

## 2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,<sup>18</sup> in general, and with Section 15A(b)(6)<sup>19</sup> of the Act, in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Dispute Resolution believes that the proposed rule change ultimately will protect investors and benefit the public by providing parties with an automated system that will help the forum operate more efficiently.

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

NASD 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. 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-2004-164 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-2004-164. 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-2004-164 and should be submitted on or before February 22, 2005.

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

The Commission has reviewed carefully the proposed rule change as amended and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, the requirements of Section 15A(b)(6)<sup>20</sup> of the Act.<sup>21</sup> Section 15A(b)(6) requires, among other things, that the rules of a national securities association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Commission believes that the proposed rule change ultimately will protect investors and benefit the public by providing parties with an automated case management system that will help the NASD Dispute Resolution arbitration forum operate more efficiently.<sup>22</sup>

The Commission finds good cause for approving the proposed rule change as amended prior to the thirtieth day after the publication of notice of filing thereof in the **Federal Register**. Accelerated approval will provide NASD Dispute Resolution with the certainty it needs to

upgrade its computer technology to select arbitrators on a random, rather than a rotational, basis and to ultimately replace NLSS with MATRICS.

## V. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR-NASD-2004-164) as amended be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>23</sup>

**Margaret H. McFarland**,  
Deputy Secretary.

[FR Doc. E5-397 Filed 2-1-05; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF STATE

### [Public Notice 4985]

### 30-Day Notice of Proposed Information Collection: DS 4053, Department of State Mentor-Protégé Program Application, OMB Control Number 1405-XXXX

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Department of State Mentor-Protégé Program Application,
  - *OMB Control Number:* 1405-XXXX.
  - *Type of Request:* New Collection.
  - *Originating Office:* Bureau of Administration, A/SDBU.
  - *Form Number:* DS 4053.
  - *Respondents:* Small and large for-profit companies planning to team together in an official mentor-protégé capacity to improve the likelihood of winning DOS contracts.
    - *Estimated Number of Respondents:* 20 respondents per year.
    - *Estimated Number of Responses:* 10 per year.
    - *Average Hours Per Response:* 21.
    - *Total Estimated Burden:* 210.
    - *Frequency:* On Occasion.
    - *Obligation to Respond:* Voluntary.

**DATES:** Submit comments to the Office of Management and Budget (OMB) for up to 30 days from February 2, 2005.

**ADDRESSES:** Direct comments and questions to Alex Hunt, the Department of State Desk Officer in the Office of

<sup>18</sup> 15 U.S.C. 78o-3.

<sup>19</sup> 15 U.S.C. 78o-3(b)(6).

<sup>20</sup> 15 U.S.C. 78o-3(b)(6).

<sup>21</sup> The Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

<sup>22</sup> See *supra* note 15.

<sup>23</sup> 17 CFR 200.30-3(a)(12).

Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached on 202-395-7860. You may submit comments by any of the following methods:

- E-mail: [ahunt@omb.eop.gov](mailto:ahunt@omb.eop.gov). You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.

- Hand Delivery or Courier: OIRA, Department of State Desk Officer, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503

- Fax: 202-395-6974

**FOR FURTHER INFORMATION CONTACT:** You may obtain copies of the proposed information collection and supporting documents from Patricia Culbreth, A/SDBU, SA-6, Rm. L-500, Washington DC, 20522, who may be reached on 703-875-6881. E-mail, [culbrethpb@state.gov](mailto:culbrethpb@state.gov).

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection:

This information collection facilitates implementation of a mentor-protégé program that encourages business agreements between small and large for-profit companies planning to team together in an official mentor-protégé capacity to improve the likelihood of winning DOS contracts. Such a program should assist the State Department OSDBU office in reaching its small business goals.

Methodology:

Respondents may submit the information by e-mail using DS-4053, or by letter using fax or postal mail.

Additional Information: None.

Dated: November 23, 2004.

**Durie N. White,**

*Operations Director, Bureau of Administration, Department of State.*

[FR Doc. 05-1929 Filed 2-1-05; 8:45 am]

**BILLING CODE 4710-24-P**

## DEPARTMENT OF STATE

[Public Notice 4986]

### Determination and Waiver of Section 592 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Division D, Public Law 108-447), Relating to Compliance With the Algiers Agreements

Pursuant to the authority vested in me by section 592 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Division D, Pub. L. 108-447), I hereby determine that it is in the national security interests of the United States to waive the requirements of this section as they pertain to the central Governments of Eritrea and Ethiopia.

This determination shall be notified to the Congress and published in the **Federal Register**.

Dated: January 24, 2005.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 05-1928 Filed 2-1-05; 8:45 am]

**BILLING CODE 4710-26-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Identification of Countries Under Section 182 of the Trade Act of 1974: Extension of Deadline for Public Comment on Out-of-Cycle Review of the People's Republic of China

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

**ACTION:** Notice.

**SUMMARY:** This notice extends by two weeks the deadline for the submission of comments in the Out-of-Cycle Review (OCR) of the People's Republic of China (China) under section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242), commonly referred to as the "Special 301" provision of the Trade Act.

**DATES:** Submissions must be received on or before 5 p.m. on Monday, February 14, 2005.

**ADDRESSES:** Comments should be addressed to Sybia Harrison, Special Assistant to the Section 301 Committee, and sent (i) electronically, to [FR0446@ustr.eop.gov](mailto:FR0446@ustr.eop.gov), with "Special 301 Out-of-Cycle Review" in the subject line, or (ii) by fax, to (202) 395-9458, with a confirmation copy sent electronically to the e-mail address above.

**FOR FURTHER INFORMATION CONTACT:** Ronald Meyers, Director of Intellectual

Property and China, at (202) 395-9549, Angela Davis, Director of China Affairs, at (202) 395-3900, or Stanford McCoy, Assistant General Counsel, at (202) 395-3581, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** On May 3, 2004, the Office of the United States Trade Representative (USTR) announced the results of the 2004 Special 301 review and stated that an OCR would be conducted in early 2005 to assess China's actions to implement effectively the commitments it undertook under the Joint Commission on Commerce and Trade (JCCT), its WTO commitments, and a 1995 bilateral intellectual property agreement with the United States (including additional commitments made in 1996). On December 14, 2004, USTR requested written comments from the public concerning the acts, policies, and practices relevant for this review under section 182 of the Trade Act (69 FR 74561). The original deadline for submissions was Monday, January 31, 2005. In order to afford members of the public the fullest possible opportunity to respond to this request, USTR is extending the deadline for submissions by two weeks, to Monday, February 14, 2005. For details concerning the information requested and requirements for comments, respondents are asked to refer to the USTR request for written submissions from the public published in the **Federal Register** on December 14, 2004 (69 FR 74561).

**James Mendenhall,**

*Assistant U.S. Trade Representative for Services, Investment, and Intellectual Property.*

[FR Doc. 05-1883 Filed 2-1-05; 8:45 am]

**BILLING CODE 3190-W5-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2004-19400]

### Commercial Aviation Safety Team Safety Enhancements

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of order designating information as protected from disclosure.

**SUMMARY:** The Federal Aviation Administration (FAA) is designating information provided to the agency from approved voluntary compliance with safety enhancements recommended by the Commercial Aviation Safety Team (CAST) as protected from public