

and regulations thereunder. The Commission finds that the proposed rule change is consistent with section 6(b)(4) of the Act,<sup>9</sup> which requires that the rules of the Exchange provide for the equitable allocation or reasonable dues, fees, and other charges among its members other persons using its facilities. The Commission believes that the extension of the Linkage fee pilot until July 31, 2004 will give the Exchange and the Commission further opportunity to evaluate whether such fees are appropriate.

The Commission finds good cause, pursuant to section 19(b)(2) of the Act,<sup>10</sup> for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of the filing thereof in the **Federal Register**. The Commission believes that granting accelerated approval will preserve the Exchange's existing pilot program for Linkage fees without interruption as the ISE and the Commission further consider the appropriateness of Linkage fees.

#### V. Conclusion

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>11</sup> that the proposed rule change (SR-ISE-2003-39) is hereby approved on an accelerated basis for a pilot period to expire on July 31, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

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

[FR Doc. 04-216 Filed 1-5-04; 8:45 am]

BILLING CODE 8010-01-P

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48997; File No. SR-NASD-2003-161]

#### Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Establish a Nasdaq Official Opening Price

December 29, 2003.

On October 28, 2003, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities

Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to establish a Nasdaq Official Opening Price that would be made available for wholly voluntary use by NASD members and the public. The proposed rule change was published for comment in the **Federal Register** on November 26, 2003.<sup>3</sup> The Commission received no comments on the proposal. This order approves the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.<sup>4</sup> In particular, the Commission believes that the proposed rule change is consistent with Section 15A of the Act<sup>5</sup> in general, and furthers the objectives of Section 15A(b)(6)<sup>6</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. Specifically, the Commission believes that Nasdaq's proposal may result in the public dissemination of information that more accurately reflects the trading in a particular security on Nasdaq at the open.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act<sup>7</sup>, that the proposed rule change (SR-NASD-2003-161) is approved.

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

**Jill M. Peterson,**  
*Assistant Secretary.*

[FR Doc. 04-224 Filed 1-5-04; 8:45 am]

BILLING CODE 8010-01-P

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

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 48810 (November 19, 2003), 68 FR 66518.

<sup>4</sup> In approving the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>5</sup> 15 U.S.C. 78o-3.

<sup>6</sup> 15 U.S.C. 78o-3(b)(6).

<sup>7</sup> 15 U.S.C. 78s(b)(2).

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

#### DEPARTMENT OF STATE

[Public Notice 4580]

#### Bureau of Educational and Cultural Affairs; Middle East Partnership Initiative (MEPI) U.S. Business Internship Program for Young Middle Eastern Women

**ACTION:** Correction to proposal submission date.

The MEPI U.S. Business Internship Program for Young Middle Eastern Women was announced in Public Notice 4575 published on Monday, December 29, with an incorrect proposal submission date. The correct date should read, "February 17, 2004". All other program information remains the same.

**SUPPLEMENTARY INFORMATION:** Interested U.S. organizations should contact Robert Greenan at 202-619-5437 for additional information.

The Middle East Partnership Initiative (MEPI) U.S. Business Internship Program for Young Middle Eastern Women was announced in the **Federal Register**, Volume 68, Number 248, on December 29, 2003.

Dated: December 30, 2003.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 04-228 Filed 1-5-04; 8:45 am]

BILLING CODE 4710-05-P

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

#### Notice of Proposed Measure and Opportunity for Public Comment Pursuant to Section 421 of the Trade Act of 1974: Certain Ductile Iron Waterworks Fittings From the People's Republic of China

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

**ACTION:** Notice of proposed measure; request for comments.

**SUMMARY:** The United States International Trade Commission (ITC) has determined, pursuant to section 421(b)(1) of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2451(b)(1)), that certain ductile iron waterworks fittings<sup>1</sup> from the People's

<sup>1</sup> For purposes of its investigation, the ITC considered certain ductile iron waterworks fittings to consist of cast pipe or tube fittings of ductile iron (containing 2.5 percent carbon and over 0.02 percent magnesium or magnesium and cerium, by weight) with mechanical, push-on (rubber

<sup>9</sup> 15 U.S.C. 78f(b)(4).

<sup>10</sup> 15 U.S.C. 78s(b)(2).

<sup>11</sup> *Id.*

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

Republic of China (China) are being imported into the United States in such increased quantities or under such conditions as to cause market disruption to the domestic producers of like or directly competitive products. Pursuant to section 421(h)(1) of the Trade Act, the United States Trade Representative (USTR) is publishing notice of proposed restrictions with respect to imports of the subject ductile iron waterworks fittings from China. USTR invites domestic producers, importers, exporters, and other interested parties to submit their views and evidence on the appropriateness of the proposed restrictions and whether they would be in the public interest. USTR also invites interested parties to participate in a public hearing (if requested).

**DATES:** Requests for USTR to hold a public hearing are due by January 20, 2004. Written comments and requests to testify at any public hearing are due by January 22, 2004. If a request for USTR to hold a public hearing is received, the hearing will be held on February 2, 2004.

**ADDRESSES:** *Submissions by electronic mail:* FR0409@ustr.gov. *Submissions by facsimile:* Sandy McKinzy, USTR, at (202) 395-9672.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning public comments and holding of a public hearing, contact Sandy McKinzy, USTR, telephone (202) 395-9483, facsimile (202) 395-9672. Other questions regarding the subject of this notice should be addressed to Terrence J. McCartin, Office of North Asian Affairs, USTR, telephone (202) 395-3900, or María L. Pagán, Office of General Counsel, USTR, telephone (202) 395-7305.

#### **SUPPLEMENTARY INFORMATION:**

##### **1. The ITC Investigation and Section 421**

Following receipt of a petition filed on September 5, 2003, on behalf of McWane, Inc., the ITC instituted investigation No. TA-421-4, under section 421(b) of the Trade Act (19 U.S.C. 2451(b)) to determine whether the subject ductile iron waterworks fittings from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products. In

compression) or flanged joints attached. Included within this definition are fittings of all nominal diameters and of both full-bodied and compact designs. The imported products are provided for in statistical reporting number 7307.19.3070 of the Harmonized Schedule of the United States (HTS).

addition, the petitioner sought provisional relief under section 421(i) of the Trade Act (19 U.S.C. 2451(i)), alleging that critical circumstances exist such that a delay in taking action under the statute would cause damage to the relevant domestic industry which would be difficult to repair. On October 16, 2003, the ITC made a negative critical circumstances determination and continued its investigation. The ITC made an affirmative market disruption determination on December 4, 2003, and transmitted a report on its determination, as well as its remedy proposals, to USTR on December 24, 2003. The views of the ITC, including its remedy proposals, and the ITC staff report are available on the ITC's Web site (<http://www.usitc.gov>) and are contained in USITC Publication 3657 (December 2003), entitled "Certain Ductile Iron Waterworks Fittings from China". A copy of that publication can be obtained from the ITC after January 14, 2004, by faxing a request to (202) 205-2104 or calling (202) 205-1809.

Following an affirmative determination by the ITC, and pursuant to Section 421(h) of the Trade Act, USTR is required to make a recommendation to the President concerning what action, if any, to take to remedy the market disruption. Within 15 days after receipt of USTR's recommendation, the President is required to provide import relief unless the President determines that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that the taking of action would cause serious harm to the national security of the United States. (Section 421(k)) Prior to making a recommendation, USTR is required to publish notice of any proposed measures and of the opportunity to comment.

##### **2. Proposed Measure and Opportunity for Comment**

The ITC recommended that the President impose a tariff-rate quota on imports of the subject ductile iron waterworks fittings from China for a three-year period as follows: A 50 percent tariff, in addition to the current rate of duty, on imports exceeding 14,324 short tons in the first year; a 40 percent tariff, in addition to the current rate of duty, on imports exceeding 15,398 short tons in the second year; and a 30 percent tariff, in addition to the current rate of duty, on imports exceeding 16,553 short tons in the third year. The ITC further recommended that, if applications are filed, the President direct the U.S. Department of Commerce and the U.S. Department of

Labor to provide expedited consideration of trade adjustment assistance for firms and/or workers affected by the subject imports. USTR proposes this remedy for further consideration by domestic producers, importers, exporters, and other interested parties, and invites any of these parties to submit their views and evidence on the appropriateness of the proposed remedy and whether it would be in the public interest. In addition, USTR invites comments on other possible actions, including: Imposition of a tariff-rate quota on the subject imports from China, with an in-quota volume, out-of-quota tariff rate, and/or period different from the ITC recommendation; imposition of an additional duty on imports of the subject imports from China; imposition of a quota on the subject imports from China; an import monitoring mechanism; or no import relief (pursuant to a determination under Section 421(k) of the Trade Act regarding the national economic interest or national security). In commenting on possible actions, interested parties are requested to address: (i) The short- and long-term effects that implementation of the proposed action is likely to have on the domestic ductile iron waterworks fittings industry, other domestic industries, and downstream consumers, and (ii) the short- and long-term effects that not taking the proposed action is likely to have on the domestic ductile iron waterworks fittings industry, its workers, and other domestic industries or communities.

An interested party may request that USTR hold a public hearing, which request must be received by January 20, 2004. Written comments, as well as requests to testify at any public hearing, must be received by January 22, 2004, and should be submitted in accordance with the instructions below. Parties that have requested to testify at any public hearing will be informed if a hearing is to be held. In addition, information on any public hearing may be obtained by contacting Sandy McKinzy at (202) 395-9483. If a public hearing is requested, it will be held on February 2, 2004, at 9:30 a.m. in Rooms 1 and 2, 1724 F Street, NW., Washington, D.C. Requests to testify must include the following information: (1) Name, address, telephone number, fax number, and firm or affiliation of the person wishing to testify; and (2) a brief summary of the comments to be presented.

##### **3. Requirements for Submissions**

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic (e-

mail) submissions in response to this notice.

Persons making submissions by e-mail should use the following subject line: "Ductile Iron Waterworks Fittings" followed by (as appropriate) "Written Comments", "Request for Public Hearing", or "Request to Testify". Documents should be submitted as either WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel files. 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 characters "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. 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 submitted in response to this request will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Business confidential 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 nonconfidential summary of the confidential information. All public documents and nonconfidential summaries will 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 must be scheduled at least 48 hours in advance and may be made by calling (202) 395-6186.

**Charles Freeman,**

*Deputy Assistant United States Trade Representative, Office of North Asian Affairs.*  
[FR Doc. 04-214 Filed 1-5-04; 8:45 am]

BILLING CODE 3190-W3-P

**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

**Identification of Countries Under  
Section 182 of the Trade Act of 1974:  
Request for Public Comment**

**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 or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. (Section 182 is commonly referred to as the "Special 301" provisions of the Trade Act.) The USTR is required to determine which of these countries should be identified as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country's identification as a priority foreign country are normally the subject of an investigation under the section 301 provisions of the Trade Act. Section 182 of the Trade Act also contains a special rule for the identification of actions by Canada affecting U.S. cultural industries.

USTR requests written submissions from the public concerning foreign countries' acts, policies, and practices that are relevant to the decision whether particular trading partners should be identified under section 182 of the Trade Act.

**DATES:** Submissions must be received on or before 12:00 noon on Friday, February 13, 2004.

**ADDRESSES:** Comments should be sent to Mark Wu, Director for Intellectual Property, and/or Sybia Harrison, Special Assistant to the Section 301 Committee, at the following e-mail address: [FR0408@ustr.gov](mailto:FR0408@ustr.gov), with "Special 301 Review: [Country Name]" in the subject line. Only electronic submissions will be accepted.

**FOR FURTHER INFORMATION CONTACT:** Mark Wu, Director for Intellectual Property, (202) 395-6864; Victoria Espinel or Daniel Mullaney, Assistant General Counsels, (202) 395-7305, Office of the United States Trade Representative. In the event that none of the above are available, questions should be directed to Claude Burcky, Deputy Assistant USTR for Intellectual Property, Office of the United States Trade Representative, (202) 395-6864.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 182 of the Trade Act, the

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 are to 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.

USTR may not identify a country as a Priority Foreign Country if it is entering into good faith negotiations, or making significant progress in bilateral or multilateral negotiations, to provide adequate and effective protection of intellectual property rights.

USTR requests that, where relevant, submissions mention particular regions, provinces, or states of a country whose act, policy, or practice deserve special highlighting in this year's report. Such mention may be positive or negative, so long as it deviates from the general norm in that country.

Section 182 contains a special rule regarding actions of Canada affecting U.S. cultural industries. The USTR is obligated to identify any act, policy, or practice of Canada that affects cultural industries, is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). Any such act, policy, or practice so identified shall be treated the same as an act, policy, or practice that was the basis for a country's identification as a Priority Foreign Country under section 182(a)(2) of the Trade Act, unless the United States has already taken action pursuant to Article 2106 of the NAFTA.

USTR must make the above-referenced identifications within 30 days after publication of the National Trade Estimate (NTE) report, *i.e.*, no later than April 30, 2004.

**Requirements for comments:** Comments should include a description of the problems experienced and the effect of the acts, policies, or practices on U.S. industry. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies, or practices. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses.