

government-directed liberalization countermeasures are claimed to have affected Kodak: Ministry of International Trade and Industry (MITI) administrative guidance to domestic banks to increase shareholdings, MITI administrative guidance to restructure the distribution system, and MITI intervention with the Japan Fair Trade Commission (JFTC) on behalf of Japan's photographic materials producers. The Japanese toleration of the anticompetitive market structure resulting from the countermeasures is alleged to be inconsistent with Japan's obligations under the OECD's Declaration on International and Multinational Investment and Multinational Enterprises ("National Treatment Instrument"). The foregoing acts are alleged to be justifiable under section 301.

The petition also alleges that MITI and the JFTC have tolerated systematic anticompetitive practices and have actively encouraged and reinforced them and that this toleration is unreasonable and discriminatory under section 301. In particular, the petition alleges that:

(a) Fuji has established a distribution system that utilizes various anticompetitive elements as a mutually reinforcing means to exclude Kodak from the market;

(b) The following Fuji practices are inconsistent with Japan's Antimonopoly Law: (1) Resale price maintenance; (2) vertical non-price restraints such as exclusionary dealing arrangements; (3) dealings on restrictive terms; (4) refusals to deal; and (5) group boycotts;

(c) The JFTC has failed to enforce Japan's Antimonopoly Law (AML) against Fuji's anticompetitive practices;

(d) The JFTC actively strengthens the system by enforcing "Fair Competition Codes" in a manner which discourages discount and promotional sales;

(e) MITI tolerated these anticompetitive practices; and

(f) The toleration is egregious in light of numerous Japanese government policy initiatives and international undertakings to increase AML enforcement.

The petition further alleges that the barriers cited in the petition pose a burden or restriction on U.S. commerce because, by restricting Kodak's access to Japan's photographic film and paper markets, they have caused Kodak to forego export revenue and have created a profit sanctuary in Japan for Fuji which significantly affects the global competition between Kodak and Fuji.

Section 302(a) of the Trade Act authorizes the USTR to initiate an investigation under chapter 1 of Title III

of the Trade Act (commonly referred to as "section 301"), in response to the filing of a petition pursuant to section 302(a)(1). Matters actionable under section 301 include, *inter alia*, acts, policies, and practices of a foreign country that are unjustifiable, unreasonable or discriminatory and burden or restrict U.S. commerce. An act, policy or practice is unjustifiable if it is in violation of, or inconsistent with, the international legal rights of the United States. An act, policy or practice is unreasonable if the act, policy or practice, while not necessarily in violation of, or inconsistent with, the international legal rights of the United States, is otherwise unfair or inequitable. Unreasonable acts, policies or practices include, *inter alia*, denial of fair and equitable market opportunities, including the toleration by a foreign government of systematic anticompetitive activities by enterprises or among enterprises in the foreign country that have the effect of restricting, on a basis that is inconsistent with commercial considerations, access of United States goods or services to a foreign market.

On July 2, 1995, the USTR determined that an investigation should be initiated to determine whether certain acts, policies or practices of the Government of Japan with respect to access to the Japanese market for consumer photographic film and paper are actionable under section 301.

Consultations

Pursuant to section 303(a) of the Trade Act, the USTR has requested consultations with the Government of Japan concerning the issues under investigation. USTR will seek information and advice from the appropriate representatives provided for under section 135 of the Trade Act in preparing the U.S. presentations for such consultations.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the petition and any other submissions to USTR in this investigation. In particular, comments are invited regarding (i) the acts, policies and practices of the Government of Japan that are the subject of this investigation; (ii) the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices; (iii) the determinations required under section 304 of the Trade Act; and (iv) appropriate action under section 301 which could be taken in response.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due no later than noon on Tuesday, August 8, 1995. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the section 301 Committee, Room 223, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

Comments will be placed in a file (Docket 301-99) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection.

Copies of the public version of the petition and other relevant documents are available for public inspection in the USTR Reading Room. An appointment to review the docket (Docket No. 301-99) may be made by contacting Brenda Webb at (202) 395-6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 101, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

Irving A. Williamson,

Chairman, Section 301 Committee.

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DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of Veterans Affairs.
ACTION: Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is adding a new routine use to the system of records entitled "Personnel and Accounting Pay System—VA" (27VA047) as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23100 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90), 56 FR 23952 (5/25/91), 58 FR 39088 (7/21/93), and 58 FR 40852