

and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx states that the purpose of the proposed rule change is to remain competitive and foster growth of the equity floor brokerage business by seeking to increase volume. The proposal seeks to replace the current tiered fee schedule for non-PACE NASDAQ-100 Index Tracking StockSM equity transaction charges with a single per share charge of \$.0035, subject to a cap of \$50 per trade side.⁷ Presently, such transaction charges are based on total shares per transaction. For example, for the first 500 shares the transaction fee is \$0, for the next 2,000 shares the transaction fee is \$.0075 on a per share basis, and thereafter, for any remaining shares the transaction fee is \$.005 on a per share basis. This proposal would increase the fee for the first 500 shares transacted and decrease the fee for subsequent share volume.⁸

In addition, the term "charge" is being replaced with the term "fee" for the purpose of clarity.

2. Basis

The Exchange believes that its proposal to amend its schedule of dues, fees and charges is consistent with Section 6(b) of the Act⁹ in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁰ in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members and will allow the equity floor to remain competitive and encourage growth.

⁷ However, this fee applies where an order, after being delivered to the Exchange by the PACE system is executed by the specialist by way of an outbound ITS commitment, when such outbound ITS commitment reflects the PACE order's clearing information, but does not apply where a PACE trade was executed against an inbound ITS commitment. See footnote 5 of the Exchange's NASDAQ-100 Index Tracking StockSM Fee Schedule. PACE is the Exchange's automated order entry, routing and execution system. See Phlx Rules 229 and 229A. Telephone conversation between Angela Saccomandi Dunn, Counsel, Phlx, and David Liu, Attorney, Division of Market Regulation, Commission, on August 5, 2004.

⁸ The fee is charged only to members of the Phlx. Telephone conversation between Angela Saccomandi Dunn, Counsel, Phlx, and David Liu, Attorney, Division of Market Regulation, Commission, on August 5, 2004.

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(4).

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

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

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

No written comments were either solicited or received.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act¹¹ and Rule 19b-4(f)(2)¹² thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-PHLX-2004-52 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. All submissions should refer to File Number SR-PHLX-2004-52. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>).

¹¹ 15 U.S.C. 78s(b)(3)(A)(ii).

¹² 17 CFR 240.19b-4(f)(2).

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 in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PHLX-2004-52 and should be submitted on or before September 7, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,
Deputy Secretary.

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**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

**Andean Trade Preference Act (ATPA);
Notice Regarding the 2004 Annual
Review**

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice announces the 2004 Annual Review of the Andean Trade Preference Act (ATPA). The deadline for the submission of petitions for the 2004 Annual ATPA Review is September 15, 2004. USTR will publish a list of petitions filed in response to this announcement in the **Federal Register**.

ADDRESSES: Submit petitions by electronic mail (e-mail) to FR0442@ustr.gov. If unable to submit petitions by e-mail, contact the Office of the Americas, Office of the United States Trade Representative (USTR), 600 17th St., NW., Washington, DC 20508, at (202) 395-9446.

FOR FURTHER INFORMATION CONTACT:
Bennett M. Harman, Deputy Assistant

¹³ 17 CFR 200.30-3(a)(12).

U.S. Trade Representative for Latin America, Office of the Americas, Office of the United States Trade Representative, 600 17th St., NW., Washington, DC 20508. The telephone number is (202) 395-9446 and the facsimile number is (202) 395-9675.

SUPPLEMENTARY INFORMATION: The ATPA (19 U.S.C. 3201-06), as renewed and amended by the Andean Trade Promotion and Drug Eradication Act (ATPDEA) in the Trade Act of 2002 (Pub. L. 107-210), provides for trade benefits for eligible Andean countries. Consistent with Section 3103(d) of the ATPDEA, USTR promulgated regulations (15 CFR part 2016) (68 FR 43922) regarding the review of eligibility of articles and countries for the benefits of the ATPA, as amended. The 2004 Annual ATPA Review is the second such review to be conducted pursuant to the ATPA review regulations. To qualify for the benefits of the ATPA and ATPDEA, each country must meet several eligibility criteria, as set forth in sections 203(c) and (d), and section 204(b)(6)(B) of the ATPA, as amended (19 U.S.C. 3202(c), (d); 19 U.S.C. 3203(b)(6)(B)), and as outlined in the **Federal Register** notice USTR published to request public comments regarding the designation of eligible countries as ATPDEA beneficiary countries (67 FR 53379). Under section 203(e) of the ATPA, as amended (19 U.S.C. 3202(e)), the President may withdraw or suspend the designation of any country as an ATPA or ATPDEA beneficiary country, and may also withdraw, suspend, or limit preferential treatment for any product of any such beneficiary country, if the President determines that, as a result of changed circumstances, the country is not meeting the eligibility criteria.

The ATPA regulations provide the schedule of dates for conducting an annual review, unless otherwise specified by **Federal Register** notice. Notice is hereby given that, in order to be considered in the 2004 Annual ATPA Review, all petitions to withdraw or suspend the designation of a country as an ATPA or ATPDEA beneficiary country, or to withdraw, suspend, or limit application of preferential treatment to any article of any ATPA beneficiary country under the ATPA, or to any article of any ATPDEA beneficiary country under section 204(b)(1), (3), or (4) (19 U.S.C. 3202(b)(1), (3), (4)) of the ATPA, must be received by the Andean Subcommittee of the Trade Policy Staff Committee no later than 5 p.m. e.d.t. on September 15, 2004. Petitioners should

consult 15 CFR 2016.0 regarding the content of such petitions.

Petitions must be submitted, in English, to the Andean Subcommittee, Trade Policy Staff Committee. Petitions will be available for public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6. If the submission contains business confidential information, a non-confidential version of the submission must also be submitted that indicates where confidential information was redacted by inserting asterisks where material was deleted. In addition, the confidential submission must be clearly marked "Business Confidential" in large, bold letters at the top and bottom of every page of the document. The public version that does not contain business confidential information must be clearly marked either "Public Version" or "Non-Confidential" in large, bold letters at the top and bottom of every page.

In order to facilitate prompt consideration of submissions, USTR strongly urges and prefers electronic mail (e-mail) submissions in response to this notice. E-mail submissions should be single copy transmissions in English, and the total submission including attachments should not exceed 50 pages. E-mail submissions should use the following subject line: "2003 Annual ATPA Review—Petition." Documents must be submitted as either WordPerfect ("*.WPD"), MSWord ("*.DOC"), or text ("*.TXT") file. Documents should not be submitted as electronic image files or contain imbedded images (for example, "*.JPG", "*.PDF", "*.BMP", or "*.GIF"), as these type of files are generally excessively large. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel, pre-formatted for printing on 8½ × 11 inch paper. To the extent possible, any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

The file name of any document containing business confidential information attached to an e-mail transmission should begin with the characters "BC-", and the file name of the public version should begin with the characters "P-". The "P-" or "BC-" should be followed by the name of the person or party submitting the petition. Submissions by e-mail should not include separate cover letters or messages in the message area of the e-mail; information that might appear in any cover letter should be included directly in the submission. The e-mail

address for submissions is FR0442@ustr.gov. Public versions of all documents relating to this review will be available for review shortly after the due date by appointment in the USTR Public Reading Room, 1724 F Street, NW., Washington, DC. Availability of documents may be ascertained, and appointments may be made from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, by calling (202) 395-6186.

Bennett M. Harman,

Deputy Assistant U.S. Trade Representative for Latin America.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Public Dialogue on Enhancing the Transatlantic Economic Relationship

AGENCY: Office of the U.S. Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: U.S. and European leadership agreed at the U.S.-EU Summit in June 2004 to look at new ways to further strengthen the transatlantic economic relationship, calling upon all interested U.S. and EU stakeholders to engage in a vigorous discussion of concrete ideas on how to further transatlantic economic integration. Over the coming months, the U.S. Administration will convene a number of public dialogue sessions, as well as participate in conferences and meetings, with the business, consumer, labor, environmental and academic communities, and other elements of civil society in order to stimulate proposals for possible subsequent adoption by governments. As part of this process, the U.S. Administration welcomes written public input on ideas for deepening transatlantic economic ties.

DATES: Written comments should be submitted no later than November 15, 2004.

Submissions: The U.S. government strongly encourages public input on this initiative. To facilitate expeditious handling, the public is strongly encouraged to submit documents electronically rather than by facsimile. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters "BC-", and the file name of the public version should