the evolution of the Exchange's trading systems towards more electronic trading of options on the Exchange via Phlx XL.

1. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [23] in general, and furthers the objectives of Section 6(b)(5) of the Act [24] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and to protect investors and the public interest, by allowing a new category of market maker, the RSQT, to quote competitively from off the floor of the Exchange, thereby increasing the depth and liquidity in the Exchange's markets, and allowing the Exchange to remain competitive for order flow by adding additional liquidity to the Exchange's markets, enhancing the ability of order flow providers to fulfill their duty of best execution on behalf of their customers.

*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**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which Phlx consents, the Commission shall: (a) By order approve such 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*. Please include File Number SR–Phlx–2004–90 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–2004–90. 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 the filing also will be available for inspection and copying at the principal office of 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–2004–90 and should be submitted on or before January 18, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–28149 Filed 12–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] 17 CFR 200.30–3(a)(12).

## SOCIAL SECURITY ADMINISTRATION

### Rate for Attorney Fee Assessment Beginning in 2005

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice.

**SUMMARY:** The Social Security Administration is announcing that the attorney-fee assessment percentage rate under section 206(d) of the Social Security Act (the Act), 42 U.S.C. 406(d), is 6.3 percent for 2005.

**FOR FURTHER INFORMATION CONTACT:** James A. Winn, Associate General Counsel for Program Law, Office of the General Counsel, Social Security Administration, Phone: (410) 965–3137, email *jim.winn@ssa.gov*.

**SUPPLEMENTARY INFORMATION:** Section 406 of Public Law No. 106–170, the Ticket to Work and Work Incentives Improvement Act of 1999, established an assessment for the services required to determine and certify payments to attorneys from the benefits due claimants under Title II of the Act. This provision is codified in section 206 of the Act (42 U.S.C. 406). The legislation set the assessment for the calendar year 2000 at 6.3 percent of the amount that would be required to be certified for direct payment to the attorney under section 206(a)(4) or 206(b)(1) before the application of the assessment. For subsequent years, the legislation requires the Commissioner of Social Security to determine the percentage rate necessary to achieve full recovery of the costs of determining and certifying fees to attorneys, but not in excess of 6.3 percent. The Commissioner of Social Security has determined, based on the best available data, that the current rate of 6.3 percent will continue for 2005. During the calendar year 2005, we will begin directly paying fees to attorneys in cases under Title XVI of the Act and to eligible non-attorney representatives in cases under Title II and/or Title XVI of the Act, as provided in sections 302 and 303 of Public Law No. 108–203, the Social Security Protection Act of 2004. Once these new programs begin, we will use the 6.3 percent rate announced in this notice when calculating assessments on direct payments made under these new statutory provisions during the calendar year 2005.

We will continue to review our costs on a yearly basis.

Dated: December 17, 2004.

**Dale W. Sopper,**

*Deputy Commissioner for Finance, Assessment and Management.*

[FR Doc. 04–28172 Filed 12–23–04; 8:45 am]

**BILLING CODE 4191–02–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Modification of the Tariff-Rate Import Quota for Certain Cheeses

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

**ACTION:** Modification of the Harmonized Tariff Schedule of the United States.

**SUMMARY:** This document modifies Additional U.S. Notes 2, 16, 17, 18, 19, 20, 21, 22, 23, and 25 to Chapter 4 of the Harmonized Tariff Schedule of the United States (HTS) to reflect the enlargement of the European Union (EU) to 25 countries on May 1, 2004.

**EFFECTIVE DATE:** This modification is effective on January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sharon Sydow, Director for Agricultural Trade Policy, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508; telephone (202) 395–6127.

**SUPPLEMENTARY INFORMATION:** On May 1, 2004, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia acceded to the European Community (EC), and the EC customs union of 15 member countries (''EC–15'') was enlarged to a customs union of 25 member countries (''EC–25''). At that time, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia withdrew their tariff schedules under the World Trade Organization (WTO) and applied the common external tariff of the EC–15 to imports into the EC–25. To recognize the membership of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia in the EC–25, the tariff-rate quota (TRQ) allocations for certain cheeses from the EC–15 will be available to the EC–25, and the TRQ allocation for certain cheeses from the Czech Republic, Hungary, Poland, and the Slovak Republic will become part of the total TRQ allocations for certain cheeses from the EC–25.

Section 404(d)(3) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3601(d)(3)) authorizes the President to allocate in-quota quantities of a TRQ for any agricultural product among supplying countries or customs areas and to modify any allocation as the President determines appropriate. Section 604 of the Trade Act of 1974, as amended (''Trade Act'') (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

In paragraph (3) of Proclamation 6763 of December 23, 1994, the President delegated his authority under section 404(d)(3) of the URAA to the United States Trade Representative (USTR). In paragraph 5 of Proclamation 6914 of August 26, 1996, the President determined that it is appropriate to authorize the USTR to exercise his authority under section 604 of the Trade Act to embody in the HTS the substance of any action taken by USTR under section 404(d)(3) of the URAA.

### Modification of the HTS

Pursuant to the authority delegated to the USTR in Proclamations 6763 and 6914, the USTR has determined that it is appropriate to modify the TRQ allocations of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic, and Slovenia and to embody such modifications in the HTS. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2005:

1. The additional U.S. notes to chapter 4 are modified by deleting additional U.S. note 2 and inserting the following new additional U.S. note 2 in lieu thereof:

''2. For the purposes of this schedule, the expression ''EC 25'' refers to articles which are the product of one of the following: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, the Federal Republic of Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden or the United Kingdom.''

2. Additional U.S. note 16 to chapter 4 is modified by:

(a) Deleting from the list in such note the following countries and quantities:

''Czech Republic 200,000

Poland 1,236,224

Slovak Republic 600,000''; and

(b) Deleting from the list in such note the expression ''EC 15'' and the quantity ''25,810,000'' set out opposite such expression and inserting in lieu thereof the expression ''EC 25'' and the quantity ''27,846,224''.

3. Additional U.S. note 17 to chapter 4 is modified by:

(a) Deleting from the list in such note the following country and quantity:

''Czech Republic 50,000''; and

(b) Deleting from the list in such note the expression ''EC 15'' and the quantity ''2,779,000'' set out opposite such expression and inserting in lieu thereof the expression ''EC 25'' and the quantity ''2,829,000''.

4. Additional U.S. Note 18 to chapter 4 is modified by:

(a) Deleting from the list in such note the following country and quantity:

''Czech Republic 50,000''; and

(b) Deleting from the list in such note the expression ''EC 15'' and the quantity ''1,263,000'' set out opposite such expression and inserting in lieu thereof the expression ''EC 25'' and the quantity ''1,313,000''.

5. Additional U.S. Note 19 to chapter 4 is modified by:

(a) Deleting from the list in such note the expression ''EC 15'' and inserting in lieu thereof the expression ''EC 25''.

6. Additional U.S. Note 20 to chapter 4 is modified by:

(a) Deleting from the list in such note the following country and quantity:

''Czech Republic 100,000''; and

(b) Deleting from the list in such note the expression ''EC 15'' and the quantity ''6,289,000'' set out opposite such expression and inserting in lieu thereof the expression ''EC 25'' and the quantity ''6,389,000''.

7. Additional U.S. Note 21 to chapter 4 is modified by:

(a) Deleting from the list in such note the following country and quantity:

''Poland 1,325,000''; and

(b) Deleting from the list in such note the expression ''EC 15'' and the quantity ''4,082,000'' set out opposite such expression and inserting in lieu thereof the expression ''EC 25'' and the quantity ''5,407,000''.

8. Additional U.S. Note 22 to chapter 4 is modified by:

(a) Deleting from the list in such note the expression ''EC 15'' and inserting in lieu thereof the expression ''EC 25''.

9. Additional U.S. Note 23 to chapter 4 is modified by:

(a) Deleting from the list in such note the following country and quantity:

''Poland 174,907''; and

(b) Deleting from the list in such note the expression ''EC 15'' and the quantity ''4,250,000'' set out opposite such expression and inserting in lieu thereof the expression ''EC 25'' and the quantity ''4,424,907''.

10. Additional U.S. Note 25 to chapter 4 is modified by: