

Examination program. Pursuant to the revised structure, the Exchange developed an orientation and examination content to be administered by the National Association of Securities Dealers, Inc ("NASD"). The revised Options Orientation Fee of \$1,000 was intended to include the cost of the Series 44 or Series 45 examination, the investigation fee and the fingerprinting fee,<sup>7</sup> but not the Series 46 examination.<sup>8</sup> Thus, since October 2003, the Exchange has charged \$1,000 for the Options Orientation Fee (including the cost of the Series 44 or 45 examination) and no charge has applied for the Series 46 examination. The Exchange proposes to amend the Options Orientation Fee by adding a parenthetical in the Schedule to clarify that the Options Orientation Fee only includes the cost of the Series 44 or Series 45 examination.

The Exchange also proposes to adopt a new fee of \$200 to help recover the costs associated with the Series 46 examination. Pursuant to a contractual agreement between PCX and NASD, PCX incurs fixed expenses in connection with the administration of each Series 46 examination. Further, the Exchange expends staff resources for ongoing development and maintenance of examination content. As such, the proposed fee will recover expenses relating to administration, development and ongoing support of the Series 46 examination.

The Exchange believes that these proposed changes are necessary to alleviate confusion among the OTP Holders and OTP Firms with respect to the Options Orientation Fee.

## 2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act<sup>9</sup> in general, and Section 6(b)(4) of the Act<sup>10</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its OTP Holders, OTP Firms, issuers and persons using the facilities.

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

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

necessary or appropriate in furtherance of the purposes of the Act.

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

Written comments on the proposed rule change were neither solicited nor received.

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

Because the foregoing proposed rule change does not:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>11</sup> and Rule 19b-4(f)(6) thereunder.<sup>12</sup> At any time within 60 days of the filing of the 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](mailto:rule-comments@sec.gov). Please include File Number SR-PCX-2004-105 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-PCX-2004-105. 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 Room. Copies of such filing also will be available for inspection and copying at the principal office of the PCX. 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-PCX-2004-105 and should be submitted on or before January 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

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## DEPARTMENT OF STATE

### [Public Notice 4922]

### **Bureau of Political-Military Affairs; Arms Export Embargo on Côte d'Ivoire (Ivory Coast)**

**SUMMARY:** Notice is hereby given that all licenses and other approvals to export or otherwise transfer defense articles and defense services to Côte d'Ivoire (Ivory Coast) are suspended until further notice pursuant to Sections 38 and 42 of the Arms Export Control Act (AECA).

**EFFECTIVE DATE:** December 14, 2004.

**FOR FURTHER INFORMATION CONTACT:** Stephen J. Tomchik, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663-2799.

#### **SUPPLEMENTARY INFORMATION:**

Effective immediately, it is the policy of the U.S. Government to deny all applications for licenses and other approvals to export or otherwise transfer defense articles and defense services to

<sup>7</sup> If the applicant is not required to take the examination (*i.e.*, qualifies for a waiver), such applicant is only required to pay a separate investigation and fingerprinting fee.

<sup>8</sup> Series 46 is an optional examination taken subsequent to the Series 44 examination.

<sup>9</sup> 15 U.S.C. 78f(b).

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

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(6).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

Côte d'Ivoire (formerly known as Ivory Coast). In addition, U.S. manufacturers and exporters and any other affected parties are hereby notified that the Department of State has suspended all previously issued licenses and approvals to export or otherwise transfer defense articles and defense services to Côte d'Ivoire. These actions have been taken in accordance with U.N. Security Council Resolution 1572, unanimously passed on November 15, 2004, which imposes an embargo on the export of arms and related material, as well as defense services, to the West African nation of Côte d'Ivoire. The embargo will remain in effect for a period of 13 months unless otherwise amended.

The resolution establishing the embargo enjoins all states to "take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities".

The resolution establishes several exceptions under which the embargo will not apply, namely:

(a) Supplies and technical assistance intended solely for the support of or use by UNOCI (United Nations Operations in Côte d'Ivoire) and the French forces who support them;

(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by a representative committee consisting of all the members of the Security Council;

(c) Supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(d) Supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, as notified in advance to the representative committee consisting of all the members of the Security Council; and

(e) Supplies of arms and related materiel and technical training and assistance intended solely for support of or use in the process of restructuring defense and security forces as approved

in advance by the representative committee consisting of all the members of the Security Council.

U.S. exporters are advised that, effective November 16, 2004, no application for the export to Ivory Coast of defense articles or services covered by the International Traffic in Arms Regulations (ITAR) will be approved. Exceptions to this policy will be made, in accordance with the ITAR, on a case-by-case basis for proposed exports that conform to the conditions specified in (a) through (e) above. Any existing license or authorization for the export to Ivory Coast of ITAR-controlled defense articles or services is hereby suspended. Holders of existing licenses and authorizations for exports to Ivory Coast must submit documentation for review by the Directorate of Defense Trade Controls (DDTC) supporting the meeting of one of the exceptions cited above prior to DDTC lifting the suspension.

This action has been taken pursuant to Sections 38 and 42 of the AECA (22 U.S.C. 2778, 2791) and Section 126.7 of the ITAR in furtherance of the foreign policy of the United States.

Dated: December 6, 2004.

**Rose M. Likins,**

*Acting Assistant Secretary, Political-Military Affairs, Department of State.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment on Out- of-Cycle Review of the People's Republic of China

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

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242), requires the United States Trade Representative (USTR) to identify countries that deny adequate and effective protection of intellectual property rights (IPRs) or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. In addition, USTR is required to determine which of those countries should be identified as Priority Foreign Countries. Section 182 is commonly referred to as the "Special 301" provision of the Trade Act.

The People's Republic of China (China) was designated a Priority Foreign Country in 1994, and has

subsequently remained subject to monitoring under Section 306 of the Trade Act (19 U.S.C. 2416). On May 3, 2004, USTR announced the results of the 2004 Special 301 review and stated that an Out-of-Cycle Review (OCR) would be conducted in early 2005 to assess China's actions to implement effectively the commitments it undertook under the Joint Commission on Commerce and Trade (JCCT), its WTO commitments, and a 1995 bilateral intellectual property agreement with the United States (including additional commitments made in 1996). USTR will examine whether China's actions are producing substantial progress toward a significant reduction in IPR infringement levels in China. USTR requests written comments from the public concerning the acts, policies, and practices relevant for this review under Section 182 of the Trade Act.

**DATES:** Submissions must be received on or before 5 p.m. on Monday, January 31, 2005.

**ADDRESSES:** Comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to [FR0446@ustr.eop.gov](mailto:FR0446@ustr.eop.gov), with "Special 301 Out-of-Cycle Review" in the subject line, or (ii) by fax, to (202) 395-9458, with a confirmation copy sent electronically to the e-mail address above.

**FOR FURTHER INFORMATION CONTACT:** Victoria Espinel, Deputy Assistant U.S. Trade Representative for Intellectual Property, at (202) 395-6864, Angela Davis, Director of China Affairs, at (202) 395-3900, or Stanford McCoy, Assistant General Counsel, at (202) 395-3581, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 182 of the Trade Act, USTR must identify those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies, or practices have the greatest adverse impact (actual or potential) on relevant U.S. products may be identified as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country's designation as a Priority Foreign Country are normally the subject of an investigation under the Section 301 provisions of the Trade Act. China was designated a Priority Foreign Country in 1994, and has subsequently remained