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Dated: May 19, 1998.

**Nicholas E. Tagliareni,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 98-13964 Filed 5-26-98; 8:45 am]

BILLING CODE 4190-29-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-106]

### Determination Under Section 304 of the Trade Act of 1974: Practices of the Government of India Regarding Patent Protection for Pharmaceuticals and Agricultural Chemicals

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

**ACTION:** Notice of determination, termination and monitoring.

**SUMMARY:** The United States Trade Representative (USTR) has determined that certain acts, policies and practices of India violate, or otherwise deny benefits to which the United States is entitled under, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). This determination is based on the report of a dispute settlement panel convened under the auspices of the World Trade Organization (WTO) at the request of the United States, and the report of the WTO Appellate Body reviewing the panel report. The Appellate Body report and the panel report (as modified by the Appellate Body report) were adopted by the WTO Dispute Settlement Body (DSB) on January 16, 1998 ("the WTO reports"). On February 13, 1998, India stated its intention to comply with its WTO obligations with respect to this matter and, on April 22, 1998, stated that it would amend its law no later than April 19, 1999. In light of the foregoing, the USTR will not take action under section 301 of the Trade Act of 1974 ("the Trade Act") at this time and has terminated this investigation. However, the USTR will monitor India's implementation of the WTO reports, and will take action under section 301(a) of the Trade Act if India does not come into compliance.

**EFFECTIVE DATE:** May 8, 1998.

**ADDRESSES:** 600 17th Street, N.W., Washington, D.C. 20508.

**FOR FURTHER INFORMATION CONTACT:** Claude Burcky, Director of Intellectual Property (202) 395-6864; GERALYN S.

Ritter, Assistant General Counsel (202) 395-6800.

**SUPPLEMENTARY INFORMATION:** On July 2, 1996, the USTR initiated an investigation under section 302(b) of the Trade Act (19 U.S.C. 2412(b)) regarding India's provision of patent protection for pharmaceutical and agricultural chemical products, and requested public comment on the issues raised in the investigation and the determinations to be made under section 304 of the Trade Act. (61 FR 35857 of July 8, 1996). This investigation specifically concerned India's failure to comply with its obligations under Articles 70.8 and 70.9 of the TRIPS Agreement to establish a "mailbox" mechanism for filing product patent applications for pharmaceuticals and agricultural chemicals, and to provide a system of exclusive marketing rights for these products. As required under section 303(a) of the Trade Act, the United States held consultations with India under the procedures of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) on July 27, 1996. A dispute settlement panel was established on November 20, 1996.

Pursuant to Section 304(a)(1)(A) of the Trade Act (19 U.S.C. 2414(a)(1)(A)), the USTR must determine in this case whether any act, policy or practice of India violates, or otherwise denies benefits to which the United States is entitled under any trade agreement. If that determination is affirmative, the USTR must take action under section 301 of the Trade Act (19 U.S.C. 2411), subject to the specific direction of the President, if any. However, pursuant to section 301(a)(2)(B), the USTR is not required to take action under section 301 if the USTR finds, *inter alia*, that the foreign country is taking satisfactory measures to grant the rights of the United States under the trade agreement.

### Reasons for Determinations

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

The WTO panel in this case released its report on September 5, 1997, and found that India had failed to comply with its obligations under Articles 70.8 and 70.9 of the TRIPS Agreement. India appealed all of the panel's adverse findings. On December 19, 1997, the Appellate Body issued its report confirming all the major panel findings against India, and reversing the panel report on a procedural issue regarding the panel's jurisdiction to consider claims outside its terms of reference. On January 16, 1998, the DSB adopted the Appellate Body and the panel report (as

modified by the Appellate Body report). The WTO reports include findings that India has failed to comply with Article 70.8 of the TRIPS Agreement because it has failed to establish a legally secure mailbox system for filing patent applications for pharmaceutical and agricultural chemical products that preserves the novelty and priority of those applications. The WTO reports also include findings that India was obligated as of January 1, 1995, to have established a system for granting exclusive marketing rights for certain products that are the subject of mailbox application, and that India had failed to establish such a system in violation of Article 70.9 of the TRIPS Agreement.

Thus, based on the results of the WTO dispute settlement proceedings, the public comments received and appropriate consultations, the USTR has determined that certain acts, policies and practices of India violate, or otherwise deny benefits to which the United States is entitled under, the TRIPS Agreement.

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

At a meeting of the DSB on February 13, 1998, India stated its intention to "meet its obligations under the WTO with respect to this matter" and "to comply with the recommendations and rulings of the DSB." At the DSB meeting on April 22, 1998, India committed to amend its law to meet its TRIPS obligations "as early as possible," and no later than April 19, 1999. In light of India's commitment to implement its WTO obligations, pursuant to section 301(a)(2)(B)(i) of the Trade Act, the USTR will not take action at this time under section 301(a) of the Trade Act and has terminated this investigation. However, pursuant to section 306 of the Trade Act, the USTR will monitor India's implementation of the WTO reports and will take action under section 301(a) of the Trade Act if India does not come into compliance.

**Irving A. Williamson,**

*Chairman, Section 301 Committee.*

[FR Doc. 98-13977 Filed 5-26-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and approval. The ICRs describe the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on (1) Fatal Accident Reporting System (FARS) was published on February 19, 1998 [63 FR 8519-8520] and (2) 49 CFR Part 583, Motor Vehicle Content Labeling was published on February 26, 1998 [63 FR 9897] and (3) A Survey of Drivers Experiences and Expectations of Light Vehicle Brake System Performance: ABS vs Non-ABS was published in the **Federal Register** on February 23, 1998 [63 FR 9042].

**DATES:** Comments must be submitted on or before June 26, 1998.

**FOR FURTHER INFORMATION CONTACT:** Michael Robinson, NHTSA Information Collection Clearance Officer at (202) 366-9456.

**SUPPLEMENTARY INFORMATION:**

National Highway Traffic Safety Administration (NHTSA).

(1) *Title: Fatal Accident Reporting System (FARS)*

*OMB Control Number:* 2127-0006.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* State, Local or Tribal Government.

*Abstract:* Under both the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966, Traffic Safety Administration (NHTSA) has the responsibility to collect accident data that support the establishment and enforcement of motor vehicle regulations and highway safety programs. These regulations and programs are developed to reduce the severity of injury and the property damage associated with motor vehicle accidents. The Fatal Accident Reporting System (FARS) is in its twenty-third year of operation as a major system that acquires national fatality information directly from existing State files and documents. Since FARS is an on-going data acquisition system, reviews are conducted yearly to determine whether the data acquired are responsive to the total user population needs. The total user population includes Federal and State agencies and the private sector. Two data items, Death Certificate Number and Fatal Injury At Work, are not recorded on any FARS form but are

electronically transmitted to the central FARS file.

*Estimated Annual Burden:* 77,400 hours.

(2) *Title: 49 CFR 583 Automobile Parts Content Labeling*

*OMB Control Number:* 2127-0573.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* Individuals or households.

*Abstract:* The American Automobile Labeling Act (AALA) or Section 210 of the Motor Vehicle Information and Cost Savings Act mandates this information collection. The Act requires all new passenger motor vehicles (including passenger cars, certain small buses, all trucks and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or Less), beginning on October 1, 1994, to bear labels providing information about the domestic and foreign content of their equipment. The following information must appear on the label:

(a) The percentage (by Value) of the equipment in the vehicles that originated in the United States and Canada;

(b) Names of the countries, other than the U.S. or Canada, if any, that contributed the two highest Percentages (15 percent or more) to the total value of the equipment that comprises the vehicle and the percentage those countries contributed;

(c) The city, state and country of final assembly of the vehicle;

(d) The country of origin for the transmission of the vehicle (i.e., the country that contributed the greatest percentage to the total value of the equipment in that engine); and

(e) The country of origin for the transmission of the vehicle (i.e., the country that contributed the greatest percentage to the total value of the equipment in the transmission).

The information submitted under this collection provides the justifying rational for labeling content affixation to each new passenger motor.

*Estimated Annual Burden:* 7080 hours.

(3) *Title: A Survey of Drivers Experiences and Expectations of Light Vehicle Brake System Performance: ABS vs Non-ABS*

*OMB Clearance Number:* 2127-0594.

*Type of Request:* New collection.

*Affected Public:* Individuals, households.

*Abstract:* Data collection will be accomplished through the use of Computer Assisted Telephone Interviewing (CATI). The CATI system

allows a computer to perform a number of functions prone to error when done manually by interviewers, including:

A. Providing correct question sequence;

B. Automatically executing skip patterns based on responses to prior questions (which decreases overall interview time and consequentially the burden on respondents);

C. Recalling answers to prior questions and displaying the information in the test of later questions;

D. Providing random rotation of specified questions or response categories (to avoid bias);

E. Ensuring that questions cannot be skipped; and

F. Rejecting invalid responses or data entries.

The CATI system lists questions and corresponding response categories automatically on the screen, eliminating the need for interviewers to track slip patterns and flip pages. Moreover, the interviewers enter responses directly from their keyboards, and the information is automatically recorded in the computer's memory.

The CATI system includes safeguards to reduce interviewer error in direct key-entry of survey responses. It has a double check method to eliminate the problem of key entry error as a result of accidentally hitting the wrong key. Unlike some systems, when the interviewer enters the code for the respondent reply, the code is not immediately accepted and the interview moved to the next screen. Rather, the screen remains on the question and response categories for the item, and the code and category entered by the interviewer are displayed at the bottom of the screen. The interviewer must confirm the initial entry before it is accepted by the computer as final. If, despite these safeguards, the wrong answer is entered or a respondent changes his/her reply, the interviewer can correct the entry before moving on to the next question.

Description of the need for the information and proposed use of the information: Antilock brake systems (ABS) have been increasingly prevalent on passenger car and light trucks in recent years. Brake experts anticipated that the introduction of ABS on these vehicles would reduce the number and severity of crashes. A number of statistical analyses of crash databases have been performed over the past three years, and suggest that the introduction of ABS does not appear to have reduced the number of automobile crashes where they were expected to be effective. Included in these analyses is a

significant increase of single-vehicle, run-off-road crashes for vehicles equipped with ABS as compared to cars without ABS. It is unknown to what extent, if any, this increase is due to incorrect driver usage of ABS, incorrect driver responses to their ABS, or unrealistic driver expectations of an ABS braking ability.

*Estimate of Total Annual Burden:* 1375 hours.

*Address:* Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC, on May 21, 1998.

**Vanester M. Williams,**

*Clearance Officer, United States Department of Transportation.*

[FR Doc. 98-13982 Filed 5-26-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Opportunity To Participate, Criteria Requirements and Change of Application Procedure for Participation in the Fiscal Year 1998 Military Airport Program (MAP)

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

**ACTION:** Notice of criteria for application and designation, redesignation, or continued participation, in the Fiscal Year 1998 Military Airport Program (MAP).

**SUMMARY:** This notice announces the criteria, application procedures and schedule to be applied by the Secretary of Transportation in designating, redesignating, and funding capital

development for up to 12 airports in the 1998 MAP.

The 1998 MAP allows the Secretary to consider current or former military airports: (1) that were realigned or closed under Base Realignment and Closure (BRAC) procedures or 10 USC 2687 (property normally reported to the General Services Administration for disposal); or (2) current or former military airports at which grants would reduce delays at airports that have 20,000 hours of annual delay in passenger aircraft takeoffs and landings; or (3) at current or former military airports which grants would enhance airport and air traffic control system capacity in a metropolitan area.

**DATES:** Airport sponsors should address written applications for designation, redesignation, or continued participation, in the fiscal year 1998 Military Airport Program to the Federal Aviation Administration Regional Airports Division or Airports District Office that serves the airport. Applications must be received by that office of the FAA on or before June 26, 1998.

**ADDRESSES:** Send an original and two copies of Standard Form 424, "Application for Federal Assistance," and supporting and justifying documentation, specifically requesting to be considered for designation, redesignation to participate, or continue, in the fiscal year 1998 Military Airport Program, to the Regional FAA Airports Division or Airports District Office that serves the airport.

**FOR FURTHER INFORMATION CONTACT:** Mr. James V. Mottley or Leonard C. Sandelli, Military Airport Program Branch (APP-420), Office of Airport Planning and Programming, Federal Aviation Administration (FAA), 800 Independence Avenue, SW, Washington, DC 20591, (202) 267-8780, or (202) 267-8785, respectively.

#### SUPPLEMENTARY INFORMATION:

##### General Description of the Program

The Military Airport Program provides assistance to current or former military airports in converting them to civil use, thereby contributing to the capacity of the national air transportation system and/or reducing congestion. Airports designated under the program may obtain funds from a set-aside of four percent of Airport Improvement Program (AIP) discretionary funds to undertake eligible airport development, including certain types of projects not otherwise eligible for AIP assistance.

#### Number of Airports

A maximum of 12 airports can participate in the 1998 MAP. There are eight airports currently designated and the Secretary can designate up to four more. The current participating airports are: Millington Municipal Airport, Millington, Tennessee; Myrtle Beach International Airport, Myrtle Beach, South Carolina; Williams Gateway Airport, Chandler, Arizona; Austin Bergstrom International Airport, Austin, Texas; Homestead Regional Airport, Homestead, Florida; Rickenbacker Airport, Columbus, Ohio; San Bernardino International Airport, San Bernardino, California; Sawyer Airport, Marquette, Michigan; and Alexandria International Airport, Alexandria, Louisiana.

#### Amount of MAP funds

The Secretary of Transportation shall allocate at least 4.0 percent of the Discretionary Airport Improvement Program grant funds available to airports designated under the 1998 MAP. However, for FY 1998 the amount is limited to \$26,000,000.

#### Term of Designation

Five years is the maximum period of eligibility for any airport to participate in the MAP unless an airport sponsor reapplies and is redesignated for another five year period.

#### Reapplication

Section 124 of the Federal Aviation Reauthorization Act of 1996 permits previously designated airports to apply for an additional five-year period. The airport must have satisfactory MAP eligible projects and must continue to satisfy the designation criteria for the MAP.

#### Eligible Projects

In addition to other eligible AIP projects, terminals, fuel farms and utility systems and surface parking lots and hangars are eligible to be funded from the MAP.

#### New Designation and Redesignation Considerations

In making designations of new candidate airports, the Secretary of Transportation will consider the following general requirements:

1. The airport is a Base Realignment and Closure Commission (BRAC) or 10 USC 2687 closure or realignment, classified as a commercial service or reliever airport in the National Plan of Integrated Airport Systems (NPIAS); or
2. The airport and grants issued for projects at the airport would reduce delays at an airport with more than