

(E) Has a family relationship with the named party in interest.

(ii) *Disclosure of relationship.* Prior to the consideration of any matter involving a named party in interest, each member of a self-regulatory organization governing board, disciplinary committee or oversight panel must disclose to the appropriate self-regulatory organization staff whether he or she has one of the relationships listed in paragraph (b)(1)(i) of this section with the named party in interest.

(iii) *Procedure for determination.* Each self-regulatory organization must establish procedures for determining whether any member of its governing board, disciplinary committees or oversight committees is subject to a conflicts restriction in any matter involving a named party in interest. Such determinations shall be based upon:

(A) Information provided by the member pursuant to paragraph (b)(1)(ii) of this section; and

(B) Any other source of information that is reasonably available to the self-regulatory organization.

(2) *Financial interest in a significant action*—(i) *Nature of interest.* A member of a self-regulatory organization's governing board, disciplinary committee or oversight panel must abstain from such body's deliberations and voting on any significant action if the member knowingly has a direct and substantial financial interest in the result of the vote based upon either exchange or non-exchange positions that reasonably could be expected to be affected by the action.

(ii) *Disclosure of interest.* Prior to the consideration of any significant action, each member of a self-regulatory organization governing board, disciplinary committee or oversight panel must disclose to the appropriate self-regulatory organization staff the position information referred to in paragraph (b)(2)(iii) of this section that is known to him or her.

(iii) *Procedure for determination.* Each self-regulatory organization must establish procedures for determining whether any member of its governing board, disciplinary committees or oversight committees is subject to a conflicts restriction under this section in any significant action. Such determination must include a review of:

(A) Gross positions held at that self-regulatory organization in the member's personal accounts or "controlled accounts," as defined in § 1.3(j);

(B) Gross positions held at that self-regulatory organization in proprietary

accounts, as defined in § 1.17(b)(3), at the member's affiliated firm;

(C) Gross positions held at that self-regulatory organization in accounts in which the member is a principal, as defined in § 3.1(a);

(D) Net positions held at that self-regulatory organization in "customer" accounts, as defined in § 1.17(b)(2), at the member's affiliated firm; and

(E) Any other types of positions, whether maintained at that self-regulatory organization or elsewhere, that the self-regulatory organization reasonably expects could be affected by the significant action.

(iv) *Bases for determination.* Taking into consideration the exigency of the significant action, such determinations should be based upon:

(A) The most recent large trader reports and clearing records available to the self-regulatory organization;

(B) Position information provided by the member pursuant to paragraph (b)(2)(ii) of this section; and

(C) Any other source of information that is reasonably available to the self-regulatory organization.

(3) *Participation in deliberations.* (i) Under the rules required by this section, a self-regulatory organization governing board, disciplinary committee or oversight panel may permit a member to participate in deliberations prior to a vote on a significant action for which he or she otherwise would be required to abstain pursuant to paragraph (b)(2) of this section if such participation would be consistent with the public interest and the member recuses himself or herself from voting on such action.

(ii) In making a determination as to whether to permit a member to participate in deliberations on a significant action for which he or she otherwise would be required to abstain, the deliberating body should consider the following factors:

(A) Whether the member's participation in deliberations is necessary for the deliberating body to achieve a quorum in the matter; and

(B) Whether the member has unique or special expertise, knowledge or experience in the matter under consideration.

(iii) Prior to any determination pursuant to paragraph (b)(3)(i) of this section, the deliberating body must fully consider the position information which is the basis for the member's direct and financial interest in the result of a vote on a significant action pursuant to paragraph (b)(2) of this section.

(4) *Documentation of determination.* Self-regulatory organization governing boards, disciplinary committees, and oversight panels must reflect in their

minutes or otherwise document that the conflicts determination procedures required by this section have been followed. Such records also must include:

(i) The names of all members who attended the meeting in person or who otherwise were present by electronic means;

(ii) The name of any member who voluntarily recused himself or herself or was required to abstain from deliberations and/or voting on a matter and the reason for the recusal or abstention, if stated;

(iii) Information on the position information that was reviewed for each member; and

(iv) In those instances when a committee member who otherwise would be required to abstain from deliberating and voting on a matter is permitted to deliberate on a significant action, a general description of the views expressed by such member during deliberations.

Issued in Washington, D.C. on January 16, 1998, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 98-1619 Filed 1-22-98; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

### 19 CFR Parts 201 and 207

#### Proposed Amendments to Rules of Practice and Procedure; Hearing Regarding Five-Year Reviews

**AGENCY:** United States International Trade Commission.

**ACTION:** Proposed rule; notice of public hearing.

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**SUMMARY:** On October 23, 1997, the Commission published proposed rules to establish procedures for the conduct of five-year reviews of antidumping and countervailing duty orders and suspension agreements (62 FR 55185). The notice of proposed rulemaking indicated that the Commission would hold a hearing concerning the procedural matters discussed in the notice of proposed rulemaking as well as methodological and analytical issues relating to five-year reviews. The hearing will include panel discussions on topics of significant interest. Interested persons with similar viewpoints are encouraged to consolidate testimony. After reviewing the requests, the Commission will notify participants of panel assignments and time allocations. The Commission will

accommodate as many requests to participate as time permits. For further information concerning hearing procedures and rules of general application, consult Part 201 of the Commission's Rules of Practice and Procedure (19 CFR part 201).

**DATES:** The hearing will be held on February 26, 1998, beginning at 9:30 a.m. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission no later than ten (10) days after the date of publication of this document and should identify the specific topics the requestor wishes to discuss.

**ADDRESSES:** The hearing will be held at the U.S. International Trade Commission Building at 500 E Street, SW, Washington, DC 20436.

**FOR FURTHER INFORMATION CONTACT:** Vera Libeau (202-205-3176), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov> or <ftp://ftp.usitc.gov>).

Issued: January 20, 1998.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

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## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

#### 22 CFR Part 228

RIN 0412-AA37

#### Rules on Source, Origin and Nationality for Commodities and Services Financed by USAID: Miscellaneous Amendments

**AGENCY:** United States Agency for International Development (USAID), IDCA.

**ACTION:** Proposed rule.

**SUMMARY:** USAID proposes to amend its regulation on source, origin and nationality for commodities and services financed by USAID by revising two rules, one on system determinations for commodities and one on ocean

transportation eligibility, and clarifying waiver provisions.

The proposal to amend the coverage on systems determinations would allow components of a commodity system to be shipped to a cooperating country without first being shipped to and assembled in an eligible country. This should reduce the cost of these transactions by reducing unnecessary shipments. The proposal to amend the rules on eligibility of transshipments would require that suppliers obtain a determination from USAID that direct service on a U.S. flag vessel is not available before transshipment from a U.S. flag to a non-U.S. flag vessel would be eligible for USAID financing. This will ensure compliance with Cargo Preference requirements that direct U.S. flag service be used when available.

**DATES:** Comments are due March 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kathleen O'Hara, Office of Procurement, Policy Division (M/OP/P) USAID, Washington, DC 20523-1435. Telephone: (703) 875-1534, facsimile: (703) 875-1243, e-mail address: [kohara@usaid.gov](mailto:kohara@usaid.gov).

**SUPPLEMENTARY INFORMATION:** The regulation at 22 CFR part 228 was published as a final rule September 15, 1996 (61 FR 53615). After operating under the regulation for a year a few areas have been identified that need some additional coverage or clarification. In Section 228.11, USAID proposes to amend the current provision which allows some commodity transactions to be designated as systems and thus be considered a single commodity rather than a number of separate commodities (e.g., a computer system with CPU, monitor and keyboard). Under the current rule, a commodity must be produced in a country included in the authorized Geographic Code prior to shipment to the cooperating country in order to meet eligibility requirements, and the same rule currently applies to a system. It can add considerable expense to a transaction if some components of a system must be shipped to a country in the authorized Geographic Code to be assembled into a system prior to shipment to the cooperating country in order to meet USAID's origin requirement. In many cases where systems determinations are appropriate there is no practical need to assemble the system prior to final installation in the cooperating country. Thus, the proposed rule would allow a system to meet the origin requirement without prior assembly in a country included in the authorized Geographic Code

provided the supplier is responsible for assembly in the cooperating country.

The ocean transportation rule in 228.21 is being amended to ensure compliance with cargo preference requirements by limiting the use of transshipments which begin on U.S. flag vessels and move to non-U.S. flag vessels to only those cases where direct carriage on U.S. flag vessels is not available. The proposed rule will require the supplier to obtain a determination from USAID that direct service on a U.S. flag vessel to destination is not available before a U.S.-foreign flag transshipment will be eligible for USAID financing. In addition, section 228.21 is revised to specify where USAID'S policies implementing cargo preference are located.

Editorial clarifications are being made to the waiver provisions in Sections 228.51 and 228.53.

#### List of Subjects in 22 CFR Part 228

Administrative practice and procedure, Commodity procurement, Grant programs—foreign relations.

Accordingly 22 CFR part 228 is proposed to be amended as follows:

#### PART 228—[AMENDED]

1. The authority citation continues to read as follows:

**Authority:** Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

2. In § 228.11, paragraph (e) is revised as follows:

#### § 228.11 Source and origin of commodities.

\* \* \* \* \*

(e) Systems Determination. When a system consisting of more than one produced commodity is procured as a single, separately priced item, USAID may determine that the system itself shall be considered a produced commodity. When a determination is made to treat a system as a produced commodity, component commodities which originate from other than an authorized source country may be shipped directly to, and the system assembled in, the cooperating country, unless USAID specifically determines that assembly and shipment shall take place in an authorized source country. Transportation costs must still meet the requirements in subpart C of this part in order for them to be eligible for USAID financing. USAID, or the importer in the case of a Commodity Import Program, shall inform the supplier of any system determination.

\* \* \* \* \*