

of the most significant aspects of such statements.

## 1. Purpose

The proposed rule change would raise existing fees associated with filing arbitration claims for member organizations and associated persons, and would impose a new surcharge on member organizations that are the subject of arbitration claims, or whose associated person(s) are the subject of such claims. Under the proposed rule change, filing fees and hearing deposits would be increased only for cases initiated by members and member organizations, and the filing fees and hearing deposits for claims initiated by public customers would not be increased.

When a party files an arbitration claim at the Exchange, a non-refundable filing fee and a hearing deposit is required. Fees are also required when filing counterclaims, cross-claims and third party claims. The amount of the fee and deposit varies based on the amount in dispute. At the conclusion of the hearings, the arbitrators assess forum fees against the claimant(s) or respondent(s), or both. The forum fees are computed by multiplying the total number of hearing sessions by the initial hearing deposit. These fees are payable to the Exchange and offset the cost of maintaining the arbitration forum.

As the arbitration caseload has increased significantly over the past several years, the attendant costs to the Exchange in maintaining the arbitration forum have also increased. This fee increase will offset a portion of those increased costs.

## 2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(4)<sup>5</sup> that an exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its 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 not necessary or appropriate in furtherance of the purposes of the Exchange Act.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)<sup>6</sup> of the Exchange Act and Rule 19b-4(f)(2)<sup>7</sup> thereunder, in that it establishes or changes a due, fee, or other charge imposed by the Exchange on its members. At any time within 60 days of the filing of this 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 Exchange Act.<sup>8</sup>

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Exchange 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 e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2004-57 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-2004-57. 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 will also 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-2004-57 and should be submitted by June 21, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. E5-2723 Filed 5-27-05; 8:45 am]

**BILLING CODE 8010-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-51723; File No. SR-PCX-2005-52]**

### **Self-Regulatory Organizations; Pacific Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendments No. 1 and 2 Thereto Making Certain Administrative Changes to the PCX Rules**

May 20, 2005.

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 April 12, 2005, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by PCX. On May 5, 2005, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> On May 9, 2005, the

<sup>9</sup> 17 CFR 200.30-3(a)(12).

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

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

<sup>3</sup> In Amendment No. 1, the Exchange corrected typographical errors and made clarifying changes to the proposed rule text. Amendment No. 1 superseded and replaced the original proposed rule change in its entirety. Telephone Conference on May 19, 2005 between Tania Blanford, Regulatory

<sup>5</sup> 15 U.S.C. 78f(b)(4).

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>7</sup> 17 CFR 240.19b-4(f)(2).

<sup>8</sup> For purposes of calculating the 60-day abrogation period, the Commission considers the proposed rule change to have been filed on April 11, 2005, when Amendment No. 2 was filed.

Exchange filed Amendment No. 2 to the proposed rule change.<sup>4</sup> The Exchange filed the proposal pursuant to Section 19(b)(3)(A) of the Act,<sup>5</sup> and Rule 19b-4(f)(3) thereunder,<sup>6</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**

PCX proposes to amend the PCX Rules to make certain administrative changes that were inadvertently omitted when PCX demutualized. The text of the proposed rule change is available on the PCX Web site (<http://www.pacificex.com>), at the PCX's Office of the Secretary and at the Commission's Public Reference Room.

### **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**

The Exchange is proposing to amend the PCX Rules in order to make certain administrative changes that were inadvertently not included in the proposed rule change pertaining to the Exchange's demutualization.<sup>7</sup> These changes include removing certain obsolete terms and replacing them with the appropriate terms now used for the demutualized exchange, updating cross-

references in the PCX Rules and correcting typographical errors. Once updated, the PCX Rules will read as intended at the completion of demutualization. The proposed rule change, as amended, also sets forth circumstances when an Exchange Official can take specified actions.

##### **2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>8</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>9</sup> in particular, in that it is designed to facilitate transactions in securities, to promote just and equitable principles of trade, to enhance competition and to protect investors and the public interest.

#### **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**

The foregoing rule change, as amended, has become effective pursuant to Section 19(b)(3)(A)(iii) of the Securities Exchange Act of 1934<sup>10</sup> and subparagraph (f)(3) of Rule 19b-4 thereunder<sup>11</sup> because it is concerned solely with the administration of the Exchange. At any time within 60 days of the filing of such 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.<sup>12</sup>

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> 15 U.S.C. 78f(b)(3)(A)(iii).

<sup>11</sup> 17 CFR 240.19b-4(f)(3).

<sup>12</sup> For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers that period to commence on May 9, 2005, the date the Exchange filed Amendment No. 2 to the proposed rule change. See 15 U.S.C. 78s(b)(3)(C).

Attorney, PCX and Mitra Mehr, Staff Attorney, Division of Market Regulation, Commission ("May 19th Telephone Conference").

<sup>4</sup> In Amendment No. 2, the Exchange made additional clarifying changes to the proposed rule text. Amendment No. 2 superseded and replaced the proposed rule change, as amended by Amendment No. 1, in its entirety. May 19th Telephone Conference.

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>6</sup> 17 CFR 240.19b-4(f)(3).

<sup>7</sup> See Securities Exchange Release No. 49718 (May 17, 2004), 69 FR 29611 (May 24, 2004) (SR-PCX-2004-08).

### **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-2005-52 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-2005-52. 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 Exchange. 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-2005-52 and should be submitted on or before June 21, 2005.

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

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5-2728 Filed 5-27-05; 8:45 am]

BILLING CODE 8010-01-P

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before August 1, 2005.

**ADDRESSES:** Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Jacqueline West, Program Analyst, Office of Business Development, Small Business Administration, 409 3rd Street SW., Suite 8800, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline West, Program Analyst, 202-205-7581, [jacqueline.west@sba.gov](mailto:jacqueline.west@sba.gov). Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.sba](mailto:curtis.rich@sba.sba).

#### SUPPLEMENTARY INFORMATION:

*Title:* "Nomination for the Small Business Prime Contractor & Nomination of the Small Business Subcontractor of the Year Award".

*Description of Respondents:* Prime Contractor, Subcontractor.

*Form No's:* 883 and 1375.

*Annual Responses:* 469.

*Annual Burden:* 1,876.

*Title:* "Representatives Used and Compensation Paid for Services in Connection with obtaining Federal Contracts".

*Description of Respondents:* 8(a) Program Participant.

*Form No's:* 1790.

*Annual Responses:* 13,884.

*Annual Burden:* 13,884.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates

are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to George Solomon, Supervisory Business Development, Office of Business Initiatives, Small Business Administration, 409 3rd Street SW., Suite 6100, Washington, DC 20416.

#### FOR FURTHER INFORMATION CONTACT:

George Solomon, Supervisory Business Development, 202-205-7246, [george.solomon@sba.gov](mailto:george.solomon@sba.gov). Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.sba](mailto:curtis.rich@sba.sba).

#### SUPPLEMENTARY INFORMATION:

*Title:* "Entrepreneurial Development Impact Survey".

*Description of Respondents:* Small Business Clients owners & employees, prospective Entrepreneurs and other student of enterprise.

*Form No's:* 2214.

*Annual Responses:* 14,000.

*Annual Burden:* 2,333.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Sandy Johnston, Program Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW., Suite 8300, Washington, DC 20416.

#### FOR FURTHER INFORMATION CONTACT:

Sandy Johnston, Program Analyst, 202-205-7528, [sandy.johnston@sba.gov](mailto:sandy.johnston@sba.gov). Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.sba](mailto:curtis.rich@sba.sba).

#### SUPPLEMENTARY INFORMATION:

*Title:* "Secondary Market Assignment and Disclosure Form".

*Description of Respondents:* Secondary Market Participants.

*Form No's:* 1088.

*Annual Responses:* 5,000.

*Annual Burden:* 7,500.

Jacqueline White,

Chief, Administrative Information Branch.

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BILLING CODE 8025-01-P

## DEPARTMENT OF STATE

[Public Notice 5092]

### Procedures for Issuance of a Presidential Permit Where There Has Been a Transfer of the Underlying Facility, Bridge or Border Crossing for Land Transportation

**AGENCY:** Department of State, Office of the Under Secretary for Economic and Agricultural Affairs.

**ACTION:** Notice.

#### FOR FURTHER INFORMATION CONTACT:

Office of International Energy and Commodity Policy, Bureau of Economic and Business Affairs (EB/ESC/IEC), Department of State, 2201 C Street, NW., Suite 3535, Washington, DC 20520, Attn: Matthew McManus, telephone: 202-647-2887, e-mail: [McManusMT@state.gov](mailto:McManusMT@state.gov).

The Department of State's policies and procedures for issuance of a Presidential Permit in connection with cross-border facilities (such as pipelines, bridges, border crossings for land transportation, etc.) involve the exercise of a foreign affairs function of the United States. The following procedures apply in a given case only to the extent that they are consistent with a prior Congressional authorization (if any). In the event of a conflict, the prior Congressional authorization prevails. The Department of State also reserves the right to deviate from these procedures in particular cases.

1. When the Department of State is notified by the holder of a Presidential permit of the transfer of the relevant facility, bridge or border crossing for land transportation to another party, the relevant Department of State office will contact the transferee entity and seek a commitment from the transferee, if not already provided, that it will abide by the relevant terms and conditions of the previously-issued permit.

2. The relevant office will further request that the transferee submit an application for a new permit, containing, *inter alia*, information explaining the nature of the entity, its ownership, its place of incorporation or organization, information concerning its acquisition of relevant facility, bridge or border crossing from the prior permit holder and any other relevant information concerning its operation of the facility, bridge or border crossing.

3. Once the relevant office in the Department of State obtains the commitment described above and a completed permit application, it will process the application in accordance with the procedures set forth in E.O. 11423, as amended, or E.O. 13337, as applicable. However, in the event that the transferee commits to abiding by the relevant terms and conditions of the previously-issued permit and further indicates that the operations of the relevant facility, bridge or border crossing will remain essentially unchanged from that previously permitted, the Department of State, pursuant to 22 CFR 161.7(b)(3), does not intend to conduct an environmental review of the application under its

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