

most liquid Nasdaq stocks.<sup>6</sup> The Nasdaq Opening Cross is designed to create a more robust opening<sup>7</sup> that allows for price discovery, and an execution that results in an accurate, tradable opening price. Nasdaq is seeking to establish a three-month pilot program, commencing with the launch of the Opening Cross, during which no Nasdaq Market Center execution charges will be charged, and no liquidity provider credits will be offered, for those quotes and orders executed in the Nasdaq market center as part of the Nasdaq Opening Cross.<sup>8</sup> The pilot program will enable Nasdaq to evaluate more accurately the effectiveness of the Opening Cross in establishing the NOOP by eliminating any pricing disincentives that could arise as a result of a price schedule not established on the basis of actual trading data. During the pilot program, Nasdaq staff will study the behavior and participation in the Opening Cross to determine the optimum pricing schedule.<sup>9</sup>

## 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,<sup>10</sup> in general, and with section 15A(b)(5) of the Act,<sup>11</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. Nasdaq believes that the proposed pilot program is an equitable allocation of fees because the program will apply equally to all members whose quotes and orders are executed as part of the Nasdaq Opening Cross. Furthermore, Nasdaq believes that the program is reasonable because it will allow Nasdaq, for a limited period of time, to analyze participation in the process and use the results to create an optimum fee schedule based on actual trading data.

<sup>6</sup> See Securities Exchange Act Release No. 50405 (Sept. 16, 2004); 69 FR 57118 (Sept. 23, 2004) (SR-NASD-2004-071).

<sup>7</sup> Telephone conversation between Jeffrey S. Davis, Associate Vice President and Associate General Counsel, Nasdaq, and Terri L. Evans, Special Counsel, Commission, on November 4, 2004 (replacing the word "close" with "opening").

<sup>8</sup> Nasdaq established a similar pilot fee waiver with respect to the Nasdaq Closing Cross. See Securities Exchange Act Release No. 49576 (April 16, 2004); 69 FR 22112 (April 23, 2004) (SR-NASD-2004-048).

<sup>9</sup> Nasdaq would consider extending the pilot if more information is needed at the end of the three-month period.

<sup>10</sup> 15 U.S.C. 78o-3.

<sup>11</sup> 15 U.S.C. 78o-3(b)(5).

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

Nasdaq 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, as amended.

## 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 proposed rule change has become immediately effective pursuant to section 19(b)(3)(A)(ii) of the Act<sup>12</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>13</sup> because it establishes or changes a due, fee, or other charge imposed by Nasdaq. At any time within 60 days of the filing of the 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](mailto:rule-comments@sec.gov). Please include File Number SR-NASD-2004-161 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-2004-161. 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-2004-161 and should be submitted on or before December 1, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. E4-3125 Filed 11-9-04; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF STATE

[Public Notice 4889]

### Bureau of Political-Military Affairs: Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(f) of the Arms Export Control Act (22 U.S.C. 2776).

**EFFECTIVE DATE:** As shown on each of the nineteen letters.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter J. Berry, Director, Office of Defense Trade Controls Licensing, Directorate of Defense Trade Controls, Bureau of

<sup>12</sup> 15 U.S.C. 78s(b)(3)(a)(ii).

<sup>13</sup> 17 CFR 240.19b-4(f)(2).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

Political-Military Affairs, Department of State (202) 663-2700.

**SUPPLEMENTARY INFORMATION:** Section 36(f) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: November 2, 2004.

Peter J. Berry,

*Director, Office of Defense Trade Controls Licensing, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State.*

September 8, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense services, technical data and defense articles to Germany to support the manufacture of PAC-3 (Patriot Advanced Capability) Missiles.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 072-04

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 13, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Israel for the production of AN/APG-68(V)9 radar antenna LRU, transmitter LRU, antenna and transmitter subassemblies and test equipment for end-use in Israel, Greece, Singapore, Chile, Oman and Poland.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 077-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 14, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense services, technical data and defense articles for the manufacture in Japan of the AN/APG-63(V)1 Radar System Retrofit Kits for the Japanese Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 076-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 14, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 554 M4 carbines with 100 M-203 grenade launchers and supporting equipment to the Italian Ministry of Defense, Military Police.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause

competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 075-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 14, 2004

**Dear Mr. Speaker:**

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction described in the attached certification involves the transfer of technical data, assistance and manufacturing know-how to Spain for the manufacture of M76 periscopes and components of the M86 Optronic Masts for the S-80 Submarines for end use by the Spanish Navy.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 074-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 14, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of technical data and defense services to Egypt for the manufacture, assembly and test training for assembly of the AN/VVS-2(V)4, AN/VVS-1924 and AN/VVS YPR Night Driver's Viewers for the Egyptian Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 070-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 14, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export to Canada of technical data and defense services necessary for the manufacture in Canada of Exhaust Frame Assemblies and Front Frame Assembly for F404 and F414 Aircraft Engines for end-use in U.S. aircraft. This is an increase in scope and continuation of an ongoing contract signed between the parties in 1991.

The United States Government is prepared to license the export of this manufacturing know-how having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 058-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 14, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Germany to support the manufacturing of solid polymer electrolyte fuel cell batteries for use in U212 and U214 diesel submarines.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 055-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 15, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of twelve modified S-92A helicopters with related spare parts, to DHC Helicopter Corporation, Canada to perform offshore oil operations, civil search and rescue, and other civil missions in Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 073-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 16, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Australia for the refurbishment and upgrade of mission systems equipment on 18 P-3C Orion aircraft owned by the Royal Australian Air Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 069-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 16, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license

for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export to Germany of technical data, defense services and hardware for the manufacture of components for the Patriot Advanced Capability (PAC-3) Missile for use in the U.S. and Foreign Military Sales (FMS) projects.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 061-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 16, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export to India of sixteen F404-GE-IN20 aircraft engines, technical data and defense services necessary for operation, organizational and I-3 maintenance, and to refurbish one of the eleven engines notified under DTC 19-87 for the Light Combat Aircraft of the Indian Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 057-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 24, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense

articles or defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and defense services to the United Kingdom and Italy for the manufacture, production, maintenance, modification and integration of 2,303 Paveway IV Weapon System on aircraft in the inventory of the United Kingdom Ministry of Defence.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 047-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

September 28, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed lease of defense articles or defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the ten-year lease of fourteen (14) Gripen Aircraft containing U.S.-origin content and spare parts, ground support equipment and integrated logistics support, from Sweden to the Government of the Czech Republic.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 078-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

October 6, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of major defense equipment and defense articles in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to France, Russia, Spain, Sweden and

Kazakhstan for the launch of the Galaxy XIV commercial satellite to be owned and operated by a U.S. company.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC: 079-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

October 6, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more.

The transaction described in the attached certification involves the transfer of technical data, assistance and defense articles to Israel for the sale of the MATBAT Phase II combat simulator for the Israeli Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 049-04A.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

October 7, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more.

The transaction described in the attached certification involves the transfer of technical data, assistance and defense articles to the United Kingdom and France for the integration and sale of CTS800-4F engines into the FutureLynx Helicopter for the UK Ministry of Defence. Sublicensees may include foreign nationals from Belgium, Canada, Czech Republic, Denmark, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Turkey, Australia and Ireland. Testing

of the engines will be performed in Sweden, and Morocco.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 042-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

October 12, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of revolvers and pistols (calibers .17, .22, .32, .38, .357, .40, .41, .44, .45, .50, 9mm and .10mm) for export to Belgium for distribution to governments and private entities in the following sales territories: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Ireland, Luxembourg, Netherlands, Norway, Portugal, Poland, Spain, Sweden, Switzerland and United Kingdom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,  
*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 080-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

October 15, 2004.

**Dear Mr. Speaker:**

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of major defense equipment and defense articles in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and controlled hardware to support continued cooperation

in Japan's Galaxy Express space launch vehicle program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,  
Paul V. Kelly,

*Assistant Secretary Legislative Affairs.*

Enclosure: Transmittal No. DDTC 087-04.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dated: November 4, 2004.

**Peter J. Berry,**

*Director, Office of Defense Trade Controls  
Licensing, Department of State.*

[FR Doc. 04-25107 Filed 11-9-04; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34601]

#### **Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company**

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail line between BNSF milepost 0.0 (Tower 55) and BNSF milepost 4.8 (New Connection) near Fort Worth, TX, a distance of approximately 4.8 miles.

The transaction was scheduled to be consummated on October 29, 2004.

The purpose of the trackage rights is to facilitate directional running by UP and BNSF in the Fort Worth area.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance

Docket No. 34601, must be filed with the Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert T. Opal, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: November 3, 2004.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 04-24901 Filed 11-9-04; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-57 (Sub-No. 55X)]

#### **Soo Line Railroad Company— Abandonment Exemption—in Milwaukee County, WI**

On October 21, 2004, Soo Line Railroad Company (Soo Line) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 5-mile line of railroad known as the West Allis Line, extending from milepost 88.2 +/- near the State Highway 41 crossing in Milwaukee to milepost 93.2 +/- near North 123rd Street in Wauwatosa, in Milwaukee County, WI. The line traverses United States Postal Service Zip Codes 53215, 53295, 53214, and 53226.

The line does not contain federally granted rights-of-way. Any documentation in Soo Line's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by February 8, 2005.

Any offer of financial assistance (OFA) will be due no later than 10 days after service of a decision granting the petition for exemption. See 49 CFR 1152.27(b)(2). Each OFA must be accompanied by a \$1,200 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the

line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than November 30, 2004. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-57 (Sub-No. 55X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Annie Littlefield, 150 South 5th Street, Suite 2300, Minneapolis, MN 55402. Replies to the Soo Line petition are due on or before November 30, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days after the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: November 3, 2004.

By the Board, David M. Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 04-25053 Filed 11-9-04; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 2, 2004.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the