

should address: the potential for such an agreement to remove important non-tariff barriers affecting trade in telecommunications equipment, and the prospective benefits of such an agreement to U.S. producers, workers, and consumers. All comments must be in English, addressed to Gloria Blue, Executive Secretary, TPSC, ATTN: CITEL Telecom MRA Comments, Office of the United States Trade Representative, and submitted in 15 copies by noon on Tuesday, February 16, 1999.

All comments will be placed in the USTR Reading Room for inspection shortly after the filing deadline, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential information submitted in accordance with 15 CFR 2003.6, must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 15 copies, and must be accompanied by 15 copies of a nonconfidential summary of the confidential information. The nonconfidential summary will be placed in the USTR Public Reading Room.

An appointment to review the comments 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 from 1:00 p.m. to 4:00 p.m., Monday through Friday, and is located in Room 101.

**Frederick L. Montgomery,**  
Chairman, Trade Policy Staff Committee.  
[FR Doc. 99-718 Filed 1-11-99; 8:45 am]

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Comments Concerning Compliance With Telecommunications Trade Agreements and Market Opportunities for Electronic Commerce

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

**ACTION:** Notice of request for public comment.

**SUMMARY:** Pursuant to sections 1372 and 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3107), the Office of the United States Trade Representative (USTR) is reviewing, and requests comments on: the operation and effectiveness of the World Trade Organization (WTO) Basic Telecommunications Agreement, other WTO agreements affecting market opportunities for telecommunications

products and services of the United States, the North American Free Trade Agreement (NAFTA), and other telecommunications trade agreements with Japan, Korea, Mexico and Taiwan; technical assistance for compliance with telecommunications commitments; and issues affecting market opportunities for electronic commerce. The USTR will conclude the review on March 31, 1999.

**DATES:** Comment are due by noon on Tuesday, February 16, 1999.

**ADDRESSES:** Comments must be submitted to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, ATTN: Section 1377 Comments, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:** William Corbett, Office of Industry, (202) 395-9586; or Joanna McIntosh, Office of the General Counsel, (202) 395-7203.

**SUPPLEMENTARY INFORMATION:** Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 requires the USTR to review annually the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services of the United States that are in force with respect to the United States. The purpose of the review is to determine whether any act, policy, or practice of a country that has entered into a telecommunications trade agreement is not in compliance with the terms of such agreement, or otherwise denies to U.S. firms, within the context of the terms of such agreements, mutually advantageous market opportunities. For the current review, the USTR seeks comments on whether:

(1) Any WTO members appear not to be in compliance with their specific commitments under the WTO Base Telecommunications Agreement or with other WTO obligations, *e.g.*, the WTO General Agreement on Trade in Services (GATS), including the Annex on Telecommunications (GATS), that affect market opportunities for U.S. telecommunications products and services; and

(2) Canada or Mexico have failed to comply with their commitments under NAFTA or whether Japan, Korea, Mexico or Taiwan have failed to comply with their commitments under bilateral telecommunications agreements with the United States.

Consistent with the findings and purposes in section 1372 of the Act, the USTR also seeks comments on:

(3) What foreign countries' compliance with their telecommunications trade agreement

commitments would benefit most from bilateral or multilateral technical assistance, especially with respect to the pro-competitive regulatory commitments made under the of WTO Basic Telecommunications Agreement; and

(4) Issues affecting market opportunities for electronic commerce (*e.g.*, the Internet and other interactive computer services) as advanced telecommunications capabilities are deployed in foreign countries.

### WTO Basic Telecommunications Agreement

The GATS contains general obligations that apply to all members and services whether or not listed in WTO members' schedules and specific obligations that apply only to services scheduled by a member. The Fourth Protocol to the GATS is the legal instrument embodying seventy WTO members' basic telecommunications services commitments under the GATS. The Fourth Protocol is generally referred to as the WTO Basic Telecommunications Agreement. The agreement entered into force on February 6, 1998 and 65 WTO members have accepted it thus far. A description of each member's specific commitments as embodied in the agreement is available at [www.wto.org](http://www.wto.org).

The WTO Basic Telecommunications Agreement encompasses commitments in three areas: market access, national treatment (including investment), and pro-competitive regulatory principles. For countries making full commitments: their market access commitments open local, long-distance and international service through any means of network technology, either on a facilities basis or through resale of existing network capacity; their national treatment commitments ensure treatment no less favorable to U.S. services or service suppliers than to services or service suppliers of the WTO member making the commitment (*e.g.*, U.S. companies can acquire, establish or hold a significant stake in foreign telecommunications companies to the same extent as companies of the WTO member making the commitment); and the pro-competitive regulatory principles, set forth in a Reference Paper and incorporated in the members' schedules, commit members to establish independent regulatory bodies, guarantee that U.S. companies will be able to interconnect with networks in foreign countries at fair prices, forbid anti-competitive practices such as cross-subsidization, and mandate transparency of government regulations and licensing.

The USTR seeks comment on whether any WTO members that have accepted the WTO Basic Telecommunications Agreement have not made the necessary legislative or regulatory changes to implement their commitments, or permit acts, policies, or practices in their markets that do not appear to be in compliance with these commitments. In addition, the USTR seeks comments on whether any WTO members permit acts, policies, or practices that do not appear to be in compliance with other WTO obligations, e.g. the GATS, that affect market opportunities for telecommunications products and services of the United States.

#### **NAFTA and Bilateral Trade Agreements**

The USTR seeks comments on the operation and effectiveness of NAFTA and the following bilateral trade agreements regarding telecommunications products and services. See 63 FR 1140 (January 8, 1998) for further information concerning these agreements and USTR Press Release 98-38 (available at [www.ustr.gov](http://www.ustr.gov)) for the results of the 1997-98 section 1377 review concerning these agreements.

Canada: NAFTA Chapter 13 and other telecommunications-related provisions.

Japan: The Nippon Telephone and Telegraph (NTT) agreement, which expires on June 30, 1999; the 1994 U.S.-Japan Public Sector Procurement Agreement on Telecommunications Products and Services; and, additional telecommunications trade agreements with Japan, including a series of agreements on: international value-added network services (IVANS) (1990-91); open government procurement of all satellites, except for government research and development (R&D) satellites (1990); network channel terminating equipment (NCTE) (1990); and cellular and third-party radio systems (1989) and cellular radio systems (1994).

Korea: Agreements in the areas of protection of intellectual property rights (IPR), type approval of telecommunications equipment, transparent standard-setting processes and non-discriminatory access to Korea Telecommunications' procurement of telecommunications products.

Mexico: NAFTA Chapter 13 and other telecommunications-related provisions; and, the 1997 understanding regarding test data acceptance agreements between product safety testing laboratories.

Taiwan: The February 1998 agreement on WTO accession commitments in telecommunications services and

interconnection pricing for provision of wireless services in Taiwan; and, the July 1996 agreement on the licensing and provision of wireless services through the establishment of a competitive, transparent and fair wireless market in Taiwan.

#### **Technical Assistance**

The USTR also seeks comments on what foreign countries' compliance with their telecommunications trade agreement commitments would benefit most from bilateral or multilateral technical assistance, especially with respect to the pro-competitive regulatory commitments made under the WTO Basic Telecommunications Agreement. The USTR's goal is to collect information that will help to refine U.S. government programs and U.S. policies towards relevant multilateral organizations. This will assist concerned agencies in giving due weight to technical assistance activities in support of implementation of telecommunications trade commitments under the WTO.

#### **Global Electronic Commerce**

On November 30, 1998, the President of the United States reported on the progress that the United States has made in the past fifteen months on implementing the July 1997 "Framework for Global Electronic Commerce" and launched five new initiatives, including an initiative to eliminate foreign barriers to the deployment of advanced telecommunications capabilities. See U.S. Government Working Group on Electronic Commerce, First Annual Report, November 1998 (available at [www.ecommerce.gov](http://www.ecommerce.gov)). The particular focus of this initiative will be to identify issues that affect the competitive international marketplace for Internet and other interactive computer services as advanced telecommunications capabilities are deployed in foreign countries. Accordingly, the USTR seeks comments on issues affecting market opportunities for electronic commerce in foreign countries.

#### **Public Comment: Requirements for Submissions**

USTR requests comments on: the operation and effectiveness of the WTO Basic Telecommunications Agreement, other WTO agreements affecting market opportunities for telecommunications products and services of the United States, the NAFTA, and other telecommunications trade agreements with Japan, Korea, Mexico, and Taiwan; technical assistance for compliance with telecommunications commitments; and

issues affecting market opportunities for electronic commerce. All comments must be in English, identify on the first page of the comments the telecommunications trade agreement(s) discussed therein, be addressed to Gloria Blue, Executive Secretary, TPSC, ATTN: Section 1377 Comments, Trade Policy Staff Committee, Office of the U.S. Trade Representative, and be submitted in 15 copies by noon on Tuesday, February 15, 1999.

All comments will be placed in the USTR Reading Room for inspection shortly after the filing deadline, except business Confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential information submitted in accordance with 15 CFR 2003.6, must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 15 copies, and must be accompanied by 15 copies of a nonconfidential summary of the confidential information. The nonconfidential summary will be placed in the USTR Public Reading Room.

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**Frederick L. Montgomery,**

*Chairman, Trade Policy Staff Committee.*

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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 December 31, 1998.* 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,