

Specifically, the proposed rule changes appear to raise serious questions as to whether they provide for the equitable allocation of reasonable dues, fees, and other charges among the Phlx's members and issuers and other persons using its facilities.<sup>10</sup>

Accordingly, the Commission believes that the procedures provided by Section 19(b)(2) of the Act<sup>11</sup> will provide a more appropriate mechanism for determining whether the proposed rule changes are consistent with the Act. Therefore, the Commission finds that it is appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act, to abrogate the proposed rule changes.

*It is therefore ordered*, pursuant to Section 19(b)(3)(C) of the Act,<sup>12</sup> that File Nos. SR-Phlx-2004-50 and SR-Phlx-2004-56 be, and they hereby are, summarily abrogated. If the Phlx chooses to re-file the proposed rule changes, it must do so pursuant to Sections 19(b)(1)<sup>13</sup> and 19(b)(2) of the Act.<sup>14</sup>

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. E4-2398 Filed 9-27-04; 8:45 am]

BILLING CODE 8010-01-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Comments on Additional Items for Potential Withdrawal of Tariff Concessions and Increase in Applied Duties in Response to European Union (EU) Enlargement and EU Changes to its Rice Import Regime

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

**ACTION:** Request for comments.

**SUMMARY:** The Office of the U.S. Trade Representative seeks comments concerning the addition of several types of cheese, peaches, mandarins and clementines, to a list of goods for which tariff concessions may be withdrawn and duties may be increased in the event the United States cannot reach agreement with the European Union (EU) for adequate compensation owed under World Trade Organization (WTO) rules as a result of EU enlargement and EU changes to its rice import regime.

**DATES:** Persons wishing to provide written public comments are required to

do so no later than noon on Wednesday, September 29, 2004.

**ADDRESSES:** Submissions by electronic mail to [FR0443@ustr.eop.gov](mailto:FR0443@ustr.eop.gov). Submissions by facsimile to: Anita Thomas at fax: (202) 395-3974. The public is strongly encouraged to submit documents electronically rather than by facsimile. (See requirements for submissions below).

**FOR FURTHER INFORMATION CONTACT:** For questions contact Lisa Errion, Office of Europe and the Mediterranean, at (202) 395-3320.

**SUPPLEMENTARY INFORMATION:** By **Federal Register** Vol. 69, No. 175/ Friday, September 10, 2004, p. 54827-54849, "Request for Comments and Notice of Public Hearing on Potential Withdrawal of Tariff Concessions and Increase in Applied Duties in Response to European Union (EU) Enlargement and EU Changes to Its Rice Regime," the Office of the U.S. Trade Representative sought comments concerning the list of goods for which tariff concessions might be withdrawn and duties might be increased in the event the United States could not reach agreement with the European Union (EU) for adequate compensation owed under World Trade Organization (WTO) rules as a result of EU enlargement and EU changes to its rice import regime. The United States has received public comment regarding the addition of several types of cheese, peaches, mandarins and clementines to this list. Public written testimony requesting the addition of several types of cheese and of peaches is available in the USTR Reading Room, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file may be made by calling (202) 395-6186. It is also available on USTR's Web site at: [www.ustr.gov/World\\_Regions/Europe\\_Mediterranean/European\\_Union/Section\\_Index.html](http://www.ustr.gov/World_Regions/Europe_Mediterranean/European_Union/Section_Index.html).

### Public Comment

Written comments of interested persons should be limited to the following issues: (1) The appropriateness of withdrawing WTO tariff concessions upon the products listed in the Annex to this notice; (2) the appropriateness of imposing increased duties upon the products listed in the Annex to this notice; (3) the levels at which U.S. customs duties should be set for particular items; and (4) the degree to which increased duties might have an adverse effect upon U.S. consumers of the products listed in the Annex.

### Requirements for Submissions

In order to facilitate prompt processing of submissions, the TPSC strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: "EU Enlargement/EU Rice Import Regime" followed by "Written Comments." Documents should be submitted as either Adobe PDF, WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. 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 begin with the character "P-". The "P-" or "BC-" should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments, notices of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2003.6 must be clearly marked "BUSINESS CONFIDENTIAL" at the top of each page, including any cover letter or cover page, and must be accompanied by a non-confidential summary of the confidential information. All public documents and non-confidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file may be made by calling (202) 395-6186. General information concerning USTR may be obtained by accessing its Internet Web site ([www.ustr.gov](http://www.ustr.gov)).

### Annex: Proposed Additional Items

<sup>10</sup> 15 U.S.C. 78f(b)(4).

<sup>11</sup> 15 U.S.C. 78s(b)(2).

<sup>12</sup> 15 U.S.C. 78s(b)(3)(C).

<sup>13</sup> 15 U.S.C. 78s(b)(1).

<sup>14</sup> 15 U.S.C. 78s(b)(2).

<sup>15</sup> 17 CFR 200.30-3(a)(58).

HTS#	Description	In quota/ out of quota	MFN rate 2004	MFN unit 2004	Proposed new tariff rate unit
04062085 .....	Cheese (including mixtures), nesoi, n/o 0.5% by wt. of butterfat, grated or powdered, subject to add. U.S. note 23 to Ch. 4.	IQ .....	10%	.....	55%
04062089 .....	Cheese (including mixtures), nesoi, o/0.5% by wt. of butterfat, w/cow's milk, grated or powdered, subject to add. U.S. note 16 to Ch. 4.	IQ .....	10%	.....	55%
04063085 .....	Processed cheese (incl. mixtures), nesoi, n/o 0.5% by wt. butterfat, not grated or powdered, subject to Ch. 4 U.S. note 23, not GN15.	IQ .....	10%	.....	55%
04064048 .....	Stilton cheese, nesoi, not in original loaves, subject to add. U.S. note 24 to Ch. 4.	IQ .....	17%	.....	55%
04069016 .....	Edam and gouda cheese, nesoi, subject to add. U.S. note 20 to Ch. 4.	IQ .....	15%	.....	55%
04069042 .....	Romano, Reggiano, Parmesan, Provolone, and Provoletti cheese, nesoi, from cow's milk, not subj. to GN 15 or Ch. 4 U.S. note 21.	OQ .....	2.146	\$/kg ...	3.7875 \$/kg
04069093 .....	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/butterfat n/o 0.5% by wt., subject to add. U.S. note 23 to Ch. 4, not GN15.	.....	10%	.....	55%
04069099 .....	Cheeses & subst. for cheese (incl. mixt.), nesoi, w/o cow's milk, w/butterfat o/0.5% by wt., not GN15.	.....	8.5%	.....	55%
08052000 .....	Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids, fresh or dried.	.....	1.9	cents/ kg.	3.3 cents/kg
20087020 .....	Peaches (excluding nectarines), otherwise prepared or preserved, not elsewhere specified or included.	.....	17%	.....	55%

**Carmen Suro-Bredie,***Chairman, Trade Policy Staff Committee.*

[FR Doc. 04-21762 Filed 9-27-04; 8:45 am]

BILLING CODE 3190-W4-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****RTCA Special Committee 159: Global Positioning Systems (GPS)****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of RTCA Special Committee 159 meeting.**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 159: Global Positioning System.**DATES:** The meeting will be held on October 4-8, 2004, from 9 a.m. to 4:30 p.m. (unless stated otherwise).**ADDRESSES:** The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.**FOR FURTHER INFORMATION CONTACT:** RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>.**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 159 meeting. **Note:** Specific working group sessions will be held October 4-7. The plenary agenda will include:

- October 8:
  - Opening Plenary Session (Welcome and Introductory Remarks, Approve Minutes of Previous Meeting)
  - Review Working Group Progress and Identify Issues for Resolution
  - Global Positioning System (GPS)/3rd Civil Frequency (WG-1)
  - GPS/Wide Area Augmentation System (WAAS) (WG-2)
  - GPS/GLONASS (WG-2A)
  - GPS/Inertial (WG-2C)
  - GPS/Precision Landing Guidance (WG-4)
  - GPS/Airport Surface Surveillance (WG-5)
  - GPS/Interference (WG-6)
  - GPS/GRAS (WG-8)
  - Review of EUROCAE activities
  - Review/Approval, Revised DO-245—Minimum aviation System Performance Standards for Local Area Augmentation System (LAAS), RTCA Paper No. 141-04/SC159-919.
  - Closing Plenary Session (Assignment/Review of Future Work, Other Business, Data and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen,

members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 14, 2004.

**Robert Zoldos,***FAA System Engineer, RTCA Advisory Committee.*

[FR Doc. 04-21740 Filed 9-27-04; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Intent to Rule on Application to Use the Revenue from a Passenger Facility Charge (PFC) at San Antonio International Airport, San Antonio, Texas****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Intent to Rule on application.**SUMMARY:** The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at San Antonio International Airport under the provisions of the