

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](mailto:rule-comments@sec.gov). Please include File Number SR-NASD-2004-168 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-NASD-2004-168. 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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the NASD. 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-NASD-2004-168 and should be submitted on or before January 5, 2005.

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

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. E4-3650 Filed 12-14-04; 8:45 am]

**BILLING CODE 8010-01-P**

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#### SMALL BUSINESS ADMINISTRATION

##### **Small Business Size Standards: Waiver of the Nonmanufacturer Rule**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice to waive the nonmanufacturer rule for general aviation turboprop aircraft with six or more passenger seats.

**SUMMARY:** The U. S. Small Business Administration (SBA) is granting a waiver of the Nonmanufacturer Rule for General Aviation Turboprop Aircraft With Six Or More Passenger Seats. The basis for waivers is that no small business manufacturers are supplying these classes of products to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses, SBA's Very Small Business Program or 8(a) businesses to provide the products of small business manufacturers or processors on such contracts.

**DATE:** This waiver is effective December 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at [edith.butler@sba.gov](mailto:edith.butler@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) of the Small Business Act, (Act) 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, SBA's Very Small Business Program or 8(a) businesses to provide the products of small business manufacturers or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406 (b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there

are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1204, in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on six digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code established by the Federal Procurement Data System.

The SBA received a request on September 7, 2004 to waive the Nonmanufacturer Rule for General Aviation Turboprop Aircraft With Six Or More Passenger Seats. In response, on October 18, 2004, SBA published in the **Federal Register**, and October 19, 2004 in FedBizOpps notices of intent to the waiver of the Nonmanufacturer Rule for General Aviation Turboprop Aircraft With Six Or More Passenger Seats.

In response to these notices, comments were received from interested parties. SBA has determined from these sources that there are no small business manufacturers of this class of product, and is therefore granting the waiver of Nonmanufacturer Rule for General Aviation Turboprop Aircraft With Six Or More Passenger Seats NAICS 336411.

**Authority:** 15 U.S.C. 637(a)(17).

**Emily Murphy,**

*Acting Associate Administrator for Government Contracting.*

[FR Doc. 04-27424 Filed 12-14-04; 8:45 am]

**BILLING CODE 8025-01-P**

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#### DEPARTMENT OF TRANSPORTATION

##### **Federal Aviation Administration**

##### **Notice of Intent To Rule on Request To Release Airport Property at Nick Wilson Field, Pochahontas, AR**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of request to release airport property.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release of land at Nick Wilson Field under the provisions of title 49 United States Code, section 47153.

**DATES:** Comments must be received on or before January 14, 2005.

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

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Edward N. Agnew, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Arkansas/Oklahoma Airports Development Office, ASW-630, Forth Worth, Texas 76193-0630.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Major Gary Crocker, City of Pocahontas, at the following address: City of Pocahontas, 410 North Marr Street, Pocahontas, AR 72455.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Burns, Program Manager, Federal Aviation Administration, Arkansas/Oklahoma Airports Development Office, ASW-630, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0630.

The request to release property may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at Nick Wilson Field under the provisions of the Act.

On November 16, 2004, the FAA determined that the request to release property at Nick Wilson Field submitted by the city of Pocahontas met the procedural requirements of the Federal Aviation Regulations, part 155. The FAA may approve the request, in whole or in part, no later than January 16, 2005.

The following is a brief overview of the request:

The city of Pocahontas requests the release of 5.053 acres of airport property. The release of property and its subsequent sale will allow for the reconstruction of an aircraft parking hangar. The sale is estimated to provide \$25,000.00, all of which will be used on the hanger reconstruction.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Nick Wilson Field.

Issued in Fort Worth, Texas on November 22, 2004.

**Naomi L. Saunders,**  
Manager, Airports Division.

[FR Doc. 04-27456 Filed 12-14-04; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Application 05-07-C-00-DLH To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Duluth International Airport, Duluth, MN

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Duluth International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before January 14, 2004.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450-2706.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Brian D. Ryks, Executive Director, of the Duluth Airport Authority at the following address: Duluth Airport Authority, Duluth International Airport 4701 Grinden Drive, Duluth, MN 55811.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Duluth Airport Authority under section 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gordon Nelson, Program Manager, Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450-2706, telephone (612) 713-4358. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Duluth International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On December 3, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Duluth Airport Authority was substantially complete within the requirements of section

158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than March 8, 2005.

The following is a brief overview of the application.

*Proposed charge effective date:* March 1, 2005.

*Proposed charge expiration date:* April 1, 2010.

*Level of the proposed PFC:* \$4.50.

*Total estimated PFC revenue:* \$2,745,402.

*Brief description of proposed projects:* Prepare Passenger Facility Charge application; improve Runway 21 Runway Safety Area (RSA); replace Runway End Identifier Lights (REIL) for Runway 21; rehabilitate Taxiways A, A-5, and run-up pad; rehabilitate the Medium Intensity Taxiway Edge Lighting System (MITL) for Taxiways A, A-5, and the run-up pad; prepare Environmental Assessment for construction and installation of a perimeter road and security/safety fence; rehabilitate Taxiway E (1,000 feet) and taxiway edge lighting system; rehabilitate Runway 9/27 and replace the High Intensity Runway Edge Lighting system (HIRL) (3 phases); replace/install airfield signs along Runway 9/27 and associated taxiways (3 phases); acquire a passenger boarding bridge; acquire a runway sweeper; construct perimeter road (2 phases); install security/safety fencing (2 phases); construct aircraft rescue and fire fighting facility; wetland mitigation for north-side airfield development; purchase replacement snow removal equipment (rotary snow blower, batwing snow plow, and snow sweeper). Class or classes of air carriers, which the public agency has requested, not be required to collect PFCs: non-scheduled part 135 Air Taxi/Commercial Operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Duluth Airport Authority.

Issued in Des Plaines, Illinois on December 9, 2004.

**Barbara Jordan,**

Acting Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 04-27457 Filed 12-14-04; 8:45 am]

**BILLING CODE 4910-13-M**