

on the proposed rule change.² The Commission hereby extends the period for public comment on the proposed rule change until June 19, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.³

[FR Doc. 98-13955 Filed 5-26-98; 8:45 am]

BILLING CODE 8010-01-M

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for the United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of preliminary priority areas for Commission study. Request for public comment.

SUMMARY: As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, and in accordance with Rules 3.5 and 5.2 of its Rules of Practice and Procedure, the Commission has preliminarily identified certain priorities as the principal focus of its policy development work in the coming year. The Commission invites comment on these tentatively identified priority areas and on any other sentencing issues that it should address during the coming year. The Commission has tentatively scheduled a hearing to receive public comment on these matters.

DATES: A hearing to receive public comment on future policy development priorities has been set for June 17, 1998, in the Commission's offices. Public comment and written testimony for the public hearing should be received on or before June 11, 1998.

ADDRESSES: Send comments to: United States Sentencing Commission, One Columbus Circle, NE, Suite 2-500 South, Washington, DC 20002-8002, Attention: Public Information-Priorities Comment. For Further Information Contact: Michael Courlander, Public Affairs Officer, at (202) 273-7731.

SUPPLEMENTARY INFORMATION: Policy development priorities preliminarily identified by the Commission for continuing work during the 1998-1999 amendment cycle are:

1. Revisions of the fraud, theft, and tax guidelines (including the monetary

tables used in these guidelines and other guidelines that reference those tables, consolidation of the theft, fraud, and property destruction guidelines, and the definition of "loss" in the theft and fraud guidelines).

2. Review and assessment of the criminal history guidelines.

3. Review and assessment of the guidelines and sentences imposed for homicide offenses.

In addition, the Commission expects to address recent legislative enactments, such as: (1) the Wireless Telephone Protection Act, relating to cloning cellular telephones; (2) the No Electronic Theft Act; (3) and any other legislation affecting sentencing policy that may be enacted in the remainder of this congressional session.

Obviously, the subject matter, scope, and duration of the Commission's policy development work during the coming year will be influenced considerably by the appointment of new commissioners and the timing of those appointments. Thus, at this time, the Commission has tentatively identified only a few areas in which its work is ongoing.

The Commission invites comment on whether and how it should further investigate these tentative priorities. Additionally, the Commission invites comment on any other sentencing issues that persons believe should be addressed in the coming year, including research issues that the Commission should address. To the extent practicable, comments submitted on additional issues should include the following: (1) a statement of the issue, including the scope and manner of study, particular problem areas and possible solutions, and any other matters relevant to an identified or proposed priority; (2) citations to applicable sentencing guidelines, statutes, case law, and constitutional provisions; and (3) a direct and concise statement of why the Commission should make the issue a priority.

Authority: 28 U.S.C. 994(a), (o).

Richard P. Conaboy,
Chairman.

[FR Doc. 98-13947 Filed 5-26-98; 8:45 am]

BILLING CODE 2211-01-P

SOCIAL SECURITY ADMINISTRATION

Information Collection Activities: Proposed Collection Requests and Comment Requests

This notice lists information collection packages that will require submission to the Office of Management

and Budget (OMB), as well as information collection packages submitted to OMB for clearance, in compliance with Pub. L. 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

I. The information collection(s) listed below require(s) extension(s) of the current OMB approval(s) or are proposed new collection(s):

1. *Medical Report (General)—0960-0052.* The information on Form SSA-3826 is used by the Social Security Administration (SSA) to determine the claimant's physical status prior to making a disability determination and to document disability claims folders with the medical evidence. The respondents are physicians, hospitals, directors and medical records librarians.

Number of Respondents: 750,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 375,000 hours.

2. *Payment of Certain Travel Expenses—0960-0434.* SSA uses the information required by 20 CFR, sections 404.999(d) and 416.1499 to reimburse a claimant who has been required to travel over 75 miles to appear at a medical examination or a disability hearing. The respondents are claimants who travel more than 75 miles in order to attend a medical examination or a disability hearing.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 8,333 hours.

3. *Social Security Request for Information—0960-0531.* The information on Form SSA-6231 is used by SSA to complete or to clarify data on Forms SSA-623 or SSA-6230, previously provided by representative payees. The respondents are representative payees who furnished incomplete or unclear information.

Number of Respondents: 100,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 25,000 hours.

4. *Statement Regarding Student's Attendance—0960-0113.* The information on Form SSA-2434 is used to determine student entitlement status for the children of coal miners, the children of their widows or the brothers of deceased coal miners eligible for black lung benefits. The respondents are dependents of deceased coal miners as cited above, who are attending school and about to attain age 18.

² By letter dated May 15, 1998 NASD Regulation has consented to an extension of the comment period. See letter from Jean I. Feeney, NASD Regulation, Inc., to Katherine A. England, Assistant Director, Division of Market Regulation, Commission.

³ 17 CFR 200.30-3(a)(12).

Number of Respondents: 50.
Frequency of Response: 1.
Average Burden Per Response: 10 minutes.
Estimated Annual Burden: 8 hours.

5. Request for the Correction of Earning Records—0960-0029. Form SSA-7008 is used by individual wage earners to request SSA for review, and if necessary, correction of the Agency's master record of their earnings. The respondents are individuals who question SSA's record of their earnings.
Number of Respondents: 375,000.
Frequency of Response: 1.
Average Burden Per Response: 10 minutes.
Estimated Annual Burden: 62,500 hours.

6. Plan for Achieving Self Support—0960-0559. The information on form SSA-545 is collected by SSA when a Supplemental Security Income (SSI) applicant/recipient desires to use available income and resources to

obtain education and/or training in order to become self-supportive. The information is used to evaluate the recipient's plan for achieving self-support to determine whether the plan may be approved under the provisions of the SSI program. The respondents are SSI applicants/recipients who are blind or disabled.

Number of Responses: 7,000.
Frequency of Response: Varies per individual.
Average Burden Per Response: 2 hours.
Estimated Annual Burden: 14,000 hours.

Written comments and recommendations regarding the information collection(s) should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni,

6401 Security Blvd., 1-A-21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

II. The information collection(s) listed below have been submitted to OMB:

1. Statement of Agricultural Employer (Years prior to 1988); Statement of Agricultural Employer (1988 and Later)—0960-0036. The information on Forms SSA-1002 and SSA-1003 is used by the Social Security Administration (SSA) to resolve discrepancies when farm workers have alleged that their employers did not report their wages or reported them incorrectly. The respondents are agricultural employers.

	SSA-1002	SSA-1003
Number of Respondents	75,000	50,000.
Frequency of Response	1	1.
Average Burden Per Response	10 minutes	30 minutes.
Estimated Annual Burden	12,500 hrs	25,000 hrs.

2. Beneficiary Recontact Report—0960-0502. The information on Form SSA-1588-OCR-SM is used by SSA to recontact mothers, fathers or children ages 15-17, who receive their benefits directly, to determine if they are still entitled to benefits. The respondents are beneficiaries who are in the "high risk" area and, therefore, are most prone to overpayments.

Number of Respondents: 163,000.
Frequency of Response: 1.
Average Burden Per Response: 5 minutes.
Estimated Annual Burden: 13,583 hours.

3. Information About Joint Checking/Savings Account—0960-0461. The information collected on Form SSA-2574 is used by SSA to determine whether a joint bank account should be counted as a resource of a Supplemental Security Income (SSI) claimant or applicant in determining eligibility for SSI. The respondents are applicants for and recipients of SSI payments and individuals who are joint owners of financial accounts with SSI applicants/recipients.

Number of Respondents: 200,000.
Frequency of Response: 1.
Average Burden Per Response: 7 minutes.
Estimated Annual Burden: 23,333 hours.

4. Agency/Employer GPO Questionnaire—0960-0470. The information on Form SSA-4163 is used by SSA to determine the need for and the amount of any offset of benefits for certain individuals receiving Government pensions and receiving or applying for Social Security benefits. The respondents are State governments or their political subdivisions.

Number of Respondents: 1,000.
Frequency of Response: 1.
Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 50 hours.

5. Authorization for the Social Security Administration to Obtain Records from a Financial Institution and Request for Records—0960-0293. The information on Form SSA-4641 is used by SSA to determine whether an applicant meets the resource eligibility requirements for SSI and Aid to Families with Dependent Children (AFDC). This information is only used as part of the quality review of the AFDC program. The respondents are financial institutions.

Number of Respondents: 500,000.
Frequency of Response: 1.
Average Burden Per Response: 6 minutes.
Estimated Annual Burden: 50,000 hours.

6. Statement of Household Expenses and Contributions—0960-0456. The information on Form SSA-8011-F3 is used by SSA to obtain or corroborate contributions made by the claimant/recipient toward household expenses. SSA uses the information to correctly determine the amount of unearned income received by the claimant/recipient in order to determine the individual's eligibility and payment amount under the SSI program. The respondents are household members of SSI claimants/recipients.

Number of Respondents: 400,000.
Frequency of Response: 1.
Average Burden Per Response: 15 minutes.
Estimated Annual Burden: 100,000 hours.

Written comments and recommendations regarding the information collection(s) should be directed within 30 days to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses:
 (OMB) Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503.
 (SSA) Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 1-A-21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965-4125 or write to him at the address listed above.

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.

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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.