

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

1. Purpose

The Exchange states that the purpose of the proposed rule change is to encourage member organizations to discontinue holding inactive trading accounts, which the Exchange believes should, in turn, eliminate the need to expend resources to create additional account fields. Also, the Exchange states that staff time allocated to maintaining account records should be reduced, which should allow for a more efficient use of staff resources.

The Phlx states that its member organizations currently have the option to request an unlimited number of trading accounts through the Exchange's Membership Services Department. In many instances, multiple accounts are assigned at the member organization's request to allow them to track their own activity using the Exchange's account numbers.⁶ The Exchange states that in many cases, however, accounts are not released back to it when they are no longer required by the member organization or when a member organization may have requested more accounts than needed. The Exchange states that this practice limits the number of available accounts and adds to increased staff time to maintain accurate records of active accounts and the retiring of inactive accounts.

With this proposed rule change, member organizations may have, without charge, the number of accounts equal to the number of permits billed to that member organization. Any additional accounts requested by the member organization would be \$50.00 per month, or any part thereof, per account. Each account has 22 suffixes or sub-accounts.⁷ The Exchange states that there will be no additional charge for suffixes assigned within the same account.

2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6(b) of the Act⁸ in general, and furthers the objectives of Section 6(b)(4) of the Act⁹ in particular, in that it is an equitable

allocation of reasonable fees among the Phlx's members.

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

The Exchange does not believe that the proposed rule change will result in 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 were neither solicited nor received.

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

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act¹⁰ and Rule 19b-4(f)(2)¹¹ thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. 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.

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-2005-89 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-0609.

All submissions should refer to File Number SR\Phlx-2005-89. 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 the 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-2005-89 and should be submitted on or before January 30, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Nancy M. Morris,

Secretary.

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DEPARTMENT OF STATE

[Public Notice 5269]

Culturally Significant Objects Imported for Exhibition Determinations: "Girodet: Romantic Rebel"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "Girodet: Romantic Rebel", imported from abroad

⁶ The Phlx states that this proposed rule change does not limit the number of accounts a member organization may request.

⁷ For example, account number 202 cna actually be used as accounts 202-A, 202-B, etc.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(4).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

¹¹ 17 CFR 240.19b-4(f)(2).

¹² 17 CFR 200.30-3(a)(12).

for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at The Art Institute of Chicago, Chicago, IL, from on or about February 8, 2006, to on or about April 30, 2006, and at the Metropolitan Museum of Art, New York, NY, from on or about May 22, 2006, to on or about August 27, 2006, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8049). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: January 3, 2006.

C. Miller Crouch,

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

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Notice of Delays in Processing of Special Permit Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of application delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Ann Mazzullo, Office of Hazardous Materials Special Permits and Approvals, Pipeline

and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4535.

Key to "Reason for Delay"

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of special permit applications.

Meaning of Application Number Suffixes

- N—New application.
M—Modification request.
X—Renewal.
PM—Party to application with modification request.

Dated: Issued in Washington, DC, on January 3, 2006.

R. Ryan Posten,

Chief, Special Permits Program, Office of Hazardous Materials Safety, Special Permits & Approvals.

Application No.	Applicant	Reason for delay	Estimated date of completion
New Special Permit Applications			
13281-N	The Dow Chemical Company, Midland, MI	4	01-31-2006
13266-N	Luxfer Gas Cylinder Riverside, CA	4	01-31-2006
13309-N	OPW Engineered Systems, Lebanon, OH	4	01-31-2006
13347-N	Amvac Chemical Corporation, Los Angeles, CA	4	01-31-2006
13341-N	National Propane Gas Association, Washington, DC	3	01-31-2006
13957-N	T.L.C.C.I, Inc. Franklin, TN	4	02-28-2006
14038-N	Dow Chemical Company, Midland, MI	1	01-31-2006
14141-N	Nalco Company, Naperville, IL	4	01-31-2006
14163-N	Air Liquide America L.P., Houston, TX	4	01-31-2006
14205-N	The Clorox Company, Pleasanton, CA	4	02-28-2006
14197-N	GATX Rail Corporation, Chicago, IL	4	02-28-2006
14199-N	RACCA, Plymouth, MA	4	02-28-2006
14190-N	Cordis Corporation, Miami Lakes, FL	4	01-31-2006
14189-N	PPG Industries, Inc., Pittsburgh, PA	4	01-31-2006
14185-N	U.S. Department of Energy, Washington, DC	4	01-31-2006
14184-N	Global Refrigerants, Inc., Denver, CO	4	01-31-2006
14178-N	Bridger Fire Inc., Bozeman, MT	4	01-31-2006
14167-N	Trinityrail, Dallas, TX	4	01-31-2006
14223-N	Technical Concepts, Mundelein, IL	4	02-28-2006
14212-N	Clean Harbors Environmental Services, Inc., North Andover, MA	4	02-28-2006
14209-N	ABB Power Technologies AB, Alamo, TN	4	02-28-2006
14215-N	U.S. Department of Energy, Washington, DC	4	02-28-2006
14221-N	U.S. Department of Energy, Washington, DC	4	02-28-2006
14218-N	Air Logistics of Alaska, Inc., Fairbanks, AK	4	01-31-2006
14151-N	Chevron Texaco, Houston, TX	4	01-31-2006
14138-N	INO Therapeutics, Inc., Port Allen, LA	4	01-31-2006
13999-N	Kompozit-Praha s.r.o., Dysina u Plzne, Czech Republic, CZ	4	01-31-2006
13582-N	Linde Gas LLC (Linde), Independence, OH	4	01-31-2006
13302-N	FIBA Technologies, Inc., Westboro, MA	4	01-31-2006
13346-N	Stand-By-Systems, Inc., Dallas, TX	1	01-31-2006
13563-N	Applied Companies, Valencia, CA	4	01-31-2006