Florida Power and Light Company (Licensee) should be prepared to respond in a didactic manner through its experts to questions and issues raised in the various filings:

For example:
- The calculations used to determine critical heat flux (CHF) and peak-oxiding temperature (PECT) for Low-
  paraffinic (LOPAR) fuel, Optimized Fuel
  Assemblies (OFA) and mixed LOPAR/
  OFA fuel.
- The hydraulic and thermal effect of spacer grid (as related to calculations of PECT, PCT, and OFA fuel).
- The procedure and calculations used in arriving at the 10°F increase in PCT identified in items 5 and 6 of the
  Licensee affidavit.
- The uncertainties listed in footnotes in the Licensee affidavit at pages 4, 5 and 8.
- Item 11(d) of Dr. Edward's affidavit at page 4-5.

It is so ordered.

DATED AT Bethesda, MD, the 9th day of
February 1984.

For the Atomic Safety and Licensing Board.

Robert M. Luce,
Chairman, Administrative Judge.

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OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE

Initiation of General Review Under the
U.S. Generalized System of Preferences (GSP)

Summary

The purpose of this notice is to announce the initiation of a general review under the U.S. Generalized System of Preferences (GSP), as described in section 502(c)(2) of the Trade and Tariff Act of 1984 (the Act), to be completed by January 4, 1987. The purpose of this review is to determine which particular GSP-eligible products from which particular beneficiary countries should be subjected to lower limitations regarding their duty-free entry into the United States under the GSP. In addition, requests for competitive need limit waivers with respect to specific articles from specific beneficiary countries will be entertained during the course of this review, as well as comments concerning waivers of the 50-
percent competitive need limit on the basis of a finding of no U.S. production of like or directly competitive products. Finally, this notice sets forth the procedures and timetable pertaining to the submission of views by interested parties.

The 700th of Chapter XX of Title II of the Code of Federal Regulations is currently being revised to accommodate the implementation of the amendments to Title III of the Trade Act of 1984 contained in the Trade and Tariff Act of 1984. The revised regulations will be published in an interim basis in the Federal Register in the near future. The regulations will address, inter alia, issues such as the designation and removal of articles and beneficiaries which do not fall within the scope of the general review described herein.

1. Lowering Competitive Need Limits On Specific Articles From Specific Beneficiaries

a. Background

The recently passed Trade and Tariff Act of 1984 directs the President to complete by January 4, 1987, a general review of GSP-eligible articles to determine whether beneficiary countries have demonstrated a sufficient degree of competitiveness. It is important to note that the President is to examine separately each individual article from each individual beneficiary.

For those products for which a beneficiary is determined to have demonstrated a sufficient degree of competitiveness, the GSP's competitive need limits will be lowered. Specifically, the beneficiary will lose GSP duty-free treatment with respect to the article if U.S. imports of the article from the beneficiary during the preceding calendar year exceeded 25 percent of the value of total U.S. imports of the article or $25 million (1984 base year). The latter dollar value limit will be adjusted annually in accordance with changes in the nominal U.S. GNP. For any instances in which the beneficiary is not found to have demonstrated a sufficient degree of competitiveness, the GSP's original limits will continue to apply. These limits are 50 percent and $33.3 million (1974 base year), respectively.

Any changes resulting from this aspect of the general review will be implemented by Executive Order and announced by January 4, 1987. The changes will take effect on July 1, 1987.

b. Factors To Be Considered

In determining whether a beneficiary country should be subjected to the lower competitive need limits with particular article, the President is directed to take into account listed in sections 501 and 502 of the Act. These factors generally fall into three areas, as discussed below.

First, the President must account for those products which are generally of development, context, consideration must be given as the beneficiary's per capita gross domestic product, the living standards, its population and other factors the beneficiary's level of economic development.

A beneficiary's general level of development has been an important factor in GSP deliberations. Under that policy, products of the beneficiary country will be considered for listing if the country qualifies in one of the following:

- The extent to which the beneficiary country has assured the United States adequate access to its markets and its commodity resources (section 502(c)(4)).
- The extent to which the beneficiary country has provided adequate and effective means under its laws for the protection of patents, trademarks and copyrights (section 502(c)(3)).
- The extent to which the beneficiary country has taken action to reduce foreign barriers to trade (section 502(c)(5)).
- Whether the beneficiary country is taking steps to afford the beneficiaries (including the designated zone in the country...
Section 502(c)(2) workers, the President is directed to account the beneficiary's presence with respect to the products which are eligible treatment. In this regard, the will examine the beneficiary's presence with respect to other countries, with respect to the us, and with respect to markets of like or directly competitive products. In evaluating a company's competitiveness with respect to a product, consideration will be given to such factors as the company's share of U.S. imports and U.S. consumption of the product, its price competitiveness, to production capacity and degree of local content, to and any market information that may be available. Information regarding the company's competitiveness will be examined; parties should also be provided with their legislative powers of the Act and its legislative history at the request of the parties.

Sectional Considerations

A. Congressional Considerations

1. Sectional Considerations

The general requirements within 8 of this notice, such as the use of the value of trade, the practice, if applicable, to reduce or eliminate any facts prevailing from the facts, parties will be afforded an opportunity to testify at a public hearing to be held in June in D.C. Details concerning the hearing will be published in the Federal Register. Parties interested in the issue of intellectual property (section 502(c)(8), it should be noted that all written comments provided to the Trade Policy Staff Committee (TPSC) pursuant to the notice published on January 26, 1985 (50 FR 365) will be examined in the context of the general review. Thus, there is no need for those parties who have submitted statements in accordance with that notice to make separate representation in this review.

2. Beneficiaries' Competitive With Respect to Individual Articles

The other component of the general review will commence with a request by the U.S. Trade Representative on behalf of the President for U.S. International Trade Commission (USITC) advice regarding the competitiveness of beneficiaries with respect to all GSP-eligible articles on a product-by-product basis. Public reviews will be conducted by both the TPSC and the USITC. The timetable for the USITC's review will be announced in a separate notice. Regarding the TPSC's review, any party interested in submitting a written statement concerning the competitiveness of a beneficiary with respect to a particular product must file such a statement by November 15, 1985. Any party interested in submitting a written statement must file a request to the above procedures must be made by December 15, 1985. Also, parties will be afforded an opportunity to testify at a public hearing to be held in Washington, D.C. Details concerning the hearing will be published in the Federal Register to be published on or about August 1, 1985.

2. Requests for a Waiver of Competitive Need Limits With Respect to Specific Articles From Specific Beneficiaries

a. Background

Under section 504(c)(3) of the Act, the President may waive completely the competitive need limits applicable to a particular article from a particular country or beneficiary beginning in 1987. During the general review, consideration will be given to requests to exercise this waiver with respect to a particular GSP-eligible article. Any waivers granted pursuant to the review will take effect on July 1, 1987.

The President's authority to exercise the waiver authority is limited. The value of imports from all beneficiaries benefiting from the waiver during any calendar year cannot exceed 30 percent of the value of total imports entering duty-free under the GSP program during the preceding calendar year. There is a further restriction pertaining to those beneficiaries with per capita GNP's in excess of $40,000 and/or those which account for over 10 percent of the value of total imports entering under the GSP program. The value of imports from this latter group of beneficiaries that benefits from the waiver cannot exceed 15 percent of the value of total duty-free GSP imports.

b. Facts To Be Considered

Before exercising the competitive need waiver with respect to any beneficiary's product, the President is required to take into account advice by the U.S. International Trade Commission (USITC) on whether any industry in the United States is likely to be affected adversely by the waiver. He is also required to examine the factors listed in sections 501 and 502(c)(2) (see 160 above). Of this latter list of factors, "great weight" must be given to:

1. The extent to which the beneficiary has assured the United States that it will provide equitable and reasonable access to its markets and basic commodity resources; and
2. The extent to which the beneficiary provides adequate and effective means under its law to protect intellectual property, including patent, trademark and copyright rights.

The President must then determine, based on the above-described advice and considerations, that the waiver would be in the national economic interest of the United States. Those requests for competitive need waivers which are granted will take effect on July 1, 1987.

c. Solicitation of Requests and Comments

Any party interested in submitting a request that the waiver be exercised with respect to a particular article must file such a request by May 31, 1985. In addition to the general requirements noted in section 8 of this notice, such requests should contain the type of information identified at 15 CFR Part 2007 that applies to requests to add new articles to GSP eligibility.

The TPSC will examine all requests, taking into account relevant statutory considerations, and will publish in the Federal Register a list of those requests which have been accepted for formal review. The TPSC reserves the right to reject for review those requests which,
in its view, fail to conform to the requirements set forth above or which, based on available information, do not warrant further consideration. It is anticipated that the list of these requests accepted for review will be published on or about August 1. There will be no separate notification to parties as to whether or not their requests have been accepted for formal review.

Any party interested in submitting a written statement with respect to a waiver request that has been accepted for review may do so by November 15, 1985. Any party interested in submitting a written statement rebutting a statement filed pursuant to the above procedures must do so by December 15, 1985. Parties are also invited to testify at the public hearing referred to in section 1(c)(ii) of this notice.

4. Other Issues

The general review announced in this notice is not intended to encompass and/or replace consideration of all types of GSP determinations. Matters that have been addressed separately include: (1) The complete removal of beneficiary status for a country for its failure to meet the mandatory criteria set forth in section 502(b); (2) the complete removal of a product from GSP treatment; (3) the addition of a new product to the list of articles eligible for GSP treatment; and (4) the exclusion of "least" developed beneficiaries from competitive need limits.

As has been the case in the past, any party wishing to request that a country be removed from beneficiary status based on any of the criteria set forth in section 502(b) may submit such a request at any time. In making any recommendations with respect to the section 502(b) criteria, the Trade Policy Staff Committee (TPSC) will also take into account all information pertinent to parallel criteria in section 502(c) that is submitted during the course of the general review.

Petitions to add or remove products from the list of articles eligible for GSP treatment will not be considered during the general review. Such petitions will continue to be examined in accordance with the GSP program's regular "product review" procedures. Because of the complexity and scope of the issues to be addressed during the general review, the next product review will not begin until 1986. In the meantime, any petitions which "indicate the existence of unusual circumstances warranting an immediate review" (section 207.3(b) of the applicable regulations) will be accepted for review.

Further information regarding the above issues will be contained in proposed changes to the applicable regulations (15 CFR Part 207), which will be published in the Federal Register in the near future.

Another issue to be addressed outside the context of the general review concerns the designation of least developed beneficiaries. Under the Act, the President is directed to designate a list of such countries that will be exempted completely from the application of the GSP's need limits. It is anticipated that the President will notify Congress of the future of the list of beneficiary countries at least 45 days before the list is to be designated as least developed countries. The need for the list to be designated as least developed countries is expected to have an effect on the implementation of the GSP program.

5. Chronology of Deadlines


July 15, 1985—Deadline for presentation of requests for compliance with the provisions of section 502(b).

August 1, 1985—Submission of TPSC's comments regarding the general review.

November 15, 1985—Closure of comments regarding the list of countries that are beneficiaries under the GSP program.

November 15, 1985—Submission of comments regarding waiver requests accepted for review.

November 15, 1985—Deadline for submission of comments regarding the list of countries that are beneficiaries under the GSP program.

December 15, 1985—Submission of comments regarding waiver requests accepted for review.

6. Procedures for Submitting Statements and Requests

All comments and statements concerning beneficiary status, practices, product competition, and product-specific competitive need waiver requests should be addressed to the Chairman, Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C. 20504 except those labeled "confidential" or "confidential information" which must be submitted to the Chairman, House Ways and Means Committee (Attention: Office of the Counsel), 2201 Constitution Avenue, N.W., Washington, D.C. 20515.

"The list of countries hereafter referred to as 'least developed beneficiary countries' is expected to include the following countries: Botswana, Burundi, Chad, Central African Republic, Chad, Comoros, Djibouti, Equatorial Guinea, Gabon, Haiti, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Rwanda, S. Sudan, Togo, Uganda, Zaire, Ivory Coast, Upper Volta, Western Somalia."