

November 1, 2002, (Quito Ministerial) the Ministers responsible for trade in the hemisphere reaffirmed their commitment to the principle of transparency in the FTAA process and recognized the need to enhance and sustain participation of the different sectors of civil society in this process.

At the close of the Quito Ministerial, the Ministers issued a declaration in which they acknowledged the receipt of the contributions submitted in response to the Committee's Third Open Invitation to Civil Society (issued 1 November 2001), and thanked the organizations and persons who took the time and effort to contribute their views. Ministers also reiterated their instruction to the Committee to continue to forward to the FTAA entities the contributions submitted by civil society that refer to their respective issue areas, along with those related to the FTAA process in general.

#### *Public Release of FTAA Draft Texts*

At the Quito Ministerial meeting, Western Hemisphere trade Ministers decided to make public the second FTAA draft consolidated texts. The Ministers' prior decision to release the first version of the draft consolidated texts of the FTAA Agreement was endorsed by the hemisphere's leaders at the Quebec Summit of the Americas on April 20–22, 2001.

The second draft consolidated texts were made available on November 1, 2002 on the USTR Web site and on the official FTAA Web site in all four languages. The texts were produced by the nine FTAA Negotiating Groups (market access; agriculture; services; intellectual property rights; investment; government procurement; competition policy; dispute settlement; and subsidies, antidumping and countervailing duties) and by the FTAA Technical Committee on Institutional Issues. The second draft consolidated texts contain many brackets, indicating that the text enclosed by such brackets has not been agreed to by all FTAA governments.

#### **2. Invitation for Public Comments**

On December 10, 2002, the FTAA Civil Society Committee issued an Open and Ongoing Invitation to the public in the Western Hemisphere for written comments on the FTAA process. The Open and Ongoing Invitation is an important part of U.S. efforts to ensure that the views of the public receive consideration in the FTAA negotiating process and to encourage the public's participation.

Public comment in response to the Open and Ongoing Invitation is

welcome by the FTAA Civil Society Committee on a continuing bases. Comments received by the Committee through May 1, 2003 will form the basis for the Committee's next report to the FTAA trade Ministers.

#### **3. Requirements for Submission**

In order to be considered, each submission must:

—Identify the submitter(s), specifying name(s) and contact information;

—Make reference to matters relating to the FTAA process and/or the second draft FTAA Agreement;

—Be in written form, in at least one of the official FTAA languages (Spanish, English, French, Portuguese);

—Be accompanied by the cover sheet which follows (and also is available on the USTR and FTAA Web sites), with an indication of the FTAA entity or entities to which contribution pertains;

—If greater than five pages, include an executive summary, no longer than two pages, which summarizes and identifies the issues considered in the document. (The FTAA Secretariat will translate all executive summaries and contributions if less than five pages.)

—Be sent directly to the Chair of the Committee of Government Representatives on the Participation of Civil Society at one of the above addresses.

Contributions in response to the Committee's Open and Ongoing Invitation can be submitted by e-mail, fax, courier, or postal mail and must be accompanied by the submission cover sheet (reproduced below). In the interest of facilitating translation into the working languages of the FTAA (English and Spanish) and distribution among the countries of the hemisphere, it is highly recommended that contributions be submitted via e-mail or otherwise in electronic format (*i.e.*, on computer diskette), to one of the addresses above. Contributions submitted by other means will be given equal consideration and every effort will be made to process the transmission of these documents expeditiously.

In a separate notice being published today, the interagency Trade Policy Staff Committee (TPSC) is inviting comments on the second draft consolidated texts of the FTAA Agreement. Members of the public may choose to submit comments

to the FTAA Civil Society Committee as specified above, the TPSC, or both.

**Christina Sevilla,**

*Director, Intergovernmental Affairs and Public Liaison.*

#### **FTAA—Committee of Government Representatives on the Participation of Civil Society (SOC); Cover Sheet for Open Invitation Contributions**

Name(s) \_\_\_\_\_  
 Organization(s) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 E-mail \_\_\_\_\_  
 Country \_\_\_\_\_  
 Fax \_\_\_\_\_  
 Number of Pages \_\_\_\_\_  
 Language \_\_\_\_\_  
 Contribution covers the following country(ies) \_\_\_\_\_  
 or region(s): \_\_\_\_\_

#### **FTAA Entities**

(Please check the FTAA Entity(ies) addressed in the contribution).

Negotiating Group on Agriculture  
 Negotiating Group on Competition Policy  
 Negotiating Group on Dispute Settlement  
 Negotiating Group on Government Procurement

Negotiating Group on Intellectual Property Rights

Negotiating Group on Investment  
 Negotiating Group on Market Access  
 Negotiating Group on Services  
 Negotiating Group on Subsidies,

Antidumping and Countervailing Rights  
 Committee of Government Representatives on the Participating of Civil Society  
 Joint Government-Private Sector Committee of Experts on Electronic Commerce  
 Consultative Group on Smaller Economies  
 Technical Committee on Institutional Issues (general and institutional aspects of the FTAA Agreement)

FTAA Process (check if the contribution is of relevance of all the entities)

*Executive Summary:* (2 pages maximum) must accompany any contribution with more than five pages. (Executive summaries of contributions of more than five pages as well as contributions totaling less than five pages are to be forwarded to FTAA Negotiating Groups and other Entities according to the information provided above.)

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#### **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

#### **Request for Public Comments on the Second Draft Consolidated Texts of the Free Trade Area of the Americas (FTAA) Agreement**

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

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

**SUMMARY:** The second draft consolidated texts of the Free Trade Area of the Americas Agreement (FTAA) have been publicly released and posted on the USTR website (<http://www.ustr.gov>) and on the official FTAA website (<http://www.ftaa-alca.org>). The texts are available in the four official languages of the FTAA: English, Spanish, French, and Portuguese. The interagency Trade Policy Staff Committee (TPSC) is requesting written comments from the public on the second draft consolidated texts of the FTAA Agreement.

**DATES:** Public comments should be received by Friday, January 31, 2003.

**ADDRESSES:** Submissions by electronic mail: [FR0060@ustr.gov](mailto:FR0060@ustr.gov).

Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395-6143. The public is strongly encouraged to submit documents electronically rather than by facsimile.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative at (202) 395-3475. All other questions concerning the FTAA negotiations should be addressed to the agency's Office of the Americas at (202) 395-5190. The FTAA second draft consolidated texts are available on the USTR Website (<http://www.ustr.gov>) and the official FTAA website (<http://www.ftaa-alca.org>). This official FTAA website also contains general information regarding the FTAA process, including official documents.

#### **SUPPLEMENTARY INFORMATION:**

##### **1. Background**

Trade Ministers from the 34 democratically-elected governments in the Western Hemisphere made public the second draft consolidated texts of the FTAA agreement on November 1, 2002, immediately following the close of their Ministerial meeting in Quito, Ecuador. The first draft consolidated texts of the FTAA agreement previously had been made public on July 3, 2001. The TPSC previously invited public comments on the first version of the draft consolidated FTAA texts [66 FR 36614 (July 12, 2001)].

The second draft consolidated texts of the FTAA are currently available on the official FTAA website in the four official FTAA languages (English, Spanish, French and Portuguese). The texts contain many brackets, indicating that the draft text enclosed by such brackets has not been agreed to by all FTAA countries.

The texts include draft chapters produced by the nine FTAA Negotiating Groups (market access; agriculture; services; intellectual property rights; investment; government procurement; competition policy; dispute settlement; and subsidies, antidumping and countervailing duties). The draft texts also include a first preliminary draft text by the FTAA Technical Committee on Institutional Issues (TCI). This section contains preliminary views on the general provisions of the Agreement and on institutional provisions.

##### **2. Public Comments**

The TPSC previously has requested public comments on a number of matters related to the FTAA including: general U.S. positions and objectives in the FTAA, see 63 FR 36470 (July 6, 1998), and 64 FR 72715 (December 28, 1999); specific rules of origin in the FTAA, see 66 FR 22627 (May 4, 2001); scope of the environmental review for the FTAA pursuant to Executive Order 13141, see 65 FR 75763 (December 4, 2000); identification of private sector experts on electronic commerce for the Joint Committee of Experts on Electronic Commerce, see 63 FR 42090 (August 6, 1998), 64 FR 26811 (May 17, 1999), 65 FR 10847 (February 29, 2000), and 65 FR 47818 (August 3, 2000); and market access and other issues regarding the FTAA, see 64 FR 18469 (April 14, 1999). The TPSC also asked for comments on the operation of the FTAA Committee of Government Representatives on the Participation of Civil Society, see 63 FR 40579 (July 29, 1998); and the USTR provided notice in 65 FR 38872 (June 22, 2000), 66 FR 36614 (July 12, 2001), and in 66 FR 56893 (November 13, 2001) that the FTAA Committee of Government Representatives on the Participation of Civil Society had issued requests for public comments on trade matters related to the FTAA process. More recently, the TPSC issued a notice of a public hearing in 67 FR 49732 (July 31, 2002) concerning the negotiation of the FTAA Agreement.

##### **3. Requirements for Submissions**

Written comments are invited on any aspect of the second draft consolidated texts of the FTAA agreement. Persons submitting written comments should submit those documents to one of the addresses indicated above no later than January 31, 2003, to be assured of consideration by U.S. Government negotiators during this round of negotiations. If possible, comments should be submitted before this date. However, submissions will be accepted through February 28, 2003 and those

submissions will be taken into consideration to the extent practicable. Comments should state clearly the position taken, should be as specific as possible, and should describe with particularity the evidence supporting that position.

In a separate notice being published today, USTR is providing notice of the FTAA Committee of Government Representatives on the Participation of Civil Society's (Civil Society Committee) Open and Ongoing Invitation. Members of the public may choose to submit comments to the TPSC, as specified above, the FTAA Civil Society Committee, or to both.

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic (e-mail) submissions in response to this notice. Persons making submissions by e-mail should use the following subject line: "Second Draft FTAA Texts: Written Comments." Documents should be submitted as either WordPerfect, MSWORD, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters "BC-", and the file name of the public version should begin with the characters "P-". The "P-" or "BC-" should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. 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.

Written comments submitted in response to this request will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except for comments containing business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Comments containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" at the top of each page, including any cover letter or cover page, and must be accompanied by a non-confidential summary of the confidential information. All public documents and non-confidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and from 1 p.m. to 4

p.m., Monday through Friday. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling (202) 395-6186. General information concerning the Office of the United States Trade Representative may be obtained by accessing its Internet Website (<http://www.ustr.gov>).

**Carmen Suro-Bredie,**

*Chair, Trade Policy Staff Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### Maritime Administration

[USCG-2002-14134]

#### Port Pelican LLC Deepwater Port License Application

**AGENCY:** Coast Guard and Maritime Administration, DOT.

**ACTION:** Notice of application.

**SUMMARY:** The Coast Guard and the Maritime Administration (MARAD) give notice, as required by the Deepwater Port Act of 1974, as amended, that they have received an application for the licensing of a deepwater port, and that the application appears to contain the required information. The notice summarizes the applicant's plans and the procedures we will follow in considering the application.

**DATES:** Any public hearing held in connection with this application must be held not later than August 25, 2003. The application will be approved or denied within 90 days after the last public hearing held on the application.

**ADDRESSES:** The mailing address for the clerk in this proceeding is: Commandant (G-M), U.S. Coast Guard, 2100 Second Street SW., Washington DC 20593-0001. Public docket USCG-2002-14134 is maintained by the Docket Management Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001. The Docket Management Facility office maintains a Web site, <http://dms.dot.gov>, and can be reached by telephone at 202-366-9329 or fax at 202-493-2251.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice call Robert Nelson, U.S. Coast Guard, (202) 267-0496, [rnelson@comdt.uscg.mil](mailto:rnelson@comdt.uscg.mil).

**SUPPLEMENTARY INFORMATION:** *Receipt of application; determination.* On November 25, 2002, the Coast Guard

and MARAD received an application from Port Pelican LLC, Suite 2700, 1111 Bagby, Houston, Texas 77002 for all Federal authorizations required for a license to own, construct and operate a deepwater port off the coast of Louisiana. On December 16, 2002, we determined that the application appears to contain all required information. The application and related documentation supplied by the applicant (except for certain protected information specified in 33 U.S.C. 1513) may be viewed in the public docket (*see ADDRESSES*).

**Background.** According to the Deepwater Port Act of 1974, as amended (the Act, 33 U.S.C. 1501 *et seq.*), a deepwater port is a fixed or floating manmade structure other than a vessel, or a group of structures, located beyond the territorial sea and off the coast of the U.S., used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State. The Act was most recently amended by the Maritime Transportation Security Act of 2002 (MTSA, Public Law 107-295), which extends the deepwater port definition to include natural gas facilities.

The Deepwater ports must be licensed, and the Act provides that a license applicant submit detailed plans for its facility to the Secretary of Transportation, along with its application. The Secretary has delegated the processing of deepwater port applications to the Coast Guard and MARAD. The Act allows 21 days following receipt of the application to determine if it contains all required information. If it does, we must publish a notice of application in the Federal Register and summarize the plans. This notice is intended to meet those requirements of the Act and to provide general information about the procedure that will be followed in considering the application.

**Application procedure.** We consider the application on its merits. Under the Act, we have 240 days from the date this notice is published to hold at least one public hearing, which is your opportunity to submit written or oral comment on the application. We will publish a separate **Federal Register** notice to notify you of any hearing we decide to hold. At least one hearing must be held in each adjacent coastal state. Pursuant to 33 U.S.C. 1508, we designate Louisiana as an adjacent coastal state. Other states may apply for adjacent coastal state status in accordance with 33 U.S.C. 1508(a)(2). After the last public hearing, Federal agencies have 45 days in which to comment to us on the application, and approval or denial of the application

must follow within 90 days after the last public hearing. Details of the application process are described in 33 U.S.C. 1504 and in 33 CFR part 148.

The present application involves a proposed liquefied natural gas (LNG) facility. As such, MTSA excepts the application from the restrictions of 33 U.S.C. 1504(d) (1)-(3) and 33 U.S.C. 1504(i) (1)-(3). While this permits submission and consideration of competing applications for the same "application area", there may still be practical restrictions from a navigation safety standpoint with regard to the proximity of multiple deepwater ports.

We will review the application under the current deepwater port regulations published in 33 CFR part 148. On May 30, 2002 (67 FR 37920) the Coast Guard published a Notice of Proposed Rulemaking (NPRM) indicating its intent to revise those regulations. Public comments have been received in response to the NPRM and we will consider those comments prior to adopting revised regulations. In addition, MTSA mandates that we revise existing deepwater port regulations as soon as practicable to implement extension of deepwater port regulations to natural gas. It also allows for the issuance of an interim final rule without public notice and comment. Thus, the current regulations may be amended before we have fully processed the application. In that event, the amended regulations will govern further processing of the application as soon as they take effect.

**Summary of the application.** The application plan calls for construction of the Port Pelican Deepwater Port and associated anchorage in an area situated in the Gulf of Mexico approximately 36 miles south southwest of Fresh Water City, Louisiana, in Vermilion Block 140 with a safety zone extending into part of Vermilion Block 139.

The Port Pelican Project (the Project) will deliver natural gas to the United States Gulf Coast using existing gas supply and gathering systems in the Gulf of Mexico and southern Louisiana. Gas will then be delivered to shippers using the national pipeline grid through interconnections with major interstate and intrastate pipelines.

The Project consists of the Port Pelican Terminal (the Terminal), an LNG receiving, storage and regasification facility and the Pelican Interconnector Pipeline (PIPL) to transport the gas to the existing offshore gas gathering system.

The Project will consist of two concrete gravity based structure (GBS) units fixed to the seabed, which will include integral LNG storage tanks,