

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁶ and pursuant to Rule 19b-4(e)(4)⁷ thereunder because the proposal effects a change in an existing service of OCC that does not adversely affect the safeguarding of securities of funds in the custody or control of OCC or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such

filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-98-16 and should be submitted by January 19, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98-34357 Filed 12-28-98; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-100a]

Implementation of WTO Recommendations Concerning the European Communities' Regime for the Importation, Sale and Distribution of Bananas

AGENCY: Office of the United States Trade Representative.

ACTION: Further request for comment.

SUMMARY: On or before January 21, 1999, the United States Trade Representative (USTR) intends to request authorization from the Dispute Settlement Body (DSB) of the World Trade Organization (WTO) to suspend tariff concessions on certain products of the European Community (EC). The USTR is requesting comments on the possible inclusion of certain pork and certain olives in the request to the DSB.

DATES: Written comments from interested persons are due by noon on Wednesday, January 13, 1999 on the possible imposition of prohibitive (100% ad valorem) duties on certain pork provided for in subheading 0210.19.00 of the Harmonized Tariff System of the United States (HTS) and certain olives provided for in HTS subheading 2005.70.6050.

ADDRESSES: 600 17th Street, NW, Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Sybia Harrison, Staff Assistant to the Section 301 Committee (202) 395-3419; Joanna McIntosh, Associate General Counsel (202) 395-7305; or Ralph Ives, Deputy Assistant U.S. Trade Representative (202) 395-3320.

SUPPLEMENTARY INFORMATION: On September 25, 1997, the DSB adopted an Appellate Body report and panel report (as modified by the Appellate Body report) recommending that the EC bring its regime for the importation,

sale, and distribution of bananas (banana regime) into conformity with the EC's obligations under the General Agreement on Tariffs and Trade 1994 and the General Agreement on Trade in Services (GATS). A WTO-appointed arbitrator subsequently determined that the "reasonable period of time" for the EC to fully implement the DSB recommendations and rulings would expire on January 1, 1999.

If the EC fails to bring its banana regime into compliance with its WTO obligations by January 1, 1999, Article 22 of the WTO Dispute Settlement Understanding (DSU) permits the United States on January 21, 1999 to seek authorization from the DSB to suspend the application of concessions or other obligations accruing to the EC under the WTO Agreement. Article 22.6 of the DSU provides that the DSB shall grant the requested authorization not later than thirty days after the expiration of the reasonable period, or by January 31 in this case. If, however, the EC objects to the level of suspension proposed or the application of the principles and procedures specified in Article 22.3 of the DSU in considering the types of concessions or obligations to suspend, the proposed suspension of concessions shall be referred to arbitration. The DSU requires that such arbitration proceedings be completed within sixty days after the expiration of the reasonable period of time, or by March 2 in this case. Following the completion of arbitration proceedings and upon request, the DSB must grant authorization to suspend concessions or other obligations consistent with the arbitrator's decision. The United States may not suspend concessions or other obligations during the course of the arbitration proceedings.

On or before January 21, 1999, the USTR intends to request authorization from the DSB to suspend tariff concessions on certain products of the EC should the EC fail to bring its banana regime into compliance with DSB recommendations within the prescribed reasonable period of time, which expires on January 1, 1999. On October 22, 1998 and November 10, 1998, the USTR published notices [63 FR 56687 and 63 FR 63099] describing and requesting comments and testimony on the United States proposed course of action to exercise its rights under Article 22 of the DSU.

The written comments received in response to the October 22 **Federal Register** notice primarily registered concerns that the EC's proposed changes to its banana regime would not bring the regime into compliance with the DSB's recommendations and rulings within

⁶ 15 U.S.C. 78s(b)(3)(A)(iii).

⁷ 17 CFR 240.19b-4(e)(4).

⁸ 17 CFR 200.30-3(a)(12).

the reasonable period of time and that the EC's impending failure to bring the banana regime into compliance would undermine the WTO dispute settlement system. The written comments received in response to the November 10 **Federal Register** notice and at the public hearing primarily focused on the extent to which the imposition of 100% *ad valorem* duties on the specific products listed in the Annex to that notice might have an adverse effect on U.S. consumers, workers, and industries. The USTR also received written comments and testimony requesting the imposition of increased duties on certain products of the EC not included in the Annex to the November 10 **Federal Register** notice.

On December 21, 1998, the USTR announced in a press release the list of products of the EC for which the USTR intends to request authorization from the DSB to impose 100% *ad valorem* duties. [Press Release 98-113, www.ustr.gov.] The USTR also announced that comments would be sought on the possible inclusion of certain pork provided for in HTS subheading 0210.19.00 and certain olives provided for in HTS subheading 2005.70.6050 in the request to the DSB. The list of products announced in the December 21, 1999 press release is subject to revision depending on the comments received in response to this notice and on the results of arbitration, if requested by the EC.

In accordance with the time frames set forth in Article 22 of the DSU for suspending concessions when a WTO member fails to bring its measures into compliance with DSB recommendations, the proposed increased duties would be assessed on the selected products that are entered, or withdrawn from warehouse for consumption, on or after February 1, 1999, unless the EC requests arbitration on the proposed suspension of tariff concessions, in which case the proposed increased duties would be assessed on the selected products that are entered, or withdrawn from warehouse for consumption, on or after March 3, 1999.

The USTR subsequently will announce: (1) the USTR's determination to impose 100% *ad valorem* duties on certain products of the EU and instructions to the U.S. Customs Service to begin assessing the increased duties; (2) the date on which the increased duties will begin to be assessed; and (3) the list of products on which increased duties will be assessed. The increased duties would not be assessed on products of the Netherlands or Denmark.

Written Comments—Requirements for Submissions

The USTR has determined that it may be appropriate to consider including two products in its request to the DSB for authorization to suspend tariff concessions on which the USTR has not previously sought public comment. Therefore, interested persons are invited to comment on: (1) the appropriateness of imposing 100% *ad valorem* duties on meat of swine other than hams, shoulders, bellies (streaky) and cuts thereof, salted, in brine, dried or smoked (HTS subheading 0210.19.00) and olives (not green), sliced in a saline solution, canned, pitted (HTS subheading 2005.70.6050); (2) the levels at which U.S. customs duties should be set for these particular products; and (3) the degree to which increased duties may have an adverse effect upon U.S. consumers of these products. The imposition of increased duties would apply to articles that are classified in HTS subheadings 0210.19.00 and 2005.70.6050. The product descriptions provided above are not intended to delimit in any way the scope of the products that would be subject to increased duties.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and must be filed by noon on Wednesday, January 13, 1999. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the Section 301 Committee, Room 416.

Comments will be placed in a file (Docket 301-100a) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection. An appointment to review Docket No. 301-100a may be made by calling Brenda Webb at (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, and is located in Room 101.

Joanna K. McIntosh,

Chairman, Section 301 Committee.

[FR Doc. 98-34497 Filed 12-28-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Controller Pilot Data Link Communications Industry Day

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given of an Industry Day to discuss Controller Pilot Data Link Communications, to be held on January 6, 1999, starting at 8:30 a.m., at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, in the third floor auditorium. This meeting is sponsored by the FAA Office of Communications, Navigation, and Surveillance Systems.

Presentations will include an overview of the CPDLC project and an update on the Free Flight Phase I CPDLC Human Factors Assessment. These presentations will provide the aviation community with current information about the status of the CPDLC Data Link Program. This will be allocated to questions, answers, and general discussion.

Attendance is open to the interested public but limited to space availability. With the approval of the Product Lead for Aeronautical Data Link, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. James H. Williams, FAA, at (202) 493-4693. Members of the public may present a written statement to the Product Lead at any time.

Exceptional circumstances and the need to provide the user community with the latest agency decisions concerning program funding and schedules necessitate the public notice of meeting is less than 15 days.

Issued in Washington, DC, on December 22, 1998.

Shelly L. Myers,

Director, Communications, Navigation, and Surveillance Systems.

[FR Doc. 98-34351 Filed 12-28-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Bernalillo County, NM

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amended Notice of Intent to prepare an environmental impact statement (EIS) for improvements to the Interstate 25/Interstate 40 Interchange.