

(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, NW., 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-19, "Korea Spirits 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.

[FR Doc. 97-27481 Filed 10-15-97; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D-21]

WTO Dispute Settlement Proceeding Regarding Indian Import Restrictions on Agricultural, Textile and Industrial Products

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Agreements Act (URAA) (19 U.S.C. 3527(b)(1)), 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 Agreement Establishing the World Trade Organization (WTO), to examine quantitative restrictions maintained by India on over 2700 agricultural, textile and industrial product tariff lines. In this dispute the United States alleges that India's

quantitative restrictions are inconsistent with Articles XI, XIII and XVIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994), and Article 4.2 of the WTO Agreement on Agriculture, and Article 3 of the WTO Agreement on Imports Licensing Procedures. 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 if 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: India Import Restrictions Dispute, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Rick Ruzicka, Office of Asian & the Pacific (202) 395-4755, Elena Bryan, Office of WTO and Multilateral Affairs, (202) 395-5079, Amelia Porges, Senior Counsel for Dispute Settlement, (202) 395-7305, or Gregory Gerdes, Office of Monitoring and Enforcement, (202) 395-3582).

SUPPLEMENTARY INFORMATION: On October 3, 1997, the United States requested the establishment of a WTO dispute settlement panel to examine whether quantitative restrictions maintained by India are inconsistent with India's obligation under the GATT 1994, the Agreement on Agriculture and the Agreement on Import Licensing Procedures. The WTO Dispute Settlement Body is likely to establish the panel no later than November 18, 1997. Under normal circumstances, the panel, which will hold its meetings in Geneva, Switzerland, would be expected to issue a report detailing findings and recommendations within nine months after it is established.

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

Since the 1940s, India has maintained quantitative restrictions on imports of many agricultural, textile and industrial products. These restrictions were formerly maintained under provisions of the GATT which permit import restrictions to protect against a serious decline in a GATT member's foreign exchange reserves, or in the case of a GATT member with inadequate reserves, to achieve a reasonable rate of increase in those reserves. However, India's foreign exchange situation no

longer justifies import restrictions; this fact has been recognized by the International Monetary Fund.

There are currently 2,714 eight-digit Indian tariff line items (one third of India's tariff schedule) subject to import restrictions or prohibitions for which no claim of legal justification has been made other than the GATT balance-of-payments provisions. These items are also subject to a complex and non-transparent import licensing system. The United States believes that these measures are inconsistent with several provisions of the WTO agreements. It appears that India's maintenance of import quotas is inconsistent with Articles XI:1 and XVIII:11 of the GATT 1994, and is not justified as a balance-of-payments measure under Article XVIII of the GATT 1994; India's maintenance of import quotas is also inconsistent with Article 4.2 of the Agreement on Agriculture; and India's import licensing procedures and practices are inconsistent with Article XIII:3(b) of the GATT 1994 and Article 3 of the Agreement on Import Licensing Procedures.

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—

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(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, accessing to the public in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., 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-21 ("India Import Restrictions 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.

Amelia Porges,

Senior Counsel for Dispute Settlement.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Index of Administrator's Decisions and Orders in Civil Penalty Actions; Publication

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of publication.

SUMMARY: This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. This publication represents the quarter ending on September 30, 1997. This publication ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC-400), Federal Aviation Administration, 400 7th Street, SW., Suite PL 200-A, Washington, DC 20590; telephone (202) 366-4118.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act requires

Federal agencies to maintain and make available for public inspection and copying current indexes containing identifying information regarding materials required to be made available or published. 5 U.S.C. 552(a)(92). In a notice issued on July 11, 1990, and published in the **Federal Register** (55 FR 29148; July 15, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the decisions and order issued by the Administrator under the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR part 13, Subpart G.

The FAA maintains an index of the Administrator's decisions and orders in civil penalty actions organized by order number and containing identifying information about each decision or order. The FAA also maintains a cumulative subject-matter index and digests organized by order number.

The indexes are published on a quarterly basis (i.e., January, April, July, and October.) This publication represents the quarter ending on September 30, 1997.

The FAA first published these indexes and digests for all decisions and orders issued by the Administrator through September 30, 1990. 55 FR 45984; October 31, 1990. The FAA announced in that notice that only the subject-matter index would be published cumulatively and that the order number index would be non-cumulative. The FAA announced in a later notice that the order number indexes published in January would reflect all of the civil penalty decisions for the previous year. 58 FR 5044; Jan. 19, 1993.

The previous quarterly publications of the indexes of the Administrator's decisions and orders in civil penalty cases have appeared in the **Federal Register** as follows:

Dates of quarter	Federal Register publication
11/1/89-9/30/90	55 FR 45984; 10/31/90.
10/1/90-12/31/90 ..	56 FR 44886; 2/6/91.
1/1/91-3/31/91	56 FR 20250; 5/2/91.
4/1/91-6/30/91	56 FR 31984; 7/12/91.
7/1/91-9/30/91	56 FR 51735; 10/15/91.

Dates of quarter	Federal Register publication
10/1/91-12/31/91 ..	57 FR 2299; 1/21/92.
1/1/92-3/31/92	57 FR 12359; 4/9/92.
4/1/92-6/30/92	57 FR 32825; 7/23/92.
7/1/92-9/30/92	57 FR 48255; 10/22/92.
10/1/92-12/31/92 ..	58 FR 5044; 1/19/93.
1/1/93-3/31/93	58 FR 21199; 4/19/93.
4/1/93-6/30/93	58 FR 42120; 8/6/93.
7/1/93-9/30/93	58 FR 58218; 10/29/93.
10/1/93-12/31/93 ..	59 FR 5466; 2/4/94.
1/1/94-3/31/94	59 FR 22196; 4/29/94.
4/1/94-6/30/94	59 FR 39618; 8/3/94.
7/1/94-12/31/94	60 FR 4454; 1/23/95.
1/1/95-3/31/95	60 FR 19318; 4/17/95.
4/1/95-6/30/95	60 FR 36854; 7/18/95.
7/1/95-9/30/95	60 FR 53228; 10/12/95.
10/1/95-12/31/95 ..	61 FR 1972; 1/24/96.
1/1/96-3/31/96	61 FR 16955; 4/18/96.
4/1/96-6/30/96	61 FR 37526; 7/18/96.
7/1/96-9/30/96	61 FR 54833; 10/22/96.
10/1/96-12/31/96 ..	62 FR 2434; 1/16/97.
1/1/97-3/31/97	62 FR 24533; 5/2/97.
4/1/97-6/30/97	62 FR 38339; 7/17/97.

The civil penalty decisions and orders, and the indexes and digests are available in FAA offices. In addition, the Administrator's civil penalty decisions have been published by commercial publishers (Hawkins Publishing Company and Clark Boardman Callahan) and are available on computer on-line services (Westlaw, LEXIS, Compuserve and FedWorld). (The addresses of FAA offices where the civil penalty decisions may be reviewed and information regarding these commercial publications and computer databases is provided at the end of this notice.)

CIVIL PENALTY ACTIONS—ORDERS ISSUED BY THE ADMINISTRATOR

ORDER NUMBER INDEX

(This index includes all decisions and orders issued by the Administrator from July 1, 1997 to September 30, 1997.)

97-24—Gordon Air Services

7/1/97—CP96SO0160

97-25—Peter A. Martin & James C.

Jaworski

7/17/97—CP06WP0117, CP96WP0025

97-26—Delta Air Lines, Inc.

8/13/97—CP97NM0001

97-27—Lock Haven Airmotive Co., Inc.

8/20/97—CP96NE0059

97-28—Continental Airlines, Inc.

9/26/97—CP94WP0168

Civil Penalty Actions—Orders Issued By the Administrator

Subject Matter Index

(Current as of September 30, 1997)

Administrative Law Judges—Power and Authority:

Continuance of hearing 91-11 Continental Airlines; 92-29 Haggland.
Credibility findings 90-21 Carroll; 92-3 Park; 93-17 Metcalf; 94-3 Valley Air; 94-4 North-west Aircraft Rental; 95-25 Conquest; 95-26 Hereth; 97-20 Werle.