

affecting 1.09 acres of land on Chickamauga Lake in Meigs County, Tennessee (Tract No. XTCR-192H).

E3. Sale of noncommercial, nonexclusive permanent easements to Robert K. Tallent (Tract No. XTELR-197RE) and John T. Smolik (Tract No. XTELR-198RE) for construction and maintenance of recreational water-use facilities affecting 0.42 acre of land on Tellico Lake in Loudon County, Tennessee.

E4. Grant of permanent easement to LaFollette Utilities for a powerline affecting approximately 5.02 acres of TVA land and former TVA land on Norris Lake in Campbell County, Tennessee (Tract No. XTNR-110PR).

E5. Sale of 40-year easement to Lighthouse Fuels, Inc., for industrial development, affecting approximately 37.5 acres of land on Pickwick Lake in Tishomingo County, Mississippi (Track No. XYECR-111E).

#### Unclassified

F1. Approval to file condemnation cases in connection with the following power transmission lines: Alpha-Loughridge, Murray County, Georgia; Batesville-West Batesville, Panola County, Mississippi; Savannah-North Adamsville, Hardin County, Tennessee; and Widows Creek-Fort Payne, Jackson County, Alabama.

#### Information Items

1. Approval for calculation adjustments to distributor retail rate schedules related to the price increase which became effective October 1, 1997.

2. Approval of completion of final contract negotiations with Southern Company Services, Inc., and execution of reciprocal network transmission service agreements to serve each company's isolated native loads located within the other company's control area.

3. Approval to abandon a portion of TVA's Chickamauga-Friendship transmission line right-of-way easement affecting 0.1 acre in Hamilton County, Tennessee (Tract No. 2CF-10).

4. Amended and restated agreement among TVA, Southeastern Power Administration, and Tennessee Valley Public Power Association regarding power supply from the Corps of Engineers' Cumberland River projects.

5. Approval to submit two proposals to the Department of Energy under which TVA would offer to provide DOE with irradiation services for the production of tritium.

6. Reformation of a contract between TVA and the TVA Retirement System.

7. Approval to amend the program for TVA contributions to the cost of medical coverage in TVA-sponsored

medical plans for current and future retirees and to count all Federal civilian service prior to coming to TVA as creditable service for persons who retire from TVA after January 1, 1997.

For more information: Please call TVA Public Relations at (423) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898-2999.

Dated: October 8, 1997.

**Edward S. Christenbury,**

*General Counsel and Secretary.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D-20]

### WTO Dispute Settlement Proceeding Regarding Japanese Varietal Testing and Quarantine Requirements

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

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

**SUMMARY:** The Office of the United States Trade Representative (USTR) is providing notice that the United States has requested establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (WTO), to examine Japan's prohibition on imports of certain agricultural products. Specifically, for each agricultural product for which Japan requires quarantine treatment, Japan prohibits the importation of each variety of that product until the quarantine treatment has been tested for that variety even though the treatment has proven effective with respect to other varieties of the same product. This redundant testing requirement has no apparent scientific basis but serves as a significant barrier to market access. In this dispute the United States alleges that these Japanese measures are inconsistent with the obligations of Japan under the Agreement on the Application of Sanitary and Phytosanitary Measures, the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), and the Agreement on Agriculture. USTR also invites written comments from the public concerning the issues raised in the dispute.

**DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before November 10, 1997 to be assured of timely consideration by USTR in preparing its first written submission to the panel.

**ADDRESSES:** Comments may be submitted by Ileana Falticeni, Litigation Assistant, Office of Monitoring and Enforcement, Room 501, Attn: Japan Fruit Quarantine Dispute, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

#### FOR FURTHER INFORMATION CONTACT:

Daniel Brinza, Senior Advisor and Special Counsel for Natural Resources, (202) 395-7305, Audra Erickson, Office of Agricultural Affairs, (202) 395-6127, or Elizabeth Hyman, Office of the General Counsel, (202) 395-3150.

#### SUPPLEMENTARY INFORMATION:

Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the USTR is providing notice that on October 3, 1997, the United States requested the establishment of a WTO dispute settlement panel to examine whether the import prohibition on agricultural products, in particular the varietal testing requirements, maintained by Japan are inconsistent with Japan's obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures, the GATT 1994, and the Agreement on Agriculture. The WTO Dispute Settlement Body is likely to establish the panel no later than mid-November, 1997. Under normal circumstances, the panel, which will hold its meetings in Geneva, Switzerland, would be expected to issue a report detailing its findings and recommendations within nine months after it is established.

### Major Issues Raised by the United States and Legal Basis of Complaint

For each agricultural product for which Japan requires quarantine treatment, Japan prohibits the importation of each variety of that product until the quarantine treatment has been tested for that variety, even though the treatment has proven effective with respect to other varieties of the same product. The relevant provisions of Japanese laws include the Plant Protection Law (Law No. 151) enacted May 4, 1950, as amended, and the Plant Protection Law Enforcement Regulation (Ministry of Agriculture, Forestry and Fisheries Ordinance No. 73) of June 30, 1950, as amended.

For example, after years of effort by the United States, in January 1995 Japan agreed to permit imports of U.S. Red Delicious and Golden Delicious apples based on Japan's determination that treatment of fruit from inspected orchards both with methyl bromide fumigation and a cold storage treatment would be effective against codling moth, a plant pest. However, Japan has refused

to allow other varieties of apples, such as Gala, Fuji, Braeburn, Jonagold and Granny Smith, to be imported into Japan unless lengthy and expensive tests are performed on each variety to prove the efficacy of the same methyl bromide/cold storage treatment at killing codling moths. There is no scientific basis for distinguishing between different varieties of fruit in this respect.

The USTR believes that these measures are inconsistent with the obligations of Japan under several provisions of the WTO Agreements, including Articles 2, 3, 4, 5, 7 and 8 of the Agreement on the Application of Sanitary and Phytosanitary Measures; Article XI of the General Agreement on Tariffs and Trade 1994; and Article 4 of the Agreement on Agriculture.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

- (1) Must so designate that information or advice;
- (2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and
- (3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the

proceeding; the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the dispute settlement panel and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D-20, "U.S.-Japan Fruit Quarantine Dispute") may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

**A. Jane Bradley,**

*Assistant U.S. Trade Representative for Monitoring and Enforcement.*

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

[Summary Notice No. PE-97-52]

##### Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

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

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion of omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before November 3, 1997.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. 29009, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267-3132.

##### FOR FURTHER INFORMATION CONTACT:

Heather Thorson (202) 267-7470 or Angela Anderson (202) 267-9681, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, D.C., on October 8, 1997.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

##### Petitions for Exemption

*Docket No.:* 29009.

*Petitioner:* United Airlines, Inc.

*Sections of the FAR Affected:* 14 CFR part 93, subparts K and S.

*Description of Relief Sought:* To prevent the withdrawal of domestic slots from UAL at O'Hare International Airport for reallocation to foreign carriers.

[FR Doc. 97-27147 Filed 10-10-97; 8:45 am]

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#### DEPARTMENT OF THE TREASURY

##### Submission to OMB for Review; Comment Request

October 7, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

##### Internal Revenue Service (IRS)

*OMB Number:* 1545-1549.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Tip Reporting Alternative Commitment for the food and beverage industry.