

November 10, 1998 at Fayetteville, Tennessee and attended by 181 people. TDEC also requested comments through a website (<http://www.state.tn.us/environment/elk/>) and requested written comments.

Subsequent to the scoping meetings, the agencies determined that an EIS would allow a better understanding of the impacts of the alternatives. Accordingly, this notice publishes the intent of the agencies to prepare an EIS. Based on the results of the previous scoping, the agencies anticipate that the EIS will include discussion of the potential effects of alternatives on the following resources and issue areas: visual resources, cultural resources, threatened and endangered species, terrestrial ecology, wetlands, recreation, water quality, aquatic ecology, and socioeconomic. Other issues which may be discussed, depending on the potential impacts of the alternatives, include floodplains, prime farmland, and air quality.

TVA is interested in receiving additional comments on the scope of issues to be addressed in the EIS. Written comments on the scope of the EIS should be received on or before August 31, 1999. TVA and TDEC anticipate completing the Draft EIS in the Fall of 1999. An opportunity to review and comment on the draft EIS will be provided at that time.

Dated: July 14, 1999.

Kathryn J. Jackson

Executive Vice President, River System Operations & Environment.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D-170]

WTO Dispute Settlement Proceeding Regarding Canada—Patent Term

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USRT") is providing notice of the request for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization ("WTO"), by the United States, to examine the Canadian Patent Act. In this dispute, the United States alleges that the patent term granted by the Canadian patent Act is inconsistent with obligations of Canada under the Agreement on Trade-Related Aspects of

Intellectual Property Rights ("TRIPS Agreement"). The USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by September 1, 1999, to be assured of timely consideration by the USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122, Attn: Canada Patent Term Dispute, Office of the United States Trade Representative, 700 17th Street NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Geryl Ritter, Assistant General Counsel, (202) 395-6800.

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements (URAA) (19 U.S.C. 3537(b)(1)), USTR is providing notice that on July 15, 1999, the United States submitted a request for the establishment of a WTO dispute settlement panel to examine whether the patent term as provided by the Canadian Patent Act is inconsistent with certain provisions of the TRIPS Agreement. The WTO Dispute Settlement Body ("DSB") will consider the United States' request for the establishment of a panel for the first time on July 26, 1999.

Major Issues Raised and Legal Basis of the Complaint

The TRIPS Agreement obligates all Members of the WTO to grant a term of protection for patents that runs at least until twenty years after the filing date of the underlying application. The TRIPS Agreement also requires each Member to grant this minimum term to all patents existing as of the date of the application of the Agreement to that Member. Canada has been obligated to apply the provisions of the TRIPS Agreement in full since January 1, 1996. However, the Canadian Patent Act provides that the term granted to patents issued on the basis of applications filed before October 1, 1989, is 17 years from the date on which the patent is issued. The United States considers this to be inconsistent with Canada's obligations under Articles 33 and 70 of the TRIPS Agreement.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute.

Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above. 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 submitting person. 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 the 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 submitting person believes that information or advice may qualify as such, the submitting person—

(1) Must so designate the 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)), the 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 the 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 parties 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-170, Canada Patent Term) 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.

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