

**RAILROAD RETIREMENT BOARD****Agency Forms Submitted for OMB Review**

*Summary:* In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

**Summary of Proposal(s)**

- (1) *Collection title:* Pay Rate Report.
- (2) *Form(s) submitted:* UI-1e.
- (3) *OMB Number:* 3220-0097.
- (4) *Expiration date of current OMB clearance:* 10/31/2004.
- (5) *Type of request:* Extension of a currently approved collection.
- (6) *Respondents:* Individuals or households.
- (7) *Estimated annual number of respondents:* 350.
- (8) *Total annual responses:* 350.
- (9) *Total annual reporting hours:* 29.
- (10) *Collection description:* Under the Railroad Unemployment Insurance Act, the daily benefit rate for unemployment and sickness benefits depends on the employee's last daily rate of pay. The report obtains information from the employee and verification from the employer of the claimed rate of pay for use in determining whether an increase in the daily benefit rate is due.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312-751-3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or [Ronald.Hodapp@rrb.gov](mailto:Ronald.Hodapp@rrb.gov) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**  
Clearance Officer.

[FR Doc. 04-16777 Filed 7-22-04; 8:45 am]

**BILLING CODE 7905-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release Nos. 33-8443; 34-50033; IC-26497; File No. S7-28-03]

**RIN 3235-AI95**

**Disclosure of Breakpoint Discounts by Mutual Funds**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of OMB Approval of Collections of Information.

**FOR FURTHER INFORMATION CONTACT:**

Christian L. Broadbent, Senior Counsel, Office of Disclosure Regulation, Division of Investment Management, (202) 942-0721, at the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0506.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget has approved the collection of information requirements contained in Disclosure of Breakpoint Discounts by Mutual Funds,<sup>1</sup> titled "Form N-1A under the Investment Company Act of 1940 and Securities Act of 1933, Registration Statement of Open-End Management Investment Companies" (OMB Control No. 3235-0307).

Dated: July 16, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-16786 Filed 7-22-04; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[Release Nos. IA-2265; IC-26498; File No. S7-03-03]

**RIN 3235-AI77**

**Compliance Programs of Investment Companies**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of OMB approval of collections of information.

**FOR FURTHER INFORMATION CONTACT:**

Jamey Basham, Branch Chief, Office of Investment Adviser Regulation, Division of Investment Management, (202) 942-0719, at the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0506.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget has approved the collection of information requirements contained in Compliance

Programs of Investment Companies and Investment Advisers,<sup>1</sup> titled "Rule 206(4)-7," (OMB Control No. 3235-0585); "Rule 204-2," (OMB Control No. 3235-0278); and "Rule 38a-1," (OMB Control No. 3235-0586).

Dated: July 19, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-16787 Filed 7-22-04; 8:45 am]

**BILLING CODE 8010-01-P**

**SECURITIES AND EXCHANGE COMMISSION****Sunshine Act Meeting**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of July 26, 2004:

A closed meeting will be held on Thursday, July 29, 2004, at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Glassman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, July 29, 2004, will be:

Formal orders of investigations;  
Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature;

Litigation matter;  
Amicus; and

Regulatory matter regarding a financial institution.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

<sup>1</sup> Investment Company Act Release No. 26464 (June 7, 2004) [69 FR 33262 (June 14, 2004)].

<sup>1</sup> Investment Advisers Act Rel. No. 2204 (Dec. 17, 2003) [68 FR 74714 (Dec. 24, 2003)].

Dated: July 20, 2004.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 04-16887 Filed 7-20-04; 4:44 pm]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50036; File No. SR-NASD-2004-039]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc. To Reduce the Time for Chairperson Selection

July 19, 2004.

#### I. Introduction

On March 4, 2004, the National Association of Securities Dealers, Inc. ("NASD") 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 amending NASD Rule 10308 to reduce the time allotted the parties to an arbitration for chairperson selection.<sup>3</sup> On May 13, 2004, NASD filed Amendment No. 1 to the proposed rule change.<sup>4</sup> Notice of the proposed rule change, as amended, was published for comment in the **Federal Register** on June 18, 2004.<sup>5</sup> No comments were received on the proposed rule change. This order approves the proposed rule change.

#### II. Description of Proposed Rule Change

The proposed rule change would reduce the time allotted the parties to arbitration for chairperson selection from fifteen days to seven days. Parties can have up to eight additional days provided they notify NASD prior to the expiration of the original deadline that they need more time in which to reach agreement.

#### III. Discussion

For the following reasons, 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>6</sup> Specifically, the Commission believes that the proposed rule change is consistent with section 15A(b)(6) of the Act, which requires, among other things, that NASD's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

In its filing, NASD states that under current NASD Rule 10308, under which parties are given fifteen days in which to select a chairperson, in a majority of cases the parties fail to agree on a chairperson. As a result, NASD contends that the current fifteen-day selection period unnecessarily delays the arbitration process.<sup>7</sup> The Commission believes the NASD's goal of streamlining the arbitration process is appropriate and believes that the current proposal will help NASD achieve that goal while assuring parties of an adequate opportunity to participate in the selection of the chairperson. In particular, the proposal gives the parties seven days in which to select a chairperson while allowing the parties to apply for an additional eight days when they require more time to reach agreement. The Commission anticipates that in the great majority of cases the parties will either agree on a chairperson or agree to disagree and thereby permit NASD to select the chairperson within the time allotted under the proposed rule. As a result, the Commission believes the proposal should remove an unnecessary delay from the arbitration process while giving parties the flexibility to apply for additional time when they are negotiation in good faith to reach an agreement on a chairperson.

#### IV. Conclusion

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>8</sup> that the proposed rule change (SR-NASD-2004-039) be, and hereby is, approved.

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

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

[FR Doc. 04-16788 Filed 7-22-04; 8:45 am]

BILLING CODE 8010-01-P

<sup>6</sup> In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>7</sup> Securities Exchange Act Release No. 49852 (June 14, 2004), 69 FR 34205, 34206 (June 18, 2004).

<sup>8</sup> 15 U.S.C. 78s(b)(2).

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

## DEPARTMENT OF STATE

[Public Notice: 4785]

### 60-Day Notice of Proposed Information Collection: DS 4053, Department of State Mentor-Protégé Program Application, OMB Control Number 1405-XXXX

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Department of State Mentor-Protégé Program Application.

- *OMB Control Number:* 1405-XXXX.

- *Type of Request:* New collection. Originating Office: Bureau of Administration, Office of Small and Disadvantaged Business Utilization—A/SDBU.

- *Form Number:* DS 4053.

- *Respondents:* Small and large for-profit companies planning to team together in an official mentor-protégé capacity to improve the likelihood of winning DOS contracts.

- *Estimated Number of Respondents:* 20 respondents per year.

- *Estimated Number of Responses:* 10 per year.

- *Average Hours Per Response:* 21.

- *Total Estimated Burden:* 210.

- *Frequency:* On occasion.

- *Obligation to Respond:* Voluntary.

**DATES:** The Department will accept comments from the public up to 60 days from July 23, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [culbrethpb@state.gov](mailto:culbrethpb@state.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.

- Mail (paper, disk, or CD-ROM submissions): A/SDBU, Patricia Culbreth, SA-6, Room L-500, Washington, DC 20522-0602.

- Fax: 703-875-6825.

- Hand Delivery or Courier: 1701 North Ft. Myer Drive, Arlington, Virginia 22209.

#### FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information

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

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

<sup>3</sup> See letter from Mignon McLemore, Counsel, NASD, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated March 3, 2004.

<sup>4</sup> See letter from Mignon McLemore, Counsel, NASD, to Katherine England, Assistant Director, Division of Market Regulation, Commission, dated May 12, 2004.

<sup>5</sup> See Securities Exchange Act Release No. 49852 (June 14, 2004), 69 FR 34205.