

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-Phlx-2004-61 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-Phlx-2004-61. 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 Room. Copies of the filing also will be available for inspection and copying at the principal office of the Phlx. 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-Phlx-2004-61 and should be submitted on or before November 17, 2004.

#### IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

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 exchange.<sup>24</sup> Specifically, the Commission believes that the proposed

rule change is consistent with section 6(b)(4) of the Act,<sup>25</sup> which requires that the rules of the Exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

On July 29, 2004<sup>26</sup> and August 16, 2004,<sup>27</sup> the Exchange filed proposed rule changes with the Commission, which were immediately effective,<sup>28</sup> relating to the Exchange's equity options payment for order flow program for trades settling on or after August 2, 2004. On September 22, 2004, the Commission summarily abrogated these proposed rule changes.<sup>29</sup> On that same day, the Exchange filed a proposed rule change, which was immediately effective, that implemented a new payment for order flow program for trades settling on or after September 22, 2004.<sup>30</sup> Because, under Section 19(b)(3)(C) of the Act,<sup>31</sup> the Abrogation Order does not affect the validity or force of the proposed rule changes filed on July 29, 2004,<sup>32</sup> and August 16, 2004<sup>33</sup> during the period that they were in effect (*i.e.*, for trades settling on or after August 2, 2004 through September 21, 2004), this proposed rule change would modify the Exchange's equity options payment for order flow program that was in effect for trades settling on or after September 1, 2004 through September 21, 2004 to be consistent with the equity options payment for order flow program that has been in effect as of September 22, 2004.

The Exchange also proposes to permit specialists to request reimbursement for payment for order flow funds on an option-by-option basis and to rebate to the affected ROTs any excess funds collected, but not distributed to, specialists for trades settling on or after August 2, 2004 through August 30, 2004.

The Commission believes that the Exchange's proposal to modify its equity options payment for order flow program that was in effect immediately preceding the Abrogation Order would

<sup>25</sup> 15 U.S.C. 78f(b)(4).

<sup>26</sup> See SR-Phlx-2004-50.

<sup>27</sup> See SR-Phlx-2004-56.

<sup>28</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>29</sup> See Abrogation Order, *supra* note 19. Under Section 19(b)(3)(C) of the Act, any proposed rule change that has taken effect pursuant to section 19(b)(3)(A) of the Act may be enforced to the extent it is not inconsistent with the Act, the rules and regulations thereunder, and applicable federal and state law. 15 U.S.C. 78s(b)(3)(C).

<sup>30</sup> See Securities Exchange Act Release No. 50471 (September 29, 2004), 69 FR 59636 (October 5, 2004) (SR-Phlx-2004-60).

<sup>31</sup> 15 U.S.C. 78s(b)(3)(C).

<sup>32</sup> See SR-Phlx-2004-50.

<sup>33</sup> See SR-Phlx-2004-56.

provide for a uniform program for the month of September 2004 and thus would reduce confusion and promote consistency with respect to the application of its payment for order flow program for trades settling during the month of September 2004. The Commission further believes that the Exchange's proposal to provide a method for distributing payment for order flow fees, on an option-by-option basis, for trades settling during August 2004 and for rebating any excess fees that were collected but not distributed would provide an appropriate method for handling fees collected under the equity options payment for order flow program that was in effect for August 2004, but was later summarily abrogated by the Commission.<sup>34</sup> Therefore, the Commission finds that there is good cause, consistent with Section 19(b)(2) of the Act,<sup>35</sup> to approve the proposed rule change prior to the 30th day of the date of publication of notice of filing thereof in the **Federal Register**.

#### V. Conclusion

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>36</sup> that the proposed rule change (File No. SR-Phlx-2004-61) be approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>37</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. E4-2868 Filed 10-26-04; 8:45 am]

BILLING CODE 8010-01-P

#### SMALL BUSINESS ADMINISTRATION

##### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before December 27, 2004.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to

<sup>34</sup> See Abrogation Order, *supra* note 19.

<sup>35</sup> 15 U.S.C. 78s(b)(2).

<sup>36</sup> 15 U.S.C. 78s(b)(2).

<sup>37</sup> 17 CFR 200.30-3(a)(12).

<sup>24</sup> The Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

minimize the estimated burden and enhance the quality of the collection, to Edsel Brown, Assistant Administrator, Office of Technology, Small Business Administration, 409 3rd Street SW., Suite 8800, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:**

Edsel M. Brown Jr., Assistant Administrator, 202-205-7343, [edsel.brown@sba.gov](mailto:edsel.brown@sba.gov) or Curtis B. Rich, Management Analyst, 202-205-7030.

**SUPPLEMENTARY INFORMATION:**

*Title:* "Data Collection for SBIR/STTR Public and Government Databases".

*Description of Respondents:* All firms or individuals applying for a Phase I or Phase II award from the SBIR or STTR programs.

*Form No.:* N/A.

*Annual Responses:* 30,000.

*Annual Burden:* 15,000.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 04-24011 Filed 10-26-04; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF STATE**

[Public Notice 4880]

**Culturally Significant Objects Imported for Exhibition Determinations: "Jacob van Ruisdael: Master of Landscape"**

**AGENCY:** Department of State.

**ACTION:** Notice.

**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 "Jacob van Ruisdael: Master of Landscape," 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. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, from on or about June 26, 2005, until on or about September 18, 2005, at the Philadelphia Museum of Art from on or about October 23, 2005 until on or about February 5, 2006, 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 the Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619-6982). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: October 20, 2004.

**C. Miller Crouch,**

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

[FR Doc. 04-24053 Filed 10-26-04; 8:45 am]

**BILLING CODE 4710-08-U**

**DEPARTMENT OF STATE**

[Public Notice 4824]

**Notice of Proposal To Extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material From the Pre-Hispanic Cultures of the Republic of El Salvador**

The Government of the Republic of El Salvador has informed the Government of the United States of its interest in an extension of the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of El Salvador.

Pursuant to the authority vested in the Assistant Secretary for Educational and Cultural Affairs, and pursuant to the requirement under 19 U.S.C. 2602(f)(1), an extension of this Memorandum of Understanding is hereby proposed.

Pursuant to 19 U.S.C. 2602(f)(2), the views and recommendations of the Cultural Property Advisory Committee regarding this proposal will be requested.

A copy of this Memorandum of Understanding, the designated list of restricted categories of material, and related information can be found at the following Web site: <http://exchanges.state.gov/culprop>.

Dated: October 18, 2004.

**C. Miller Crouch,**

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

[FR Doc. 04-24051 Filed 10-26-04; 8:45 am]

**BILLING CODE 4710-05-U**

**DEPARTMENT OF STATE**

[Public Notice 4825]

**Notice of Meeting of the Cultural Property Advisory Committee**

In accordance with the provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*) there will be a meeting of the Cultural Property Advisory Committee on Thursday, November 18, 2004, from approximately 9 a.m. to 5 p.m., and on Friday, November 19, from approximately 9 a.m. to 2 p.m., at the Department of State, Annex 44, Room 840, 301 4th St., SW., Washington, DC. During its meeting the Committee will review a proposal to extend the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of El Salvador. The Government of the Republic of El Salvador has notified the Government of the United States of America of its interest in such an extension. The Committee will also conclude its review of a request from the Government of the Republic of Colombia, focusing on Colonial ethnological material.

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*). The text of the Act, the text of the subject Memorandum of Understanding, and related information may be found at <http://exchanges.state.gov/culprop>. Portions of the meeting on November 18 and 19 will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h). However, on November 18, the Committee will hold an open session, approximately 11 a.m. to 12 Noon, to receive oral public comment on the proposal to extend. Persons wishing to attend this open session should notify the Cultural Heritage Center of the Department of State at (202) 619-6612 by Thursday, November 5, 2004, 3 p.m. (EDT) to arrange for admission, as seating is limited.

Those who wish to make oral presentations should request to be