

- Customs Notification No. 5/2004 (January 8, 2004) (“basic customs duty” inter alia on spirits);

- Customs Notification No. 20/1997 (March 1, 1997) (“basic customs duty” inter alia on wine);

- Customs Notification No. 32/2003 (March 1, 2003) (“additional duty” inter alia on wine and spirits); and

- Customs Notification No. 19/2006 (March 1, 2006) (“extra additional duty” inter alia on wine and spirits).

As a result of the duties, products from the United States do not appear to be exempt from ordinary customs duties or other charges in excess of those set forth in India’s WTO Tariff Schedule and appear to be accorded less favorable treatment than that provided in India’s WTO Tariff Schedule. Even if these duties were considered to be internal taxes applied at the time of importation, the duties appear to subject imports from the United States to internal taxes in excess of those applied to like domestic products or directly competitive or substitutable domestic products.

USTR believes these measures are inconsistent with India’s obligations under Article II:1(a) and (b), Articles III:2 and III:4 of the General Agreement on Tariffs and Trade 1994.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments should be submitted (i) electronically, to [FR0706@ustr.eop.gov](mailto:FR0706@ustr.eop.gov), with “India Alcohol Duties (DS360)” in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395–3640, with a confirmation copy sent electronically to the electronic mail address above.

USTR encourages the submission of documents in Adobe PDF format as attachments to an electronic mail. Interested persons who make submissions by electronic 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.

Comments must be in English. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly designated

as such and BUSINESS CONFIDENTIAL must be marked at the top and bottom of the cover page and each succeeding page. Persons who submit confidential business information are encouraged to also provide a non-confidential summary of the information.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as “SUBMITTED IN CONFIDENCE” at the top and bottom of the cover page and each succeeding page; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, the submissions, or non-confidential summaries of submissions, received from other participants in the dispute; the report of the panel and, if applicable, the report of the Appellate Body. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the public file (Docket WTO/DS–340, China Auto Parts Dispute) may be made by calling the USTR Reading Room at (202) 395–6186.

**Daniel E. Brinza,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

[FR Doc. E7–17358 Filed 8–30–07; 8:45 am]

**BILLING CODE 3190–W7–P**

#### OFFICE OF PERSONNEL MANAGEMENT

##### Federal Salary Council

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of meeting.

**SUMMARY:** The Federal Salary Council will meet at the time and location

shown below. The Council is an advisory body composed of representatives of Federal employee organizations and experts in the fields of labor relations and pay policy. The Council makes recommendations to the President’s Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management) about the locality pay program for General Schedule employees under section 5304 of title 5, United States Code. The Council’s recommendations cover the establishment or modification of locality pay areas, the coverage of salary surveys, the process of comparing Federal and non-Federal rates of pay, and the level of comparability payments that should be paid.

The Council will review the results of pay comparisons and formulate its recommendations to the President’s Pay Agent on pay comparison methods, locality pay rates, and locality pay area boundaries for 2009. The Council anticipates it will complete its work for this year at this meeting and has not scheduled any additional meetings for 2007. The public may submit written materials about the locality pay program to the Council at the address shown below. The meeting is open to the public.

**DATES:** October 3, 2007, at 10 a.m.

**Location:** Office of Personnel Management, 1900 E Street, NW., Room 7310, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Charles D. Grimes III, Deputy Associate Director for Performance and Pay Systems, Office of Personnel Management, 1900 E Street, NW., Room 7H31, Washington, DC 20415–8200. Phone (202) 606–2838; Fax (202) 606–4264; or e-mail at [pay-performance-policy@opm.gov](mailto:pay-performance-policy@opm.gov).

For the President’s pay agent:

**Linda M. Springer,**

*Director.*

[FR Doc. E7–17221 Filed 8–30–07; 8:45 am]

**BILLING CODE 6325–39–P**

#### RAILROAD RETIREMENT BOARD

##### Correction to Agency Forms Submitted for OMB Review, Request for Comments

**SUMMARY:** In the document appearing on page 47086, FR Doc. E7–16592, Agency Forms Submitted for OMB Review, Request for Comments dated August 22, 2007, the Railroad Retirement Board is making a correction to the Item titled “Changes Proposed”. As published, the

document contains an error that may be misleading to the public.

**CORRECTION OF PUBLICATION:** The Item titled "Changes Proposed" which reads "The RRB proposed no changes to Form UI-45", is corrected to read "The RRB proposes no changes to Form UI-1e".

Charles Mierzwa,  
Clearance Officer.

[FR Doc. E7-17273 Filed 8-30-07; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56322; File No. SR-Amex-2007-59]

### Self-Regulatory Organizations; American Stock Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Process for the Waiver, Deferral, or Rebate of Initial Listing Fees for Certain Securities That Transfer From Another National Securities Exchange

August 27, 2007.

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> notice is hereby given that on August 10, 2007, the American Stock Exchange, LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Amex. The Exchange has designated this proposal as a "non-controversial" proposed rule change under Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 140 of the Amex *Company Guide* (the "*Company Guide*") to provide a process for the deferral, waiver, or rebate of all or any part of the initial listing fee applicable to index fund shares, trust-issued receipts, commodity-based trust shares, currency trust shares, paired trust shares, and

partnership units that transfer to the Amex.

The text of the proposed rule change is available at Amex, the Commission's Public Reference Room, and <http://www.amex.com>.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

Section 140 of the *Company Guide* currently provides that index fund shares (defined as securities listed under Amex Rule 1000A-AEMI), trust-issued receipts (defined as securities listed under Amex Rule 1200-AEMI), commodity-based trust shares (defined as securities listed under Amex Rule 1200A-AEMI), currency trust shares (defined as securities listed under Amex Rule 1200B-AEMI), paired trust shares (defined as securities listed under Amex Rule 1400), and partnership units (defined as securities listed under Amex Rule 1500-AEMI)<sup>5</sup> initially listed on the Amex are subject to a \$5,000 initial listing fee for each series. The Securities are not subject to the initial listing application processing fee. The Exchange is proposing to amend Section 140 of the *Company Guide* to provide that the Board of Governors of the Exchange (the "Board") or its designee may, in its discretion, defer, waive, or rebate all or any part of the \$5,000 initial listing fee applicable to Securities that transfer from another marketplace to the Amex (i.e., the issue becomes listed on Amex and ceases to be listed on the other exchange).

The Board or its designee currently has the authority to defer, waive, or rebate all or any part of the initial listing fees applicable to stocks, bonds, and

warrants<sup>6</sup> and to closed-end funds that transfer to the Amex from another marketplace.<sup>7</sup> The Exchange believes that the extension of such authority to Securities that transfer to the Amex will enable the Exchange to respond to specific competitive situations. This is particularly important given the fee waivers currently offered by other markets to transferring issuers. For example, the New York Stock Exchange ("NYSE") recently amended its Listed Company Manual to remove initial listing fees payable in connection with transfers of any equity security, structured product, or closed-end management investment company listed on another exchange.<sup>8</sup> Similarly, the Nasdaq Stock Market ("NASDAQ") has waived initial listing fees with respect to any security being transferred from another exchange.<sup>9</sup>

The proposed authority to defer, waive, or rebate the \$5,000 initial listing fee applicable to transferring Securities could be exercised only by the Board or its designee. The Board has delegated this authority to a staff committee which presently has the authority to defer, waive, or rebate initial listing fees for transferring closed-end funds.<sup>10</sup> The committee is comprised of management representatives from the Office of the Chairman and the ETF Marketplace, Finance, and Listing Qualifications Departments.<sup>11</sup> The committee composition is intended to ensure that fee deferral, waiver, and rebate requests receive an appropriate degree of scrutiny and are only granted under circumstances in which a reduction is warranted for competitive reasons. While the Exchange expects that the potential deferral, waiver, or rebate of the initial listing fee applicable to Securities will be attractive to issuers considering listing on the Exchange, it is contemplated that such deferrals, waivers, or rebates would be granted only infrequently to attract an important listing that is likely to generate

<sup>6</sup> See Securities Exchange Act Release No. 50270 (August 26, 2004), 69 FR 53750 (September 2, 2004) (SR-Amex-2004-70).

<sup>7</sup> See Securities Act Release No. 52408 (September 12, 2005), 70 FR 54971 (September 19, 2005) (SR-Amex-2005-024).

<sup>8</sup> See Securities Exchange Act Release No. 55314 (February 20, 2007), 72 FR 8823 (February 27, 2007) (SR-NYSE-2007-17).

<sup>9</sup> See Securities Exchange Act Release No. 51004 (January 10, 2005), 70 FR 2917 (January 18, 2005) (SR-NASD-2004-140).

<sup>10</sup> See *supra*, note 7.

<sup>11</sup> An affirmative vote of a majority of the committee members attending a particular meeting (subject to a three-person quorum requirement) would be necessary for deferrals, waivers, or rebates.

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

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

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

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

<sup>5</sup> Index fund shares, trust-issued receipts, commodity-based trust shares, currency trust shares, paired trust shares, and partnership units are collectively referred to in this filing as the "Securities."