

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.

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.

* * * * *

3. Section 228.21 is amended by adding a sentence at the end of paragraph (a) and revising paragraph (c)(4) as follows:

§ 228.21 Ocean transportation.

(a) * * * USAID's policy on implementation of the Cargo Preference Act is in USAID's Automated Directives System, Chapter 315.

* * * * *

(c) * * *

(4) USAID will finance costs incurred on vessels under flag registry of any Geographic Code 935 country if the costs are part of the total cost on a through bill of lading that is paid to a carrier for initial carriage on a vessel which is eligible in accordance with paragraphs (c)(1), (2) or (3) of this section; *provided that* for shipments originating on a U.S. flag vessel with transshipment to a non-US. flag vessel, the supplier must obtain a determination that direct service on a U.S. flag vessel is not available from USAID's Office of Procurement, Transportation Division, 1300 Pennsylvania Avenue NW., Washington, DC 20523-7900.

4. Section 228.51, paragraph (a) is amended by revising the introductory paragraph and paragraph (a)(1) as follows:

§ 228.51 Commodities.

(a) *Waiver criteria.* Any waiver must be based upon one of the criteria listed in this section. Waivers to Geographic Code 899 or Code 935 which are justified under paragraph (a) (2) or (3) of this section may only be authorized on a case-by-case basis. A waiver may be authorized when:

(1) A commodity required for assistance is of a type that is not produced in or available for purchase in the United States; in addition, for waivers to any country or Geographic code beyond Code 941 and the cooperating country, the commodity is of a type that is not produced in or available for purchase in any country in Code 941 or the cooperating country.

* * * * *

5. Section 228.53 is amended by revising the introductory paragraph and paragraph (a) as follows:

§ 228.53 Suppliers of services—privately owned commercial suppliers and non-profit organizations.

Waiver criteria. Any waiver must be based upon one of the criteria listed in this section. Waivers to Geographic Code 899 or Code 935 which are justified under paragraph (b) or (c) of this section may only be authorized on

a case-by-case basis. A waiver may be authorized when:

(a) Services required for assistance are of a type that are not available for purchase in the United States; in addition, for waivers to any country or Geographic Code beyond Code 941 and the cooperating country, the services are of a type that are not available for purchase in any country in Code 941 or the cooperating country.

* * * * *

Dated: January 5, 1998.

Marcus L. Stevenson,
Procurement Executive.

[FR Doc. 98-1572 Filed 1-22-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH-243-FOR]

Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Ohio regulatory program (hereinafter the "Ohio program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to provisions of the Ohio rules pertaining to permitting requirements, bond release, and performance standards. The amendment is intended to revise the Ohio program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.], February 23, 1998. If requested, a public hearing on the proposed amendment will be held on February 17, 1998. Requests to speak at the hearing must be received by 4:00 p.m., [E.D.T.], on February 9, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to George Rieger, Field Branch Chief, at the address listed below.

Copies of the Ohio program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours,

Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Field Branch Chief,
Appalachian Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2153.
Ohio Division of Mines and Reclamation, 1855 Fountain Square Court, Columbus, Ohio 43224, Telephone: (614) 265-1076.

FOR FURTHER INFORMATION CONTACT:
George Rieger, Field Branch Chief, Appalachian Regional Coordinating Center, Telephone: (412) 937-2153.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, **Federal Register** (42 FR 34688). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Description of the Proposed Amendment

By letter dated December 30, 1997 (Administrative Record No. OH-2174-05), Ohio submitted a proposed amendment to its program pursuant to SMCRA and in accordance with 30 CFR 732.17(c). The provisions of the Ohio Administrative Code (OAC) that Ohio proposed to amend are: OAC 1501:13-4-05—Permit Application Requirements, OAC 1501:13-4-12—Special Categories of Mining, OAC 1501:13-4-14—Underground Permit Application Requirements, OAC 1501:13-7-05—Release of Performance Bond, and OAC 1501:13-9-04—Performance Standards.

Specifically, Ohio is proposing the following changes. At OAC 1501:13-4-05 and 13-4-14, Ohio is proposing to replace the term "sedimentation pond" with "siltation structure" and to reference the dam classification criteria found in the Natural Resources Conservation Service (NRCS) Technical Release No. 60. At OAC 1501:13-4-12(E), Ohio is proposing to restrict approximate original contour restoration variances to only steep-slope mining and reclamation operations. At 13-4-12(F)(4)(E), Ohio is proposing to require