

Form 19b-4 (Procedures of the Self-Regulatory Organization) to reflect actions by the ISE Board and ISE's stockholders approving the final forms of the Amended Certificate and Amended Constitution. Amendment No. 2 also proposes changes to ISE Rule 303(b) and amended related portions of its Form 19b-4. Specifically, Amendment No. 2 amends ISE Rule 303(b) to incorporate the 20% limit on the trading privileges associated with Primary Market Maker and Competitive Market Maker Memberships that may be exercised by a member of ISE that currently is imposed by ISE's Constitution.<sup>101</sup> Because Amendment No. 2 moves the substance of an existing rule from ISE's Constitution to its Rules, the Commission believes that there is no new novel issue. Therefore, the Commission finds that good cause exists to accelerate approval of Amendment No. 2 to the proposed rule change, pursuant to Section 19(b)(2) of the Act.<sup>102</sup>

## VI. Conclusion

For the foregoing reasons, the Commission finds that the proposed

stockholders for approval the correction of certain typographical errors in the Amended Certificate at the next meetings of the ISE Board and stockholders at which other amendments to the Amended Certificate are also proposed, and will promptly file such corrections with the Commission pursuant to Section 19(b) of the Exchange Act. Specifically, the Exchange undertakes to propose to correct: Article Fourth, Subdivision III(a)(i) of the Amended Certificate to add a comma between the words "Person" and "either"; Article Fourth, Subdivision III(b)(i) of the Amended Certificate to delete a comma appearing between the words "ability of the Corporation" and "to carry out its functions"; and Article Fourth, Subdivision III(a)(i)(E) of the Amended Certificate to insert the word "would" between the words "or preferred that" and "result in such." The Exchange also undertakes to present to the ISE Board for approval the insertion of the word "a" between the words "the meeting until" and "quorum is present" in Section 5.5(b) of the Amended Constitution at the next meeting of the Board at which other amendments to the Amended Constitution are also proposed. See Amendment No. 2, *supra* note 4.

<sup>101</sup> See Section 14.1(b) of the Constitution. Pursuant to Section 14.1(b), ISE may not approve a Member of ISE, together with any affiliate, to exercise the trading rights associated with more than 20% of ISE's Series B-1 Stock, nor more than 20% of ISE's Series B-2 Stock, and may establish further limitations relating to ISE's approval of an ISE Member's ability to effect transactions executed on or through the facilities of the Exchange. The 20% limitation will be moved to Rule 303(b) of ISE's rules. Rule 303(b), as amended, would not permit the Exchange to establish further limitations, as the current Constitution does. The Exchange represents that it does not believe it will be necessary to establish further limitations. The language also reflects the current language of Rule 303(b) in that it refers to the exercise of trading privileges associated with a Primary Market Maker or Competitive Market Maker Membership, rather than the exercise of trading rights associated with series B-1 or B-2 stock.

<sup>102</sup> *Id.*

rule change, as amended, is consistent with the Act and rules and regulations thereunder applicable to a national securities exchange.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>103</sup> that the proposed rule change, including Amendment No. 2 thereto (SR-ISE-2004-29) be, and hereby is, approved, and that Amendment No. 2 thereto is approved on an accelerated basis. The proposed rule change shall be effective upon the closing of ISE's IPO as described herein.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>104</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

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## SMALL BUSINESS ADMINISTRATION

### Public Federal Regulatory Enforcement Fairness Hearing; Region VI Regulatory Fairness Board

The Small Business Administration Region VI Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Public Hearing on Monday, January 31, 2005 at 8:30 a.m. at Texas Tech University, Animal and Food Sciences Building, Room 101, located on the Southwest corner of Indiana Blvd. and Brownfield Highway, Lubbock, TX 79401, phone (806) 742-2513, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Scotty Arnold in writing or by fax, in order to be put on the agenda. Scotty Arnold, Economic Development Specialist, SBA Lubbock District Office, Mahon Federal Building, 1205 Texas Ave., Room 408, Lubbock, TX 79401, phone (806) 472-7462 Ext. 102, fax (806) 472-7487, e-mail: [Scotty.arnold@sba.gov](mailto:Scotty.arnold@sba.gov).

For more information, see our Web site at <http://www.sba.gov/ombudsman>.

Dated: January 11, 2005.

**Peter Sorum,**

*Senior Advisor, Office of the National Ombudsman.*

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<sup>103</sup> *Id.*

<sup>104</sup> 17 CFR 200.30-3(a)(12).

## DEPARTMENT OF STATE

[Public Notice 4957]

### Culturally Significant Objects Imported for Exhibition Determinations: "Defining Yongle: Imperial Art in Early Fifteenth-Century China"

**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 "Defining Yongle: Imperial Art in Early Fifteenth-Century China," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about April 1, 2005, to on or about July 10, 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: January 11, 2005.

**C. Miller Crouch,**

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

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending January 7, 2005

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within