

10 a.m. until 1 p.m. Eastern Time by telephone conference.

The meeting will have a series of subject-specific reports and allow for brief question and answer periods. The Commission will accept brief oral comments or questions from the public or media during a portion of this approximately three-hour conference call. The public comment period will be limited to approximately 15 minutes in total, with two minutes allowed per speaker. Those who wish to present oral comments or listen to the conference call must make arrangements with the Executive Secretariat of the National Commission by December 14, 2009.

The National Commission may be contacted via e-mail at [DCUNESCO@state.gov](mailto:DCUNESCO@state.gov), or via phone at (202) 663-0026. Its Web site can be accessed at: <http://www.state.gov/p/io/unesco/>.

Dated: November 20, 2009.

**Elizabeth Kanick,**

*Executive Director, U.S. National Commission for UNESCO, Department of State.*

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BILLING CODE 4710-19-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### North American Free Trade Agreement; Invitation for Applications for Inclusion on the Chapter 19 Roster

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

**ACTION:** Invitation for applications.

**SUMMARY:** Chapter 19 of the North American Free Trade Agreement ("NAFTA") provides for the establishment of a roster of individuals to serve on binational panels convened to review final determinations in antidumping or countervailing duty ("AD/CVD") proceedings and amendments to AD/CVD statutes of a NAFTA Party. The United States annually renews its selections for the Chapter 19 roster. Applications are invited from eligible individuals wishing to be included on the roster for the period April 1, 2010, through March 31, 2011.

**DATES:** Applications should be received no later than December 16, 2009.

**ADDRESSES:** Applications should be submitted (i) electronically to <http://www.regulations.gov>, docket number USTR-2009-0039, or (ii) by fax, to Sandy McKinzy at (202) 395-3640.

**FOR FURTHER INFORMATION CONTACT:** J. Daniel Stirk, Assistant General Counsel,

Office of the United States Trade Representative, (202) 395-9617.

#### SUPPLEMENTARY INFORMATION:

#### Binational Panel Reviews Under NAFTA Chapter 19

Article 1904 of the NAFTA provides that a party involved in an AD/CVD proceeding may obtain review by a binational panel of a final AD/CVD determination of one NAFTA Party with respect to the products of another NAFTA Party. Binational panels decide whether such AD/CVD determinations are in accordance with the domestic laws of the importing NAFTA Party, and must use the standard of review that would have been applied by a domestic court of the importing NAFTA Party. A panel may uphold the AD/CVD determination, or may remand it to the national administering authority for action not inconsistent with the panel's decision. Panel decisions may be reviewed in specific circumstances by a three-member extraordinary challenge committee, selected from a separate roster composed of fifteen current or former judges.

Article 1903 of the NAFTA provides that a NAFTA Party may refer an amendment to the AD/CVD statutes of another NAFTA Party to a binational panel for a declaratory opinion as to whether the amendment is inconsistent with the General Agreement on Tariffs and Trade ("GATT"), the GATT Antidumping or Subsidies Codes, successor agreements, or the object and purpose of the NAFTA with regard to the establishment of fair and predictable conditions for the liberalization of trade. If the panel finds that the amendment is inconsistent, the two NAFTA Parties shall consult and seek to achieve a mutually satisfactory solution.

#### Chapter 19 Roster and Composition of Binational Panels

Annex 1901.2 of the NAFTA provides for the maintenance of a roster of at least 75 individuals for service on Chapter 19 binational panels, with each NAFTA Party selecting at least 25 individuals. A separate five-person panel is formed for each review of a final AD/CVD determination or statutory amendment. To form a panel, the two NAFTA Parties involved each appoint two panelists, normally by drawing upon individuals from the roster. If the Parties cannot agree upon the fifth panelist, one of the Parties, decided by lot, selects the fifth panelist from the roster. The majority of individuals on each panel must consist of lawyers in good standing, and the chair of the panel must be a lawyer.

Upon each request for establishment of a panel, roster members from the two

involved NAFTA Parties will be requested to complete a disclosure form, which will be used to identify possible conflicts of interest or appearances thereof. The disclosure form requests information regarding financial interests and affiliations, including information regarding the identity of clients of the roster member and, if applicable, clients of the roster member's firm.

#### Criteria for Eligibility for Inclusion on Chapter 19 Roster

Section 402 of the NAFTA Implementation Act (Pub. L. 103-182, as amended (19 U.S.C. 3432)) ("Section 402") provides that selections by the United States of individuals for inclusion on the Chapter 19 roster are to be based on the eligibility criteria set out in Annex 1901.2 of the NAFTA, and without regard to political affiliation. Annex 1901.2 provides that Chapter 19 roster members must be citizens of a NAFTA Party, must be of good character and of high standing and repute, and are to be chosen strictly on the basis of their objectivity, reliability, sound judgment, and general familiarity with international trade law. Aside from judges, roster members may not be affiliated with any of the three NAFTA Parties. Section 402 also provides that, to the fullest extent practicable, judges and former judges who meet the eligibility requirements should be selected.

#### Adherence to the NAFTA Code of Conduct for Binational Panelists

The "Code of Conduct for Dispute Settlement Procedures Under Chapters 19 and 20" (*see* <http://www.nafta-sec-alena.org/en/view.aspx?x=345&mtpiID=ALL>), which was established pursuant to Article 1909 of the NAFTA, provides that current and former Chapter 19 roster members "shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved." The Code also provides that candidates to serve on chapter 19 panels, as well as those who are ultimately selected to serve as panelists, have an obligation to "disclose any interest, relationship or matter that is likely to affect [their] impartiality or independence, or that might reasonably create an appearance of impropriety or an apprehension of bias." Annex 1901.2 of the NAFTA provides that roster members may engage in other business while serving as panelists, subject to the Code of Conduct and provided that such business does not interfere with the performance of the panelist's duties. In

particular, Annex 1901.2 states that “[w]hile acting as a panelist, a panelist may not appear as counsel before another panel.”

### Procedures for Selection of Chapter 19 Roster Members

Section 402 establishes procedures for the selection by the Office of the United States Trade Representative (“USTR”) of the individuals chosen by the United States for inclusion on the Chapter 19 roster. The roster is renewed annually, and applies during the one-year period beginning April 1 of each calendar year.

Under Section 402, an interagency committee chaired by USTR prepares a preliminary list of candidates eligible for inclusion on the Chapter 19 Roster. After consultation with the Senate Committee on Finance and the House Committee on Ways and Means, USTR selects the final list of individuals chosen by the United States for inclusion on the Chapter 19 roster.

### Remuneration

Roster members selected for service on a Chapter 19 binational panel will be remunerated at the rate of 800 Canadian dollars per day.

### Applications

Eligible individuals who wish to be included on the Chapter 19 roster for the period April 1, 2010, through March 31, 2011, are invited to submit applications. Persons submitting applications may either send one copy by fax to Sandy McKinzy at 202–395–3640, or should be submitted electronically <http://www.regulations.gov>, docket number USTR–2009–0039.

To submit an application via <http://www.regulations.gov>, enter docket number USTR–2009–0039 on the home page and click “search”. The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting “Notice” under “Document Type” on the left side of the search-results page, and click on the link entitled “Submit a Comment.” (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the website by clicking on “How to Use This Site” on the left side of the home page.)

The <http://www.regulations.gov> site provides the option of providing comments by filling in a “Type Comment and Upload File” field, or by attaching a document. It is expected that most applications will be provided in an attached document. If a document is attached, it is sufficient to type “See

attached” in the “Type Comment and Upload File” field.

Applications must be typewritten, and should be headed “Application for Inclusion on NAFTA Chapter 19 Roster.” Applications should include the following information, and each section of the application should be numbered as indicated:

1. Name of the applicant.
2. Business address, telephone number, fax number, and e-mail address.
3. Citizenship(s).
4. Current employment, including title, description of responsibility, and name and address of employer.
5. Relevant education and professional training.
6. Spanish language fluency, written and spoken.
7. Post-education employment history, including the dates and addresses of each prior position and a summary of responsibilities.
8. Relevant professional affiliations and certifications, including, if any, current bar memberships in good standing.
9. A list and copies of publications, testimony, and speeches, if any, concerning AD/CVD law. Judges or former judges should list relevant judicial decisions. Only one copy of publications, testimony, speeches, and decisions need be submitted.

10. Summary of any current and past employment by, or consulting or other work for, the Governments of the United States, Canada, or Mexico.

11. The names and nationalities of all foreign principals for whom the applicant is currently or has previously been registered pursuant to the Foreign Agents Registration Act, 22 U.S.C. 611 *et seq.*, and the dates of all registration periods.

12. List of proceedings brought under U.S., Canadian, or Mexican AD/CVD law regarding imports of U.S., Canadian, or Mexican products in which the applicant advised or represented (for example, as consultant or attorney) any U.S., Canadian, or Mexican party to such proceeding and, for each such proceeding listed, the name and country of incorporation of such party.

13. A short statement of qualifications and availability for service on Chapter 19 panels, including information relevant to the applicant’s familiarity with international trade law and willingness and ability to make time commitments necessary for service on panels.

14. On a separate page, the names, addresses, telephone and fax numbers of three individuals willing to provide information concerning the applicant’s

qualifications for service, including the applicant’s character, reputation, reliability, judgment, and familiarity with international trade law.

### Current Roster Members and Prior Applicants

Current members of the Chapter 19 roster who remain interested in inclusion on the Chapter 19 roster must submit updated applications. Individuals who have previously applied but have not been selected may reapply. If an applicant, including a current or former roster member, has previously submitted materials referred to in item 9, such materials need not be resubmitted.

### Public Disclosure

Applications normally will not be subject to public disclosure and will not be posted publicly on <http://www.regulations.gov>. They may be referred to other federal agencies in the course of determining eligibility for the roster, and shared with foreign governments and the NAFTA Secretariat in the course of panel selection.

### False Statements

Pursuant to section 402(c)(5) of the NAFTA Implementation Act, false statements by applicants regarding their personal or professional qualifications, or financial or other relevant interests that bear on the applicants’ suitability for placement on the Chapter 19 roster or for appointment to binational panels, are subject to criminal sanctions under 18 U.S.C. 1001.

### Paperwork Reduction Act

This notice contains a collection of information provision subject to the Paperwork Reduction Act (“PRA”) that has been approved by the Office of Management and Budget (“OMB”). Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB number. This notice’s collection of information burden is only for those persons who wish voluntarily to apply for nomination to the NAFTA Chapter 19 roster. It is expected that the collection of information burden will be under 3 hours. This collection of information contains no annual reporting or record keeping burden. This collection of information was approved by OMB under OMB Control Number 0350–0014. Please send comments regarding the collection of information burden or any

other aspect of the information collection to USTR at the above e-mail address or fax number.

#### Privacy Act

The following statements are made in accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a). The authority for requesting information to be furnished is section 402 of the NAFTA Implementation Act. Provision of the information requested above is voluntary; however, failure to provide the information will preclude your consideration as a candidate for the NAFTA Chapter 19 roster. This information is maintained in a system of records entitled "Dispute Settlement Panelists Roster." Notice regarding this system of records was published in the **Federal Register** on November 30, 2001. The information provided is needed, and will be used by USTR, other federal government trade policy officials concerned with NAFTA dispute settlement, and officials of the other NAFTA Parties to select well-qualified individuals for inclusion on the Chapter 19 roster and for service on Chapter 19 binational panels.

**Daniel E. Brinza,**

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

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## DEPARTMENT OF TRANSPORTATION

### Research and Innovative Technology Administration

[Docket No. RITA-2009-0004]

#### Notice of Request for Clearance of a New Information Collection: National Census of Ferry Operators

**AGENCY:** Bureau of Transportation Statistics (BTS), Research and Innovative Technology Administration (RITA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces the intention of the BTS to request the Office of Management and Budget's (OMB's) approval for an information collection related to the Nation's ferry operations. The information collected will be used to produce a descriptive database of existing ferry operations. A summary report of survey findings will be published by BTS on the BTS web page.

**DATES:** Comments must be submitted on or before February 1, 2010.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number RITA-2009-0004 to the U.S. Department of Transportation (DOT), Dockets Management System (DMS). You may submit your comments by mail or in person to the Docket Clerk, Docket No., U.S. Department of Transportation, 1200 NJ Ave., SE., West Building Room W12-140, Washington, DC 20590. Comments should identify the docket number as indicated above. Paper comments should be submitted in duplicate. The DMS is open for examination and copying, at the above address, from 9 a.m. to 5 p.m., Monday through Friday, except federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on Docket RITA-2009-0004." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (the Internet, fax, or professional delivery service) to submit comments to the docket and ensure their timely receipt at U.S. DOT. You may fax your comments to the DMS at (202) 493-2251. Comments can also be viewed and/or submitted via the Federal eRulemaking Portal: <http://www.regulations.gov>.

Please note that anyone is able to electronically search all comments received into our docket management system by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; pages 19475-19570) or you may review the Privacy Act Statement at <http://www.gpoaccess.gov/fr/>.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth W. Steve, (202) 366-4108, NCFO Project Manager, BTS, RITA, Department of Transportation, 1200 NJ Ave., SE., Room E34-431, Washington, DC 20590. Office hours are from 9 a.m. to 6:30 p.m., E.T., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

*Title:* National Census of Ferry Operators (NCFO).

*Background:* The Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178), section 1207(c), directed the Secretary of Transportation

to conduct a study of ferry transportation in the United States and its possessions. In 2000, the Federal Highway Administration (FHWA) Office of Intermodal and Statewide Planning conducted a survey of approximately 250 ferry operators to identify: (1) Existing ferry operations including the location and routes served; (2) source and amount, if any, of funds derived from Federal, State, or local governments supporting ferry construction or operations; (3) potential domestic ferry routes in the United States and its possessions and to develop information on those routes; and (4) potential for use of high speed ferry services and alternative-fueled ferry services. The Safe, Accountable, Flexible Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) Public Law 109-59, Section 1801(e) requires that the Secretary, acting through the BTS, shall establish and maintain a national ferry database containing current information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

This same legislation also requires biennial updating of the database. BTS conducted the first Census of Ferry Operators in 2006 and this information was subsequently updated via another census data collection in 2008. Based on what has been learned from the 2006 and 2008 census efforts, BTS is embarking on a redesign of the data collection instrument. The redesign will exclude previous items in order to produce more useful data. It will also include substantial revisions to current items that will reduce respondent burden and increase data reliability and validity. The BTS data collection will rely on a dual mode of data collection. Respondents will be given the option of responding via a paper questionnaire or Web-based survey. An electronic version of the questionnaire may also be available to respondents on request. The Web and electronic survey response fields will be pre-populated with existing data where appropriate for the operator to which it is sent. Thus, many operators can more easily confirm and/or correct data that they have provided in previous years.

The survey will be administered to the entire population of ferry operators (estimate 260 or less). The survey will request the respondents to provide information such as: The points served; the type of ownership; the number of passengers and vehicles carried in the past 12 months; vessel descriptions (including type of fuel), peak periods of use, and intermodal connectivity. All