

or related equipment, is consistent with the Act. The Commission believes that this change gives the Exchange sufficient authority to oversee its infrastructure by strengthening the Exchange's contractual safeguards at a time<sup>14</sup> when the Exchange will allow vendors to have access to the Exchange's infrastructure, unlike Phases I and II, and when the Exchange may not have the same degree of communication with vending member organizations as it has had during the earlier phases.<sup>15</sup>

The Commission believes that the Revised Vendor-Member Agreement Terms<sup>16</sup> are consistent with the Act.<sup>17</sup> The proposed change that will remove the requirement that the vendor-member agreement must govern the six prescribed elements of that relationship is reasonable under the Act because it allows both the vendor and the member greater flexibility in fashioning a service agreement that is agreeable to both parties. Now that there will be no restriction on the number of customers a vendor may have,<sup>18</sup> and the Exchange's service will be available to all parties who wish to utilize it, it is reasonable to allow the vendors and members more freedom in structuring their service agreements, within the boundaries set forth in the Revised Vendor Form and its attachments. Also, the provision that adds that the NYSE Constitution and rules apply is consistent with the Act because the NYSE is charged with ensuring that its members (and hence, the vendors and their customers) comply with the NYSE rules.

The Commission notes that the Associated Member Form contains provisions that are almost identical in substance to those found in the Revised Vendor Form.<sup>19</sup> However, under the proposed rule change, the Associated Member Form requires the member organization to take responsibility for

<sup>14</sup> The Commission notes that the Revised Vendor Form is to be used only during Phase IV.

<sup>15</sup> The Commission believes that the proposed changes to the Revised Vendor Service Description, which sets forth the information that the Exchange requires the vendor to include in the service description, are consistent with the Act because the proposed changes eliminate the requirement of certain information that completion of the infrastructure makes irrelevant.

<sup>16</sup> See *supra* note 7 and accompanying text.

<sup>17</sup> The proposed rule change that permits communications between members using hand-held devices at two different locations on the floor is incorporated into this document and is consistent with the Act for the same reasons discussed above.

<sup>18</sup> The vendor must still not exceed capacity.

<sup>19</sup> Therefore, the Commission believes that the reasoning behind approving the changes to the Revised Vendor Form also applies to the Associated Member Form, for the similar proposed changes.

the actions of its members and to assure that its members will comply with all provisions of the Form as well as with relevant laws, rules and regulations. For that reason, the Exchange does not propose to require the member organization to enter into an agreement with a subscriber to its wireless data communications service if the subscriber is an Exchange member that is an officer, partner or employee of the member organization; as a result, the proposed rule change does not impose on the member organization a set of terms and conditions that parallel those set forth in the Revised Vendor-Member Agreement Terms. The Commission believes that this portion of the proposed rule change is consistent with the Act because it still provides for sufficient control over the vendor-customer relationship and notes that the proposed rule change does provide that the vendor must terminate its relationship with an Associated Member whom the Exchange has determined has failed to comply with the rules, policies, and procedures of the NYSE, the Commission, or the FCC.

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>20</sup> that the proposed rule change (SR-NYSE-97-17) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>21</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 97-32028 Filed 12-5-97; 8:45 am]

BILLING CODE 8010-01-M

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#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### Notice of Meeting of the Industry Sector Advisory Committee on Small and Minority Business (ISAC-14)

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

**ACTION:** Notice of meeting.

**SUMMARY:** The Industry Sector Advisory Committee on Small and Minority Business (ISAC 14) will hold a meeting on December 15, 1997 from 9:15 a.m. to 4:00 p.m. The meeting will be open to the public from 9:15 a.m. to 1:00 p.m. and closed to the public from 1:00 p.m. to 4:00 p.m.

**DATES:** The meeting is scheduled for December 15, 1997, unless otherwise notified.

<sup>20</sup> 15 U.S.C. 78s(b)(2).

<sup>21</sup> 17 CFR 200.30-3(a)(12).

**ADDRESSES:** The meeting will be held at the Department of Commerce in Room 4830, located at 14th Street and Constitution Avenue, N.W., Washington, D.C., unless otherwise notified.

**FOR FURTHER INFORMATION CONTACT:** Millie Sjoberg, Department of Commerce, 14th St. and Constitution Ave., N.W., Washington, D.C. 20230, (202) 482-4792 or Bill Daley, Office of the United States Trade Representative, 600 17th St. N.W., Washington, D.C. 20508, (202) 395-6120.

**SUPPLEMENTARY INFORMATION:** The ISAC 14 will hold a meeting on December 15, 1997 from 9:15 a.m. to 4:00 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code and Executive Order 11846 of March 27, 1975, the Office of the U.S. Trade Representative has determined that part of this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. During the discussion of such matters, the meeting will be closed to the public from 1:00 p.m. to 4:00 p.m. The meeting will be open to the public and press from 9:15 a.m. to 1:00 p.m. when other trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

**Pate Felts,**

*Acting Assistant United States Trade Representative, Intergovernmental Affairs and Public Liaison.*

[FR Doc. 97-31950 Filed 12-5-97; 8:45 am]

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#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### Trade Policy Staff Committee; Public Comments on the Triennial Review of the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement")

**ACTION:** Notice and request for comments.

**SUMMARY:** The Trade Policy Staff Committee (TPSC) is requesting written

public comments with respect to the review by the World Trade Organization (WTO) Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") of the Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement"). At the conclusion of the Uruguay Round, the WTO signatories agreed to review the SPS Agreement three years after its entry into force. The review is expected to focus on progress in implementing the SPS Agreement, including provisions relating to the requirement that measures be based on science and risk assessment, to transparency and notification procedures, harmonization of international sanitary and phytosanitary standards, and distinctions between the levels of sanitary and phytosanitary protection established in different situations. In particular, the United States will be assessing the contribution that implementation of the SPS Agreement makes to the reduction of unjustified barriers to agricultural trade, while preserving the United States' ability to protect human, animal and plant life and health. Comments received will be considered by the Executive Branch in formulating U.S. positions and objectives relating both to the scope of the review and to the specific issues to be considered by the SPS Committee during the review process.

**DATES:** Public comments are due by noon, January 9, 1998.

**ADDRESSES:** Office of the U.S. Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

**FOR FURTHER INFORMATION CONTACT:** John Ellis, Director for Sanitary and Phytosanitary Affairs, Office of WTO and Multilateral Affairs, USTR, (202-395-3063).

**SUPPLEMENTARY INFORMATION:** The Chairman of the TPSC invites written comments from the public on issues to be address in the course of the review by the WTO SPS Committee of the WTO SPS Agreement. The review will begin at the tenth meeting of the SPS Committee, scheduled for March 15-16, 1998 in Geneva, and will be on the Committee's agenda for the three other SPS Committee meetings scheduled in 1998, to take place in June, September and November.

### Background

During the Uruguay Round of multilateral trade negotiations, a primary U.S. negotiating objective was to obtain substantial commitments for liberalization of international agricultural trade. The resulting WTO

Agreement on Agriculture, which requires the elimination of many non-tariff barriers and the phased reduction of tariffs on agricultural products, is providing significant new market access opportunities for U.S. agricultural exports.

The United States was aware during the Uruguay Round that unjustified sanitary and phytosanitary (SPS) measures have often restricted U.S. agricultural exports, even after tariffs or other non-tariff barriers have been reduced or eliminated. To address this problem, the SPS Agreement was negotiated to ensure that WTO members would not impose protectionist trade barriers disguised as SPS measures. The importance of the SPS Agreement to agricultural trade is reflected in Article 14 of the Agreement on Agriculture, which emphasizes that WTO members have agreed to give effect to the SPS Agreement.

The SPS Agreement reflects a careful balance of rights and obligations. The Agreement safeguards WTO members' rights to adopt and implement regulations to protect human, animal and plant life or health (including food safety and environmental measures), and to establish the level of protection of life and health they deem to be appropriate. The United States has a strong interest in preserving these rights, which ensure the ability to maintain the U.S. standards of public health and environmental protection.

At the same time, the SPS Agreement establishes obligations designed to ensure that an SPS measure is in fact intended to protect against the risk asserted, rather than to serve as a disguised trade barrier. In particular, the Agreement requires that a measure adopted to protect human, animal and plant life and health be based on science and a risk assessment, and that it be no more restrictive than is necessary to achieve the intended level of human, animal or plant health protection.

The same balance is sought in the SPS Agreement's provisions relating to international sanitary and phytosanitary standards, guidelines and recommendations. Recognizing that the harmonization of international standards may contribute both to improved protection of human, animal and plant life and health and to the removal of unnecessary trade barriers, the Agreement calls for each WTO member to use relevant international standards as a basis for establishing its SPS measures, subject to other provisions of the Agreement. At the same time, the Agreement makes clear that it does not require "downward harmonization," and that no WTO

member is required to adopt an international standard if doing so would result in a lower level of human, animal or plant health protection than that government has determined to be appropriate.

In the SPS Committee, the United States has pushed aggressively for full and effective implementation of WTO members' commitments under the SPS Agreement. For example, the United States has provided strong leadership in promoting implementation of the Agreement's transparency and notification provisions, in order to ensure effective surveillance of WTO members' SPS measures. Members' notifications of new SPS measures and other important information are now available on the WTO's internet home page (<http://www.wto.org>). The SPS Agreement's notification procedures, which provide an opportunity for the United States to comment on other WTO members' draft SPS measures in advance, have proven to be increasingly useful in identifying potential trade problems and facilitating the resolution of differences before trade is actually affected.

In recent years, the United States has successfully resolved a number of bilateral trade problems associated with the application of SPS measures in key overseas markets. In these negotiations, reference to the requirements of the SPS Agreement has been an important factor in U.S. trading partners' decisions to eliminate or modify scientifically unjustified SPS measures. The United States has also made active use of the procedures of the WTO Dispute Settlement Body (DSB) to push for the removal of scientifically unjustified SPS measures which have a major impact on U.S. exports.

Persons submitting written comments on the review of the SPS Agreement should provide a statement, in twenty copies, by noon, January 9, 1998, to Gloria Blue, Executive Secretary, TPSC, Office of the U.S. Trade Representative, Room 503, 600 17th Street, NW., Washington, DC 20508. Non-confidential information received will be available for public inspection by appointment in the USTR Reading Room, Room 101, Monday through Friday, 9:30 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m. For an appointment call Brenda Webb on 202-395-6186. Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be

accompanied by a non-confidential summary thereof.

**Frederick L. Montgomery,**

*Chairman, Trade Policy Staff Committee.*

[FR Doc. 97-32053 Filed 12-5-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Privacy Act of 1974; Notice To Add a System of Records

**AGENCY:** Operating Administrations, Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** The Department of Transportation is proposing to add a system of records to its inventory of system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**EFFECTIVE DATE:** January 20, 1998.

**FOR FURTHER INFORMATION CONTACT:** Crystal M. Bush at (202) 366-9713 (Telephone), (202) 366-7066 (Fax), crystal.bush@ost.dot.gov (Internet Address).

**SUPPLEMENTARY INFORMATION:** The purpose is to establish a system of records to collect and manage the data needed to provide a nationwide pool of vessel and vessel owner information that will help in identification and recovery of stolen vessels and deter vessel theft and fraud.

The new system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 2, 1997 to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

#### DOT/CG 590

#### SYSTEM NAME:

Vessel Identification System (VIS).

#### SECURITY CLASSIFICATION:

VIS is unclassified, sensitive.

#### SYSTEM LOCATION:

United States Coast Guard (USCG), Operations Systems Center, 175 Murrall Drive, Martinsburg, WV 25401.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with established relationship(s)/association to vessels that are state-numbered and/or titled and U.S. Coast Guard-documented, and that are included in the Vessel Identification System (VIS). Specifically, owners or agents of such vessels, as well as lienholders.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

a. Records containing vessel identification information and vessel characteristics on state-numbered and/or titled vessels or Coast Guard-documented vessels including: vessel name (if Coast Guard-documented), make of vessel or name of vessel builder, manufacturer year/year vessel built, vessel model year, title number, Coast Guard official number, certificate of number assigned by the state including expiration date, hull identification number, length of vessel, type of vessel, hull type, propulsion type, fuel type, primary use, endorsements (if Coast Guard documented), and hailing port name endorsements (if Coast Guard documented).

b. Records containing personal information including: name of each owner, address of principal place of residence of at least one owner, mailing address if different than the principal place of residence, and either an owner's social security number, date of birth and driver's license number, or other individual identifier. If a vessel owner is a business, the business address and taxpayer identification number will be included.

c. Records containing lienholder and insurance information including: name of lienholder, and city and state of principal place of residence or business of each lienholder.

d. Records containing law enforcement information including: law enforcement status code (stolen, recovered, lost, destroyed, or abandoned), law enforcement hold, reporting agency, originating case number, National Crime Information Center (NCIC) number, VIS user identification, incident location, last sighted date/time/location, law enforcement contact and phone number, and hours of operations.

e. Records containing vessel registration information including: registration and, if applicable title number including effective and expiration date, issuing authority, and, for Coast Guard documented vessels, the official number.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 U.S.C. 12501-07.

#### PURPOSE(S):

The primary purpose of VIS is to provide a nationwide pool of state-numbered and/or titled and U.S. Coast Guard-documented vessels that will assist in identification and recovery of stolen vessels, deter vessel theft and fraud, and other purposes relating to the ownership of vessels.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Federal, state and local law enforcement officials for law enforcement purposes including the recovery and return of stolen property and to deter vessel theft and fraud.

b. Federal and state numbering and titling officials for the purposes of tracking, registering and titling vessels.

c. National Crime Information Center data contained in VIS will only be released to National Crime Information Center authorized users.

d. Disclosure may be made to agency contractors who have been engaged to assist the agency in the performance of a contract service or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

e. See DOT Prefatory Statement of General Routine Uses.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Storage of all records is in an automated database operated and maintained by the U.S. Coast Guard.

##### RETRIEVABILITY:

Records are retrieved by:

- Vessel hull identification number (HIN).
- State certificate of number.
- Title number.
- U.S. Coast Guard official number.
- USCG vessel name and hailing port.
- Vessel owner or business name.
- Vessel owner's social security number or alternate identifier (e.g., DOB, driver's license number, or taxpayer identification number).

##### SAFEGUARDS:

The VIS falls under the guidelines of the United States Coast Guard Operations System Center (OSC) in Martinsburg, WV. This computer facility has its own approved System Security Plan, which provides that:

- The system will be maintained in a secure computer room with access restricted to authorized personnel only.
- Access to the building must be authorized and is limited.
- VIS will support different access levels for fields in the same record. These levels will allow different classes