

a.m. and 5:15 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:30 a.m. and 5:15 p.m. (e.t.). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: September 1, 2005.

**Sharon A. Steele,**

*Acting Branch Chief, ACRS/ACNW.*

[FR Doc. E5-4902 Filed 9-8-05; 8:45 am]

**BILLING CODE 7590-01-P**

## PRESIDIO TRUST

### Notice of Receipt of and Availability for Public Comment on an Application for Wireless Telecommunications Facilities Site; The Presidio of San Francisco, California

**AGENCY:** The Presidio Trust.

**ACTION:** Public notice.

**SUMMARY:** This notice announces the Presidio Trust's receipt of and availability for public comment on an application from New Cingular Wireless PCS, LLC for installation of a wireless telecommunications facilities site ("Project") in The Presidio of San Francisco. The proposed location of the Project is the south side of the MacArthur Tunnel.

The Project involves (i) installing a 32-foot pole with two sets of antennae panels and power and telecommunications panels, (ii) placing the associated telecommunications equipment within three cabinets on a concrete pad, and (iii) mounting two antennae on the south face of the MacArthur Tunnel wall. Power and telecommunications service will be brought to the site via underground trench.

*Comments:* Comments on the proposed project must be sent to Steve Carp, Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129-0052, and be received by October 12, 2005. A copy of Cingular's application is available upon request to the Presidio Trust.

**FOR FURTHER INFORMATION CONTACT:** Steve Carp, Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129-0052. E-mail: [scarp@presidiotrust.gov](mailto:scarp@presidiotrust.gov). Telephone: 415-561-5300.

Dated: September 2, 2005.

**Steve Carp,**

*Legal Analyst.*

[FR Doc. 05-17899 Filed 9-8-05; 8:45 am]

**BILLING CODE 4310-4R-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 September 12, 2005:

A closed meeting will be held on Thursday, September 15, 2005 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 Campos, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting scheduled for Thursday, September 15, 2005, will be:

Formal orders of investigations;

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

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) 551-5400.

Dated: September 7, 2005.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 05-17996 Filed 9-7-05; 11 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52382]

### Order Pursuant to Section 11A of the Securities Exchange Act of 1934 and Rule 608(e) Thereunder Extending a *De Minimis* Exemption for Transactions in Certain Exchange-Traded Funds from the Trade-Through Provisions of the Intermarket Trading System

September 6, 2005.

This order extends, through June 28, 2006, a *de minimis* exemption to the provisions of the Intermarket Trading System Plan ("ITS Plan"),<sup>1</sup> a national market system plan,<sup>2</sup> governing intermarket trade-throughs that expired on September 4, 2005. The *de minimis* exemption was originally issued by the Commission on August 28, 2002<sup>3</sup> and extended on May 30, 2003,<sup>4</sup> on March 3, 2004,<sup>5</sup> and on December 3, 2004.<sup>6</sup>

Specifically, this order continues the *de minimis* exemption from compliance with Section 8(d)(i) of the ITS Plan with respect to two specific exchange-traded

<sup>1</sup> The self-regulatory organizations ("SROs") participating in the ITS Plan include the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., the Chicago Stock Exchange, Inc., the National Stock Exchange, Inc. (formerly the Cincinnati Stock Exchange, Inc.), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc., the Pacific Exchange, Inc., and the Philadelphia Stock Exchange, Inc. (collectively, the "participants"). See Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938 (February 3, 1983).

<sup>2</sup> Securities Exchange Act of 1934 ("Act") Rule 11Aa3-2(d), 17 CFR 240.11Aa3-2(d), promulgated under Section 11A, 15 U.S.C. 78k-1, of the Act requires each SRO to comply with, and enforce compliance by its members and their associated persons with, the terms of any effective national market system plan of which it is a sponsor or participant. Rule 608(e) (formerly Rule 11Aa3-2(f)), 17 CFR 242.608(e), under the Act authorizes the Commission to exempt, either unconditionally or on specified terms and conditions, any SRO, member of an SRO, or specified security from the requirement of the rule if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.

<sup>3</sup> See Securities Exchange Act Release No. 46428 (August 28, 2002), 67 FR 56607 (September 4, 2002) (the "August 2002 Order"). The August 2002 Order granted relief through June 4, 2003.

<sup>4</sup> See Securities Exchange Act Release No. 47950 (May 30, 2003), 68 FR 33748 (June 5, 2003) (the "May 2003 Order"). The May 2003 Order granted relief through March 4, 2004.

<sup>5</sup> See Securities Exchange Act Release No. 49356 (March 3, 2004), 69 FR 11057 (March 9, 2004) (the "March 2004 Order"). The March 2004 Order granted relief through December 4, 2004.

<sup>6</sup> See Securities Exchange Act Release No. 50795 (December 3, 2004), 69 FR 71445 (December 9, 2004) (the "December 2004 Order"). The December 2004 Order granted relief through September 4, 2005.

funds ("ETFs"), the Dow Jones Industrial Average ETF ("DIA") and the Standard & Poor's 500 Index ETF ("SPY").<sup>7</sup> By its terms, the December 2004 Order continued the exemption from the trade-through provisions of the ITS Plan of any transactions in the two ETFs that are effected at prices at or within three cents away from the best bid and offer quoted in the Consolidated Quote System ("CQS") for a period of nine months, which ended on September 4, 2005.

Our August 2002, May 2003, March 2004, and December 2004 orders discussed our basis for determining that issuing and extending the *de minimis* exemption was consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system. The December 2004 Order further noted that:

In March 2004 and in May 2003, the Commission extended the three cent *de minimis* exemption for additional nine-month periods, in order to assess trading data associated with the *de minimis* exemption and to consider whether to adopt the *de minimis* exemption on a permanent basis, to adopt some other alternative solution, or to allow the exemption to expire. As a result of its review of trading data associated with the *de minimis* exemption, the Commission has proposed, as part of its market structure initiatives, Regulation NMS under the Act, which would include a new rule relating to trade-throughs.

On April 6, 2005, the Commission approved Regulation NMS under the Act.<sup>8</sup> In Regulation NMS, the Commission adopted an approach that, among other things, protects only automated quotations and excludes manual quotations from trade-through protection, and renders the *de minimis* exemption unnecessary. However, until Regulation NMS is implemented in this regard, the reasons for maintaining the

*de minimis* exemption in effect continue to be valid.

Therefore, to maintain the status quo and avoid requiring market participants to make short-term trading or programming changes pending such implementation, it is appropriate to extend the *de minimis* exemption through June 28, 2006, the day before the first scheduled date of that implementation under Regulation NMS. The Commission will consider whether to extend the *de minimis* exemption further if the DIA or the SPY are not chosen to be included in the NMS compliance phase that begins on June 29, 2006. The Commission emphasizes, as it did in the December 2004 Order, the March 2004 Order, the May 2003 Order, and the August 2002 Order, that the *de minimis* exemption does not relieve brokers and dealers of their best execution obligations under the federal securities laws and SRO rules.

Accordingly, *it is ordered*, pursuant to Section 11A of the Act and Rule 608(e) thereunder,<sup>9</sup> that participants of the ITS Plan and their members are hereby exempt from Section 8(d) of the ITS Plan during the period covered by this Order with respect to transactions in DIAs and SPYs that are executed at a price that is no more than three cents lower than the highest bid displayed in CQS and no more than three cents higher than the lowest offer displayed in CQS. This Order extends the *de minimis* exemption from September 4, 2005 through June 28, 2006.

By the Commission.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 05-17954 Filed 9-6-05; 4:12 pm]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### Order of Suspension of Trading

September 7, 2005.

In the Matter of Advanced Media, Inc., Air Packaging Technologies, Inc., American Film Technologies, Inc., American Plastics & Chemicals, Inc., AmeriQuest Technologies, Inc., Apparel Technologies, Inc., BPI Packaging Technologies, Inc., Chantal Pharmaceutical Corp., CML Group, Inc., Compositect, Ltd., Crown Laboratories, Inc., DBS Industries, Inc., Dental Medical Diagnostic Systems, Inc., Dispatch Management Services Corp., Eglobe, Inc., Enamelon, Inc., Finantra Capital, Inc., First Scientific, Inc., Hayes Corp., Hybrid Networks, Inc., iPrint Technologies, Inc.,

Microage, Inc., MigraTEC, Inc., Network Computing Devices, Inc., Pacific Systems Control Technology, Inc., Paracelsian, Inc., Pharmaprint, Inc., Pinnacle Micro, Inc., Semiconductor Laser International Corp., Socrates Technologies Corp., Star Technologies, Inc., Sunrise Technologies International, Inc., Telemonde, Inc., thehealthchannel.com, Inc., Transmedia Asia Pacific, Inc., Tristar Corp., VDC Communications, Inc., Vianet Technologies, Inc., and Visionamerica, Inc.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Advanced Media, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Securities Exchange Act of 1934, having not filed a periodic report since the period ending September 30, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Air Packaging Technologies, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Securities Exchange Act of 1934, having not filed a periodic report since the period ending September 30, 2002.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of American Film Technologies, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Securities Exchange Act of 1934, having not filed a periodic report since the period ending September 30, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of American Plastics & Chemicals, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Securities Exchange Act of 1934, having not filed a periodic report since the period ending August 31, 1995.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of AmeriQuest Technologies, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the Securities Exchange Act of 1934, having not filed a periodic report since the period ending December 31, 2001.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Apparel Technologies, Inc., because it is delinquent in its periodic filing obligations under Section 13(a) of the

<sup>7</sup> The Commission limited the *de minimis* exemption to these two securities because they share certain characteristics that may make immediate execution of their shares highly desirable to certain investors. In particular, trading in the two ETFs is highly liquid and market participants may value an immediate execution at a displayed price more than the opportunity to obtain a slightly better price. Unlike prior orders, the December 2004 extension of the *de minimis* exemption applied only to the DIA and the SPY, and not the QQQ, because, on December 1, 2004, trading of the QQQ transferred from the American Stock Exchange to Nasdaq, and thus trades in the QQQ ceased to be subject to the trade-through provisions of the ITS Plan. Accordingly, an exemption for the QQQ was no longer necessary. See December 2004 Order.

<sup>8</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

<sup>9</sup> 17 CFR 242.608(e).