

organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(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, 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2004-06 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-NYSE-2004-06. 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>). 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 NYSE. 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-NYSE-2004-06 and should be submitted on or before August 23, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

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#### DEPARTMENT OF STATE

[Public Notice 4793]

#### Determination Pursuant to Section 2(b)(6) of the Export-Import Bank Act of 1945

Pursuant to section 2(b)(6) of the Export-Import Bank Act of 1945, as amended (the "Act"), Executive Order 11958 of January 18, 1977, as amended by Executive Order 12680 of July 5, 1989, and State Department Delegation of Authority No. 245 of April 23, 2001, I hereby determine that:

(1) The defense articles or services for which the Government of Colombia has requested an Export-Import Bank (Ex-Im Bank) guarantee or insurance, six Elbit weapons management and delivery system kits for installation by Sikorsky Aircraft Corporation on Colombian Air Force helicopters, are being sold primarily for anti-narcotics purposes and to support Colombia's campaign against narcotics trafficking.

(2) The sale of such defense articles or services is in the national interest of the United States.

(3) Pursuant to section 706(5) of the Foreign Relations Authorization Act of FY 2003 (Pub. L. 107-228), section 2291j(e) of title 22, United States Code, does not apply with respect to Colombia.

(4) The Government of Colombia has complied with all U.S.-imposed end use restrictions on the use of defense articles or services previously financed under the Act.

(5) The Government of Colombia has not engaged in a consistent pattern of gross violations of internationally recognized human rights, taking into consideration whether Colombia has engaged in or tolerated particularly severe violations of religious freedom or has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

This determination shall be reported to Congress and shall be published in the **Federal Register**.

<sup>8</sup> 17 CFR 200.30-3(a)(12).

Dated: June 22, 2004.

**Richard L. Armitage,**

*Deputy Secretary of State, Department of State.*

[FR Doc. 04-17519 Filed 7-30-04; 8:45 am]

BILLING CODE 4710-29-P

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

#### Determination of Chile's Trade Surplus in Sugar and Certain Sugar Containing Products

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to U.S. Note 12(a) to subchapter XI of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS), the Office of the United States Trade Representative (USTR) is providing notice of its determination that Chile does not have a trade surplus in sugar, sugar-containing products, and high fructose corn syrup.

**EFFECTIVE DATE:** Date of publication in the Federal Register.

**ADDRESSES:** Inquiries may be mailed or delivered to Sharon Sydow, Director of Agriculture Trade Policy, Office of Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

**FOR FURTHER INFORMATION CONTACT:** Sharon Sydow, Office of Agricultural Affairs, 202-395-6127.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 201 of the United States-Chile Free Trade Agreement Implementation Act (Pub. L. 108-77; 117 Stat. 909, 913; 19 U.S.C. 3805 note), Presidential Proclamation No. 7746 of December 30, 2003 (68 FR 75789), implemented on behalf of the United States the United States-Chile Free Trade Agreement (FTA) and modified the HTS to reflect therein the tariff and rules of origin treatment provided for in the FTA.

Pursuant to U.S. Note 12(a) to subchapter XI of HTS chapter 99, beginning in 2004 and annually thereafter, USTR is required to publish in the **Federal Register** a determination of the amount of Chile's trade surplus, by volume, with all sources for goods in Harmonized System (HS) subheadings 1701.11, 1701.12, 1701.91, 1701.99, 1702.20, 1702.30, 1702.40, 1702.60, 1701.90, 1806.10, 2101.12, 2101.20, and 2106.90, except that Chile's imports of U.S. goods under HS subheadings 1702.40 and 1702.60 that qualify for preferential treatment under the FTA may not be included in the calculation