Navigation Light Subcommittee**

The agenda includes the following:

(1) Review and discuss issues concerning regulatory controls for navigation lights for recreational vessels.

(2) Discuss and make recommendations regarding the conduct of a study to improve the visibility and display of navigation lights focusing on hardware issues.

#### **Personal Flotation Device—Life Saving Index Subcommittee**

The agenda includes the following:

(1) Assist in the development of a consensus standard for application of the life saving index to various types of personal flotation devices.

(2) Review personal flotation device (PFD) conspicuity issues and recommend a course of action.

(3) Review the status of inflatable PFD inflation systems.

#### **Procedural**

All meetings are open to the public. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than October 20, 1997. If you would like a copy of your material distributed to each member of the committee or subcommittees in advance of a meeting, please submit 25 copies to the Executive Director no later than October 14, 1997.

#### **Information on Services for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: September 22, 1997.

**Ernest R. Riutta,**

*Rear Admiral, U.S. Coast Guard Assistant Commandant for Operations.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Advisory Circular 25.812-2. Floor Proximity Emergency Escape Path Marking Systems Incorporating Photoluminescent Elements**

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

**ACTION:** Notice of issuance of advisory circular.

**SUMMARY:** This notice announces the issuance of Advisory Circular (AC) 25.812-2, Floor Proximity Emergency Escape Path Marking Systems Incorporating Photoluminescent Elements. This AC provides guidance material for use in demonstrating compliance with the provisions of part 25 of the Federal Aviation Regulations (FAR) regarding floor proximity emergency escape path marking systems (FPEPMS) which incorporate photoluminescent elements. Like all ACs, it is not regulatory but is to provide guidance for applicants in demonstrating compliance with the objective safety standards set forth in the rule.

**DATES:** Advisory Circular 25.812-2 was issued by the Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100, on July 24, 1997.

**HOW TO OBTAIN COPIES:** A copy may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC-121.23, 3341Q 75th Ave., Landover, MD 20785, telephone 301-322-5377, or faxing your request to the warehouse at 301-386-5394.

Issued in Renton, Washington, on September 15, 1997.

**James V. Devany,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Air Traffic Procedures Advisory Committee**

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

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee