

Dated: February 27, 1997.
 Don Christensen,
Associate Administrator for Investment.
 [FR Doc. 97-5601 Filed 3-6-97; 8:45 am]
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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-16]

WTO Dispute Settlement Proceeding Regarding European Communities' Tariff Treatment of Some Computer Equipment

AGENCY: Office of the United States
Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that the United States has requested the establishment of a dispute settlement panel under the Agreement Establishing the World Trade Organization (WTO), to examine tariff increases by the European Communities (EC) and its member States on certain local area network (LAN) equipment and personal computers (PCs) with multimedia capacity. More specifically, the United States has requested the establishment of a panel to determine whether the EC has acted inconsistently with its obligations under Article II of the General Agreement on Tariffs and Trade 1994 (GATT 1994) in that the EC and its member States have increased tariffs above rates bound during the Uruguay Round for (1) LAN adapter cards, (2) other LAN equipment and (3) PCs with multimedia capability (including PCs with CD-ROM drives and cards enabling television reception.) 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 April 2, 1997, to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Ileana Falticeni, Office of Monitoring and Enforcement, Room 501, Attn: EC LAN Dispute, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Andrea Casson, Attorney, 202-395-3582 or Matthew Rohde, Director for

Customs Affairs, 202-395-3063, Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: On February 11, 1997, the United States requested establishment of a WTO dispute settlement panel to examine whether the following measures are inconsistent with the EC's obligations under Article II of the GATT 1994: (1) Regulation No. (EC) 1165/95, which reclassifies certain LAN adapter cards from category 8471, "automatic data processing machines and units thereof," to category 8517, "telecommunications apparatus;" (2) the actions of customs authorities in EC member States in reclassifying and increasing tariffs on imports of all types of LAN equipment—including hubs, in-line repeaters, converters concentrators, bridges and routers; and (3) the actions of customs authorities in EC member States in reclassifying and increasing tariffs on imports of PCs with multimedia capacity.

The WTO Dispute Settlement Body (DSB) considered the U.S. request at its meeting on February 25, at which time a panel was established. Members of the panel are currently being selected. Under normal circumstances, the panel would be expected to issue a report detailing its findings and recommendations within six to nine months after it is established.

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

In its schedule of tariff concessions under the GATT 1994, the EC and its member States have agreed to a bound tariff rate for automatic data processing (ADP) equipment and units, staged from the base rate of 4.4 percent ad valorem in 1995 to 2.5 percent ad valorem in 1999. The EC's adoption in June 1995 of the regulation reclassifying certain LAN adapter cards from the ADP category to the category for telecommunications apparatus resulted in an increase in tariffs on imports of such products to rates above the bound rate for ADP equipment.

In addition, since 1995, customs authorities in EC member States, including but not limited to those in the United Kingdom and Ireland, have reclassified all other types of LAN equipment from the ADP category to the telecommunications category, increasing the tariffs on these products above the bound ADP rate. Also, customs authorities in EC member States, particularly those in the United Kingdom, have reclassified certain PCs with multimedia capacity, formerly dutiable under the ADP category, to the

"video apparatus" or "television" categories, dutiable at rates above the bound rate for ADP equipment.

Article II of the GATT 1994 provides that each WTO Member shall afford the trade of other WTO Members treatment that is no less favorable than that provided for in the importing Member's schedule of tariff concessions, and that imports shall be not be subject to duties in excess of those provided for in that schedule. The United States contends that, in reclassifying imports of LAN equipment and multimedia PCs, the EC and its member States have increased duties on these products above the bound rates, and have afforded products imported from the United States treatment less favorable than that provided for in the EC schedule. In the view of the United States, these actions are inconsistent with the EC's obligations under Article II of the GATT 1994.

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.

A person requesting that information or advice contained in a comment submitted by that person, other than business confidential information, be treated as confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155)—

(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, 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/DS-16-EC/LAN) 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.

Irving Williamson,

Acting General Counsel.

[FR Doc. 97-5569 Filed 3-6-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 27590 (Sub-No.2)]

TTX Co., et al.—Application for Approval of the Pooling of Car Service With Respect to Flat Cars

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of request for comments.

SUMMARY: In this proceeding, the Interstate Commerce Commission (ICC) provided for the monitoring of TTX Company (TTX) during the 10-year term of its pooling extension. The Board now proposes to reopen this proceeding to take comments from interested parties on whether any of TTX's activities require any action or particular oversight on the Board's part at this time.

DATES: Comments are due on May 6, 1997.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Finance Docket No. 27590 (Sub-No.2) to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K. Street, NW., Washington, DC 20423-0001. Two copies of all filings should be sent separately to the Board's Office of Compliance and Enforcement, at the above address, Suite 780.

FOR FURTHER INFORMATION CONTACT: Melvin F. Clemens, Jr., (202) 927-5500. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: In a 1994 decision approving a 10-year extension of TTX's pooling authority,¹ the ICC

required its Office of Compliance and Enforcement (OCE) to monitor TTX's operations and to report on any problems at the end of the third and seventh years. Pursuant to the ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (1995) (ICCTA), effective January 1, 1996, the ICC was abolished; a number of its functions were eliminated; and its remaining rail and certain non-rail functions were transferred to the Surface Transportation Board (Board), newly established under ICCTA.

Because the authority over TTX's pooling arrangement was transferred to the Board under ICCTA, the Board is now responsible for monitoring TTX's activities. To carry out that responsibility, the Board requests comments on whether any of TTX's activities require any action or particular oversight on the Board's part at this time. Any commenter wishing to express a concern about any of TTX's activities should fully describe the activity, the Concern, and the type of Board action that the commenter believes is appropriate. The comments will be reviewed by OCE, and, based on the issues raised, the Board will determine whether any further action is appropriate.

Request for Comments

We invite comments on these matters. We encourage any commenter that has the necessary technical wherewithal to submit its comments as computer data on a 3.5-inch floppy diskette formatted for WordPerfect 7.0, or formatted so that it can be readily converted into WordPerfect 7.0. Any such diskette submission (one diskette will be sufficient) should be in addition to the written submission (an original and 10 copies for the Board and two copies for OCE).

Environment

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Applicants, shippers, and other interested parties may file comments with the Board, as described above, on whether any of TTX's activities require any action or particular oversight on the Board's part at this time.

2. Comments are due May 6, 1997.

3. This decision is being served on all parties appearing on the service list in Finance Docket No. 27590 (Sub-No.2).

4. This decision is effective on the date of service.

Decided: February 26, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 97-5685 Filed 3-6-97; 8:45 am]

BILLING CODE 4915-00-P

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 1995 (44 USC Chapter 35), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 22, 1996 [FR 61, page 59483].

DATES: Comments must be submitted on or before April 7, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Chandler, Office of Motor Carrier Research and Standards, (202) 366-4009, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Federal Highway Administration (FHWA)

Title: Time Records.

OMB Number: 2125-0196.

Affected Public: Commercial Motor Vehicle Drivers (CMV).

Abstract: The Secretary has adopted regulations that establish hours of service (HOS) limitations for CMV drivers. Time records generally used by motor carriers are time cards or time sheets. Time records may be used in lieu of records of duty status by drivers who operate within a 100 air-mile radius of their normal work reporting location, 49 CFR 395.1(e). Time records must show: (1) The time the driver reports for duty each day; (2) The total number of hours the driver is on duty each day; (3) The time the driver is released from duty each day; and (4) The total time on duty for the preceding 7 days (for drivers used intermittently or

¹ This pooling authority was approved in Finance Docket No. 27590 (Sub-No.2), *TTX Company, Et.Al.—Application For Approval of the Pooling of*

Car Service With Respect to Flat Cars, served August 31, 1994.