

Section 6(b)(1) of the Act,<sup>10</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

#### *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 Exchange requested that the proposed rule change be given expedited review and accelerated approval pursuant to Section 19(b)(2) of the Act. The Exchange believes that the proposed rule proposal is consistent with the requirements of Section 6(b)(5) of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Exchange believes that its proposal to implement the PL Order adds significant value to investors and Users, will enhance available order interaction opportunities, and does not raise any new regulatory issues. Accordingly, the Exchange believes that its proposal will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national system, and, in general, protect investors and the public interest.

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, as amended, or

(B) Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

### **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 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-2005-53 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number SR-PCX-2005-53. 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, Station Place, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the PCX. 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-2005-53 and should be submitted on or before October 12, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 05-18762 Filed 9-20-05; 8:45 am]

BILLING CODE 8010-01-P

### **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-52425; File No. SR-Phlx-2005-27]

#### **Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Modification of the Definition of Firm Customer Quote Size and the Removal of Certain Restrictions on Sending Secondary P/A Orders Under the Linkage Plan**

September 14, 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 26, 2005, the Philadelphia Stock Exchange, Inc. ("Phlx" 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 the Phlx. On September 2, 2005, the Exchange submitted Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

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

The Exchange proposes to amend its rules governing the operation of the intermarket option linkage to conform with a proposed amendment<sup>4</sup> to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage ("Linkage Plan").<sup>5</sup> The

<sup>11</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 made clarifying changes to the proposed rule text relating to the availability of Participant exchanges' automatic execution system.

<sup>4</sup> See Securities Exchange Act Release No. 52401 (September 9, 2005) (File No. 4-429).

<sup>5</sup> On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating an intermarket option market linkage proposed by the American Stock Exchange, LLC, Chicago Board Options Exchange, Incorporated, and International Securities Exchange, Inc. See Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4,

<sup>10</sup> 15 U.S.C. 78f(b)(1).

Exchange is proposing to amend: (i) Exchange Rule 1083 by modifying the definition of Firm Customer Quote Size ("FCQS"), and (ii) Exchange Rule 1084 by deleting certain restrictions on sending secondary Principal Acting as Agent Orders ("P/A Orders")<sup>6</sup> pursuant to the Linkage Plan. The text of the proposed rule change, as amended, is available on Phlx's Web site at ([www.phlx.com](http://www.phlx.com)), at the Phlx'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, as amended, 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 purpose of the proposed rule change is to amend the definition of FCQS to reflect current practices of the respective Linkage Plan participants ("Participants")<sup>7</sup> relating to disseminated size that were not in existence at the time the Linkage Plan was originally adopted. At the time the Linkage Plan was originally adopted, options quote sizes generally were not disseminated through the Options Price Reporting Authority and most Participants employed automatic execution systems that guaranteed

2000). Subsequently, upon separate requests by the Phlx, Pacific Exchange, Inc. and Boston Stock Exchange, Inc. the Commission issued orders to permit these exchanges to participate in the Linkage Plan. See Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70850 (November 28, 2000), 43574 (November 16, 2000), 65 FR 70851 (November 28, 2000) and 49198 (February 5, 2004), 69 FR 7029 (February 12, 2004).

<sup>6</sup> A P/A Order is an order for the principal account of a specialist (or equivalent entity on another Participant Exchange that is authorized to represent Public Customer orders), reflecting the terms of a related unexecuted Public Customer order for which the specialist is acting as agent. See Exchange Rule 1083(k)(i).

<sup>7</sup> Section 2(24) of the Linkage Plan defines "Participant" as an Eligible Exchange whose participation in the Linkage Plan has become effective pursuant to Section 4(c) of the Linkage Plan.

automatic executions of orders under a certain contract size (which was generally a static number). At that time, the FCQS was calculated based on the number of contracts the sending and receiving Participants guaranteed they would automatically execute. Now that all Participants disseminate dynamic quotes with size, the Exchange believes that it is appropriate to calculate the FCQS based on the size of the disseminated quotation of the Participant receiving the P/A Order. Accordingly, the Exchange proposes to amend Exchange Rule 1083(g) to define FCQS as the size of the disseminated quotation of the Participant receiving the P/A Order.

Another purpose of the proposed rule change is to eliminate a 15-second waiting period for sending a secondary P/A Order pursuant to Exchange Rule 1084(c)(2), which governs the manner in which a P/A Order larger than the FCQS can be broken into smaller P/A Orders. Currently, an initial P/A Order can be sent to the Participant whose disseminated price that is the National Best Bid or Offer ("NBBO") for a size that is the FCQS. If the receiving Participant that is disseminating the NBBO continues to disseminate the same price after 15 seconds from the execution of the initial P/A Order, a secondary P/A Order can be sent for at least the lesser of: (i) The size of the disseminated quote; (ii) 100 contracts; or (iii) the remainder of the customer order underlying the P/A Orders. The Exchange proposes to eliminate the 15-second wait period because the dynamic quotes with size now employed by the Participants obviate the need for a manual quote refresh period for P/A Orders. The Exchange also proposes to amend Exchange Rule 1084 to clarify that an automatic execution of a P/A Order is not required if the P/A Order is larger than the Firm Customer Quote Size, and that automatic execution will be provided for P/A orders at or below the FCQS, if automatic execution is available.<sup>8</sup>

#### 2. Statutory Basis

The Exchange believes that its proposed rule change, as amended, is consistent with Section 6(b) of the Act<sup>9</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>10</sup> in particular, in that it is designed to

<sup>8</sup> The Commission made technical corrections to this sentence pursuant to a telephone conversation with Phlx, as noted herein. Telephone call between Tim Fox, Special Counsel, Commission, and Richard Rudolph, Vice President and Counsel, Phlx on September 12, 2005.

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

<sup>10</sup> 15 U.S.C. 78f(b)(5).

perfect the mechanisms of a free and open market and a national market system, protect investors and the public interest and promote just and equitable principles of trade, by amending the definition of FCQS to reflect current practices of the Participants relating to disseminated size, and by eliminating the 15-second wait period for the sending of secondary P/A Orders to reflect current systems in place on the various Participants.

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

The Exchange does not believe that the proposed rule change, as amended, would 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 were neither solicited nor received.

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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Phlx consents, the Commission will:

A. By order approve such proposed rule change, as amended; or

B. Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

## 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 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-Phlx-2005-27 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission,

Station Place, 100 F Street, NE.,  
Washington, DC 20549-9303.

All submissions should refer to File Number SR-Phlx-2005-27. 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 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 publicly available. All submissions should refer to File Number SR-Phlx-2005-27 and should be submitted on or before October 12, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 05-18768 Filed 9-20-05; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF STATE

[Public Notice 5191]

### Culturally Significant Objects Imported for Exhibition Determinations: "The Terracotta Warriors of Emperor Qin Shihuang"

*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 "The Terracotta Warriors of Emperor Qin Shihuang," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The John F. Kennedy Center for the Performing Arts, Washington, DC, from on or about October 1, 2005 to on or about October 31, 2005, 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 Wolodymyr R. Sulzynsky, the Office of the Legal Adviser, Department of State, (telephone: 202/453-8050). The address is Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: September 14, 2005.

**C. Miller Crouch,**

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

[FR Doc. 05-18848 Filed 9-20-05; 8:45 am]

**BILLING CODE 4710-08-P**

## DEPARTMENT OF STATE

[Public Notice 5166]

### Shipping Coordinating Committee; Notice of Meeting

The Department of State's Shipping Coordinating Committee; Subcommittee on Ocean Dumping will hold an open meeting on Wednesday, October 19, 2005, from 1 p.m. to 3 p.m. to obtain public comment on the issues to be addressed at the October 24-28, 2005, Twenty-seventh Consultative Meeting of Contracting Parties to the London Convention. The London Convention of 1972 is the global international treaty regulating ocean dumping. The meeting will also review the results of the Twenty-eighth Scientific Group Meeting of the London Convention that was held in London, United Kingdom from May 23-27, 2005.

In addition, participants at this meeting will discuss plans for ratification, by the United States, of the 1996 London Protocol. The Protocol is a treaty signed by the United States in

1998 that is separate from the London Convention. It sets forth a regime that is more comprehensive, more stringent, and more protective of the marine environment than the London Convention.

The public meeting will be held at the Department of State located at 2201 C Street, NW., Washington, DC 20520 in Room 7835. Interested members of the public are invited to attend, up to the capacity of the room.

For further information and pre-clearance into the Department of State, please contact: Anne Chick, Office of Ocean Affairs, U.S. Department of State, Room 5805, 2201 C Street, NW., Washington, DC 20520, telephone (202) 647-3879, or email [chickal@state.gov](mailto:chickal@state.gov) by Monday, October 17, 2005.

Dated: September 15, 2005.

**Clayton Diamond,**

*Executive Secretary, Shipping Coordinating Committee, Department of State.*

[FR Doc. 05-18849 Filed 9-20-05; 8:45 am]

**BILLING CODE 4710-09-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Meeting of the Industry Trade Advisory Committee on Small and Minority Business (ITAC-11)

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of a partially opened meeting.

**SUMMARY:** The Industry Trade Advisory Committee on Small and Minority Business (ITAC-11) will hold a meeting on Monday, October 3, 2005, from 9 a.m. to 3 p.m. The meeting will be opened to the public from 9 a.m. to 12 p.m. and closed to the public from 12 p.m. to 3 p.m.

**DATES:** The meeting is scheduled for October 3, 2005, unless otherwise notified.

**ADDRESSES:** The meeting will be held at the Marriott Greensboro High Point—Magnolia Inn, located at One Marriott Drive, Greensboro, North Carolina 27409 (336) 852-6450.

**FOR FURTHER INFORMATION CONTACT:** Heather Tomasetti, DFO for ITAC-11 at (202) 482-3487, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** During the opened portion of the meeting the following agenda items will be considered.

- North Carolina Trade Policy Agenda Update by Senator Kay Hagan

<sup>11</sup> 17 CFR 200.30-3(a)(12).