

Any information contained in Exchange documents may be provided by the unit orally or in writing on the unit's letterhead. Following its interview, a specialist unit may not have any contact with the listing company and any follow-up questions by the company regarding publicly available information on a unit must be sent to the Exchange. If the Exchange approves, a response will be provided. The specialist units in the group of units interviewed will be advised of such requests.

Spin-offs/Related Companies

This section of the Policy covers situations in which a listing company is a spin-off of or related to a listed company. Currently these situations are handled as new listings, with allocation open to all specialist units.

Under the proposed revisions of the Policy, a listing company that is a spin-off or related company may choose to stay with the specialist unit registered in the related listed company.

If the listing company chooses to have the Allocation Committee select its specialist, the listing company may request, and the Allocation Committee will honor, that it not be traded by the specialist unit that trades the related listed company. Alternatively, the listing company may choose Option 2 and request that the Allocation Committee include or exclude from the group of specialist units, the specialist registered in the related listed stock.

The Exchange believes that the pilot program, as amended, should be made permanent in that it has successfully established flexible procedures for the listing company to effectively participate in the selection process of specialist units that are most suitable to make quality markets in the listing company's stock.

2. Statutory Basis

The NYSE believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act⁵ that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the experience gained from the pilot program suggests that the amendments to the Policy are consistent with these objectives in that they enable the Exchange to further enhance the process by which stocks are allocated between specialist units to ensure

fairness and equal opportunity in the process.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

Comments were neither solicited nor received.

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

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 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 at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File Number SR-NYSE-97-30 and should be submitted by November 28, 1997.

Fifth Street, N.W., Washington, D.C. 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 at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File Number SR-NYSE-97-30 and should be submitted by November 28, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-116]

Initiation of Section 302 Investigation, Proposed Determinations and Action, and Request for Public Comment: Honduran Protection of Intellectual Property Rights

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation; proposed determination and action; request for public comment; and public hearing.

SUMMARY: The Trade Policy Staff Committee (TPSC) has determined that the Government of Honduras has failed to provide adequate and effective means under its laws for foreign nationals to secure, exercise and enforce exclusive rights in intellectual property and has recommended that the duty-free treatment accorded Honduras under the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative (CBI) programs be partially withdrawn. In light of the foregoing, the United States Trade Representative (USTR) is initiating an investigation under section 302(b) of the Trade Act of 1974, as amended (the "Trade Act") with regard to acts, policies, and practices of the Government of Honduras with respect to the protection of intellectual property rights, and proposes to determine that these acts, policies and practices are actionable under section 301(b) and that the appropriate response is a partial suspension of tariff preference benefits

⁵ 15 U.S.C. 78f(b)(5).

⁶ 17 CFR 200.30-3(a)(12).

accorded to Honduras under the GSP and CBI programs. The annex to this notice sets forth a list of articles of Honduras which could be subject to the suspension of tariff preference benefits. The USTR invites interested persons to submit written comments and to participate in a public hearing concerning the proposed determinations and action.

DATES: This investigation was initiated on October 31, 1997. Requests to appear at the public hearing are due November 14, 1997; written testimony is due November 24, 1997; a public hearing will be held on December 4, 1997; and written comments and rebuttal comments are due December 10, 1997.

ADDRESSES: Written submissions should be sent to Sybia Harrison, Staff Assistant to the Section 301 Committee, ATTN: Docket 301-116, Room 223, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public hearing will be held in the main hearing room of the United States International Trade Commission, 500 E Street, SW, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: David Morrissy, Office of Trade and Development, Office of the United States Trade Representative, (202) 395-6971, or William Busis, Office of the General Counsel, Office of the United States Trade Representative, (202) 395-3150.

SUPPLEMENTARY INFORMATION: In June 1992 the Motion Picture Export Association of America (subsequently renamed the Motion Picture Association) filed a petition under the GSP program alleging that Honduras had failed to provide adequate and effective copyright protection and enforcement of rights of copyright owners. The petition alleged widespread unauthorized broadcasting of pirated videos and the rebroadcasting of U.S. satellite-carried programming. In addition to these problems, the Government of Honduras has not provided adequate copyright protection for books and sound recordings.

Since the receipt of the GSP petition, the United States has held extensive consultations with the Government of Honduras regarding its failure to provide adequate and effective protection of intellectual property rights. As a result of these consultations, the Honduran government has, in the past, provided assurances that enforcement of intellectual property rights protection laws would improve.

However, the United States has seen a continuing lack of enforcement of copyright in Honduras. In May of 1997

the TPSC determined that the Government of Honduras had failed to provide adequate and effective means under its laws for foreign nationals to secure, exercise and enforce exclusive rights in intellectual property, and recommended that the duty-free treatment accorded Honduras under the GSP and CBI programs be partially withdrawn in four months if these problems were not remedied. (See 62 FR 28915 of May 28, 1997.) In the intervening period, the United States Government has consulted with the Government of Honduras regarding this matter. Despite being notified of continuing and serious U.S. concerns and possible action by the U.S. Government in response, the Government of Honduras has still failed to take sufficient action against continuing and blatant copyright piracy. For example, recent reports indicate that three major television stations in Honduras continue to violate the rights of U.S. copyright owners.

Initiation of Section 302 Investigation

Section 302(b)(1) of the Trade Act (19 U.S.C. 2412(b)(1)) authorizes the USTR to initiate an investigation under Chapter 1 of Title III of the Trade Act (commonly referred to as "section 301") with respect to any matter to determine whether the matter is actionable under this provision. Under section 301(b)(1) of the Trade Act, matters actionable under section 301 include acts, policies, or practices of a foreign country that are unreasonable and burden or restrict U.S. commerce. Under section 301(d)(3)(B)(II) of the Trade Act, unreasonable acts, policies or practices include any act, policy or practice which denies fair and equitable provision of adequate and effective protection of intellectual property rights.

Accordingly, the United States Trade Representative, having consulted with the appropriate private sector advisory committees, has determined to initiate an investigation under section 302(b)(1) of the Trade Act to determine whether certain acts, policies, and practices of Honduras with regard to the protection of intellectual property rights are actionable under section 301(b)(1) of the Trade Act.

Proposed Determinations and Action

Based on the failure of the Government of Honduras to provide adequate protection of intellectual property rights, the USTR proposes to determine under sections 304(a)(1)(A) and 301(b) of the Trade Act that the acts, policies, and practices of Honduras with respect to the protection of

intellectual property rights are unreasonable and burden or restrict United States commerce, and that action by the United States is appropriate.

Section 301(b)(2) of the Trade Act authorizes the USTR to take all appropriate and feasible action authorized under section 301(c) to obtain the elimination of the actionable acts, policies, or practices. Section 301(c)(1)(C) provides that in a case in which the act, policy, or practice also fails to meet the eligibility requirements for duty-free treatment under the GSP program or CBI program, the USTR may withdraw, limit or suspend such treatment under the GSP or CBI programs.

The GSP program includes an eligibility requirement concerning the extent to which the foreign country provides adequate and effective protection of intellectual property rights (section 502(c)(5) of the Trade Act (19 U.S.C. 2462(c)(5))). The CBI program also includes eligibility requirements concerning the extent to which the foreign country provides under its laws adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, and the extent to which the foreign country prohibits its nationals from engaging in the broadcast of copyrighted material belonging to United States copyright owners without their express consent (section 212(c)(9) and (10) of the Caribbean Basin Economic Recovery Act, as amended (19 U.S.C. 2712(c)(9) and (10))). Based on the failure of the Government of Honduras to provide adequate protection of intellectual property rights, the USTR proposes to determine that Honduras fails to meet these eligibility requirements of the CBI and GSP programs.

Accordingly, under section 304(a)(1)(B) and 301(c)(1)(C) of the Trade Act, the USTR proposes to suspend duty-free treatment accorded certain products from Honduras under the GSP and CBI programs. In particular, the USTR is proposing to suspend GSP and CBI duty-free benefits for certain articles of Honduras, to be chosen from among the articles listed in the annex to this notice. After considering comments received and the testimony presented, the USTR will decide which of the articles listed in the annex will be subject to suspension of duty-free treatment under the GSP and CBI programs.

Written Comments and Public Hearing Regarding Proposed Determinations and Action

In accordance with section 304(b) of the Trade Act, the USTR invites interested persons to provide written comments on the matters under investigation and the proposed determinations. With respect to the proposed action under section 301, comments may address: (1) the appropriateness of a suspension of GSP and CBI benefits with respect to articles of Honduras listed in the annex to this notice; (2) the specific articles from the list in the annex which should be subject to suspension of GSP and CBI duty-free treatment; and (3) the degree to which such suspension of duty-free treatment on particular articles of Honduras might have an adverse effect on U.S. consumers. Written comments are due by December 10, 1997.

A public hearing addressed to these same issues will be held on December 4, 1997, in the main hearing room of the United States International Trade Commission, 500 E Street, SW, Washington, DC 20436.

Interested persons wishing to testify orally at the hearings must provide a written request by November 14, 1997, to Sybia Harrison, Staff Assistant to the Section 301 Committee, Office of the U.S. Trade Representative, 600 17th Street NW, Washington, DC 20508.

Requests to testify must include the following information: (1) name, address, telephone number, fax number, and firm or affiliation of the person wishing to testify; and (2) a brief summary of the comments to be presented. Requests to testify must conform to the requirements of 15 CFR 2006.8(a). After the Chairman of the Section 301 Committee considers the request to present oral testimony, Ms. Harrison will notify the applicant of the time of his or her testimony. In addition, persons presenting oral testimony must submit their complete written testimony by November 24, 1997.

In order to allow each interested party an opportunity to contest the information provided by other parties at the hearing, USTR will accept written rebuttal comments, which must be filed by December 10, 1997. In accordance with 15 CFR 2006.8(c), rebuttal comments should be limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing and should be as concise as possible.

Written comments, written testimony, and rebuttal comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b). Comments must state clearly the position taken, describe with particularity the supporting rationale, be in English, and be provided in twenty copies to: Sybia Harrison, Staff Assistant to the Section

301 Committee, ATTN: Docket 301-116, Room 223, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

All written submissions will be placed in a file (Docket 301-116) open to public inspection pursuant to 15 CFR 2006.13, except for confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Persons wishing to submit confidential business information must certify in writing that such information is confidential in accordance with 15 CFR 2006.15(b), and such information must be clearly marked "Business Confidential" in a contrasting color ink at the top of each page on each of the twenty copies and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary will be placed in the Docket open to public inspection. An appointment to review the docket 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, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

Irving A. Williamson,
Chairman, Section 301 Committee.

BILLING CODE 3190-01-P

Annex

HTS	:	:	1997
Subheading	:	Article Description	Subcolumn 1
	:		General
	:		(MFN) Rate

[The bracketed language in this Annex has been included only to clarify the scope of the numbered subheadings which are being considered, and such language is not itself intended to describe articles which are under consideration.]

Meat of bovine animals, frozen:

Boneless:

Described in additional U.S. note 3 to chapter 2 of the HTS and entered pursuant to its provisions:

Processed:

[High-quality beef cuts]

0202.30.30 Other..... 10%

Other live plants (including their roots), cuttings and slips; mushroom spawn:

0602.10.00 Unrooted cuttings and slips..... 6.2%

[Trees, shrubs and bushes, grafted or not, of kinds which bear edible fruit or nuts; rhododendrons and azaleas, grafted or not; roses, grafted or not]

Other:

[Herbaceous perennials:]

Other:

[Mushroom spawn]

Other:

[With soil attached to roots]

0602.90.90 Other..... 6.2%

Cucumbers, including gherkins, fresh or chilled:

0707.00.20 If entered during the period from December 1 in any year to the last day of the following February, inclusive..... 4.6¢/kg

0707.00.40 If entered during the period from March 1 to April 30, inclusive, in any year..... 6.1¢/kg

Melons (including watermelons) and papayas (papaws), fresh:

Melons (including watermelons):

Watermelons:

0807.11.30 If entered during the period from December 1, in any year, to the following March 31, inclusive..... 14.5%

0807.11.40 If entered at any other time..... 18.5%

Annex (con.)

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HTS Subheading	Article Description	1997 Subcolumn 1 General (MFN) Rate
0904.20.60	Pepper of the genus <u>Piper</u> ; dried or crushed or ground fruits of the genus <u>Capsicum</u> (peppers) or of the genus <u>Pimenta</u> (e.g., allspice): Fruits of the genus <u>Capsicum</u> or of the genus <u>Pimenta</u> (including allspice), dried or crushed or ground: Of the genus <u>Capsicum</u> (including cayenne pepper, paprika and red pepper): [Paprika; Anaheim and ancho pepper] Other: Not ground.....	4¢/kg
2004.90.90	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006: [Potatoes] Other vegetables and mixtures of vegetables: [Antipasto; beans] Other.....	14.4%
2005.90.55	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006: Other vegetables and mixtures of vegetables: Fruits of the genus <u>Capsicum</u> (peppers) or of the genus <u>Pimenta</u> (e.g., allspice): [Pimientos (<u>Capsicum anuum</u>)] Other.....	16.2%
2009.40.40	Fruit juices (including grape must) and vegetable juices, not fortified with vitamins or minerals, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter: Pineapple juice: [Not concentrated, or having a degree of concentration of not more than 3.5 degrees (as determined before correction to the nearest 0.5 degree)] Other.....	1.2¢/liter

Annex (con.)

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HTS	Article Description	1997
Subheading		Subcolumn 1
		General
		(MFN) Rate

Unmanufactured tobacco (whether or not threshed or similarly processed); tobacco refuse:

Tobacco, not stemmed/stripped:

Not containing wrapper tobacco, or not containing over 35 percent wrapper tobacco:

[Oriental or Turkish type; cigar binder and filler]

Other:

Flue-cured, burley and other light air-cured leaf:

[To be used in products other than cigarettes]

Other:

2401.10.63

Described in additional U.S. note 5 to chapter 24 of the HTS and entered pursuant to its provisions..... 26¢/kg

Tobacco, partly or wholly stemmed/stripped:

Threshed or similarly processed:

[From cigar leaf]

Other:

[Oriental or Turkish type]

Other:

[To be used in products other than cigarettes]

Other:

2401.20.85

Described in additional U.S. note 5 to chapter 24 of the HTS and entered pursuant to its provisions..... 40.8¢/kg

Annex (con.)

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HTS Subheading	Article Description	1997 Subcolumn 1 General (MFN) Rate
	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes:	
	Cigars, cheroots and cigarillos, containing tobacco:	
2402.10.30	Each valued less than 15¢.....	\$3.05/kg + 7.6%
2402.10.60	Each valued 15¢ or over but less than 23¢.....	92¢/kg + 2.2%
2402.10.80	Each valued 23¢ or over.....	92¢/kg + 2.2%
	Polishes and creams, for footwear, furniture, floors, coachwork, glass or metal, scouring pastes and powders and similar preparations (whether or not in the form of paper, wadding, felt, nonwovens, cellular plastics or cellular rubber, impregnated, coated or covered with such preparations), excluding waxes of heading 3404:	
3405.10.00	Polishes, creams and similar preparations for footwear or leather.....	1%
	Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics:	
	Sacks and bags (including cones):	
3923.21.00	Of polymers of ethylene.....	3%
3923.29.00	Of other plastics.....	3%

Annex (con.)

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HTS	Article Description	1997
Subheading		Subcolumn 1
		General
		(MFN) Rate

Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber, or of paperboard, or wholly or mainly covered with such materials or with paper:

[Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels and similar containers; handbags, whether or not with shoulder strap, including those without handle; articles of a kind normally carried in the pocket or in the handbag]

Other:

With outer surface of sheeting of plastic or of textile materials:

Travel, sports and similar bags:

With outer surface of textile materials:

[Of vegetable fibers and not of pile or tufted construction]

4202.92.30 Other..... 19.3%

Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed:

Coniferous:

Wood dowel rods:

4409.10.60 Plain..... 1%

Annex (con.)

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HTS Subheading :	Article Description	1997 Subcolumn 1 General (MFN) Rate
	Builders' joinery and carpentry of wood, including cellular wood panels and assembled parquet panels; shingles and shakes:	
	[Windows, French-windows and their frames]	
	Doors and their frames and thresholds:	
	[French doors]	
4418.20.80	Other.....	5.9%
	[Parquet panels; formwork (shuttering) for concrete constructional work; shingles and shakes]	
	Other:	
	[Edge-glued lumber]	
4418.90.40	Other.....	4%
	Wood marquetry and inlaid wood; caskets and cases for jewelry or cutlery and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling within chapter 94 of the HTS:	
	Other:	
	Jewelry boxes, silverware chests, cigar and cigarette boxes, microscope cases, tool or utensil cases and similar boxes, cases and chests, all the foregoing of wood:	
4420.90.20	Cigar and cigarette boxes.....	1.2%
	Statuettes and other ornamental ceramic articles: [Of porcelain or china]	
	Other:	
	[Statues, statuettes and handmade flowers, valued over \$2.50 each and produced by professional sculptors or directly from molds made from original models produced by professional sculptors]	
	Other:	
	[Of ceramic tile; of earthenware, whether or not decorated, having a reddish-colored body and a lustrous glaze, and mottled, streaked or solidly colored brown to black with metallic oxide or salt]	
6913.90.50	Other.....	6.4%

Annex (con.)

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HTS Subheading	Article Description	1997 Subcolumn 1 General (MFN) Rate
7217.20.30	Wire of iron or nonalloy steel: Plated or coated with zinc: Round wire: With a diameter of 1.5 mm or more and containing by weight less than 0.25 percent of carbon.....	1%
7317.00.75	Nails, tacks, drawing pins, corrugated nails, staples (other than those of heading 8305) and similar articles, of iron or steel, whether or not with heads of other material, but excluding such articles with heads of copper: [Thumb tacks; other, suitable for use in powder-actuated handtools] Other: [Of one piece construction] Of two or more pieces.....	1.6%
8504.90.95	Electrical transformers, static converters (for example, rectifiers) and inductors; parts thereof: Parts: [Of power supplies for automatic data processing machines or units thereof of heading 8471] Other: [Printed circuit assemblies] Other.....	2.8%
8544.30.00	Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors: Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships.....	5%

Annex (con.)

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HTS	Article Description	1997
Subheading		Subcolumn 1
		General
		(MFN) Rate

Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof:
 [Seats of a kind used for aircraft; seats of a kind used for motor vehicles; swivel seats with variable height adjustment; seats other than garden seats or camping equipment, convertible into beds; seats of cane, osier, bamboo or similar materials]

Other seats, with wooden frames:

[Upholstered]

Other:

[Bent-wood seats]

Other:

Chairs:

[Of teak]

9401.69.60 Other..... 2.1%

Other seats, with metal frames:

[Upholstered]

9401.79.00 Other..... 1.6%

Other seats:

Of rubber or plastics:

[Of reinforced or laminated plastics]

9401.80.40 Other..... 1%

Other furniture and parts thereof:

[Metal furniture of a kind used in offices]

9403.20.00 Other metal furniture..... 1.6%

[Wooden furniture of a kind used in offices; wooden furniture of a kind used in the kitchen; wooden furniture of a kind used in the bedroom]

Other wooden furniture:

[Bent-wood furniture]

9403.60.80 Other..... 1%

Furniture of plastics:

[Of reinforced or laminated plastics]

9403.70.80 Other..... 1%

Annex (con.)

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HTS	Subheading	Article Description	1997 Subcolumn 1 General (MFN) Rate
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Other furniture and parts thereof:

Parts:

[Of furniture of a kind used for motor vehicles]

Other:

[Of cane, osier, bamboo or similar materials; of rubber or plastics; of textile material, except cotton]

9403.90.70	Of wood.....	2.1%
9403.90.80	Other.....	1.6%

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