

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

#### 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-PCX-2005-104 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number SR-PCX-2005-104. 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 such filing also will be available for inspection and copying at the principal office of the Exchange. 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 publicly available. All submissions should refer to File Number SR-PCX-2005-104 and should be submitted on or before October 11, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>10</sup>

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 05-18673 Filed 9-19-05; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52416; File No. SR-Phlx-2005-26]

### Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto To Amend the Exchange's Trade-Through and Locked Markets Rules

September 13, 2005.

On April 26, 2005, the Philadelphia Stock Exchange, Inc. ("Phlx"), filed with the Securities and Exchange Commission ("Commission") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> to implement Amendment No. 15 to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage<sup>3</sup> by amending Phlx Rules 1083 and 1086 to add a "trade and ship" exception to the definition of "Trade-Through" and add a "book and ship" exception to the provision relating to locked markets, respectively. On July 21, 2005, the Phlx filed Amendment No. 1 to the proposed rule change.<sup>4</sup> The proposed rule change, as amended, was published for comment in the **Federal Register** on August 5, 2005.<sup>5</sup> The Commission

<sup>10</sup> 17 CFR 200.30-3(a)(12).

<sup>11</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating an intermarket option linkage proposed by the American Stock Exchange LLC, the Chicago Board Options Exchange, Incorporated, and the International Securities Exchange, Inc. See Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000) ("Linkage Plan"). Subsequently, upon separate requests by the Phlx, the Pacific Exchange, Inc., and the Boston Stock Exchange, Inc., the Commission issued orders to permit these exchanges to participate in the Linkage Plan. See Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70851 (November 28, 2000); 43574 (November 16, 2000), 65 FR 70850 (November 28, 2000); and 49198 (February 5, 2004), 69 FR 7029 (February 12, 2004).

<sup>4</sup> In Amendment No. 1, the Phlx revised the rule text to use terms consistent with Phlx's current rules and the Linkage Plan, and made clarifying changes in the description of the substance of the proposed rule change and the purpose and statutory basis sections.

<sup>5</sup> See Securities Exchange Act Release No. 52175 (July 29, 2005), 70 FR 45480.

received no comments on the proposal. This order approves the proposed rule change, as amended.

Under the proposed rule change, a Participant Exchange<sup>6</sup> could trade an order at a price that is one minimum quoting increment inferior to the national best bid or offer ("NBBO") if a Linkage Order<sup>7</sup> is sent contemporaneously to the market(s) disseminating the NBBO to satisfy all interest at the NBBO price. The proposed rule change also would provide that an Eligible Market Maker or other member may book an order that would otherwise lock another market if a Linkage Order is sent contemporaneously to such other market to satisfy all interest at the lock price and only the remaining portion of the order is booked. The Phlx proposes that, under trade and ship, any execution received from the market disseminating the NBBO must (pursuant to agency obligations) be reassigned to the customer order that is underlying the Linkage Order that was sent to trade with the market disseminating the NBBO.

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act<sup>8</sup> and the rules and regulations thereunder applicable to a national securities exchange.<sup>9</sup> In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>10</sup> which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that the proposed rule change should help to implement the Linkage Plan by facilitating the ability of Phlx's members to execute their customer orders in a timely manner and potentially could decrease the incidence of Trade-Throughs and locked markets.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>11</sup> that the proposed rule change (SR-Phlx-2005-26) as amended, is approved.

<sup>6</sup> See Phlx Rule 1083(o).

<sup>7</sup> See Phlx Rule 1083(k).

<sup>8</sup> 15 U.S.C. 78f.

<sup>9</sup> In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

**Jonathan G. Katz,**

Secretary.

[FR Doc. 05-18621 Filed 9-19-05; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 5190]

### Meeting of the U.S.-Chile Environment Affairs Council

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

**SUMMARY:** The Department of State and the Office of the United States Trade Representative (USTR) are providing notice that, as set forth in Chapter 19 (Environment) of the U.S.-Chile Free Trade Agreement (FTA), the two governments intend to hold the second meeting of the Environment Affairs Council (the "Council") in Washington, DC on October 24, 2005. U.S. Deputy Assistant Secretary Claudia McMurray and Chilean Under Secretary Rodrigo Egana will jointly chair the Council meeting. The purpose of this meeting is detailed below under **SUPPLEMENTARY INFORMATION**.

In this notice, the Department of State and USTR are requesting: (1) Written comments from the public regarding agenda items for the Council meeting; (2) written comments regarding the implementation of the eight cooperative projects listed in Annex 19.3 of Chapter 19 (Environment) of the FTA, particularly Reducing Mining Pollution and Sharing Private Sector Expertise (in the initial implementation stages); (3) written comments regarding implementation of Chapter 19's framework for public participation; and (4) written suggestions for future bilateral environmental cooperation between the United States and the Republic of Chile. A joint public session will be held immediately following the Council meeting. The purpose of this public session is detailed below under **SUPPLEMENTARY INFORMATION**. In preparing comments, the public is encouraged to refer to:

- The environment chapter of the U.S.-Chile Free Trade Agreement and Annex 19.3, available at: [http://www.ustr.gov/assets/Trade\\_Agreements/Bilateral/Chile\\_FTA/Final\\_Texts/asset\\_upload\\_file482\\_401.3.pdf](http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Chile_FTA/Final_Texts/asset_upload_file482_401.3.pdf);
- The U.S.-Chile Environmental Cooperation Agreement, available

at: <http://www.state.gov/goes/rls/or/22185.html> and

- The Final Environment Review of the U.S.-Chile Free Trade Agreement, available at: [http://www.ustr.gov/assets/Trade\\_Agreements/Bilateral/Chile\\_FTA/asset\\_upload\\_file\\_411\\_5109.pdf](http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Chile_FTA/asset_upload_file_411_5109.pdf).

**DATES:** To guarantee receipt in proper time for consideration prior to the meeting, comments are requested no later than October 20, 2005.

**ADDRESSES:** Comments may be sent by fax to (202) 647-5947 or (202) 647-1052, by e-mail to [OES-ENV-Mail@state.gov](mailto:OES-ENV-Mail@state.gov).

**FOR FURTHER INFORMATION CONTACT:** Lawrence Sperling, Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Policy Coordination and Initiatives, Telephone (202) 647-2061.

**SUPPLEMENTARY INFORMATION:** The U.S.-Chile Free Trade Agreement (FTA) entered into force on January 1, 2004. Article 3 of Chapter 19 (Environment) of the FTA establishes an Environment Affairs Council (the "Council"), which is required to meet once a year, or more often if agreed by the two governments, to discuss the implementation of, and progress under, Chapter 19. Chapter 19 requires that meetings of the Council include a public session, unless otherwise agreed by the two governments. The first meeting of the Council was held on July 22, 2004, in Santiago, Chile, to discuss issues of mutual concern related to Chapter 19 of the FTA, including matters related to the eight cooperation projects listed in Annex 19.3 of the FTA. The Council Agenda for this second meeting will include discussion of the progress in implementing the eight cooperation projects under Chapter 19 of the FTA. This meeting will also consider how to further implement the provisions of Chapter 19, including public participation, and recommendations for future bilateral cooperation. Written comments from the public regarding agenda items for the Council meeting, as well as written comments regarding the eight cooperative projects and future bilateral cooperation, may be submitted to the contact addresses listed above.

The public session will take place in Washington, DC after the Council meeting, on October 24, 2005 starting time and place to be announced, in order to explain the provision in Chapter 19 of the FTA and the role of the Council, as well as discuss the cooperative projects identified in the annex of Chapter 19. The public is advised to refer to the State Department Web site at <http://www.state.gov/goes/>

*env/* for further information related to this meeting.

Dated: September 15, 2005.

**David E. Brown,**

Director, Office of Environmental Policy  
Department of State.

[FR Doc. 05-18723 Filed 9-19-05; 8:45 am]

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## TENNESSEE VALLEY AUTHORITY

### Paperwork Reduction Act of 1995, as amended by Pub. L. 104-13; Submission for OMB Review; Comment Request

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Submission for OMB review; comment request.

**SUMMARY:** The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Alice D. Witt, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402-2801; (423) 751-6832. (SC: 0001JTJ) Comments should be sent to the OMB Office of Information and Regulatory Affairs, Attention: Desk Officer for the Tennessee Valley Authority by October 20, 2005.

**SUPPLEMENTARY INFORMATION:**

*Type of Request:* Regular submission; proposal for a new collection.

*Title of Information Collection:* Confirmation of TVA-Owned Cash.

*Frequency of Use:* One time.

*Type of Affected Public:* Business.

*Small Businesses or Organizations Affected:* No.

*Estimated Number of Annual Responses:* 629.

*Estimated Total Annual Burden Hours:* 345.50.

*Estimated Average Burden Hours Per Response:* 0.55 hours.

*Need For and Use of Information:* We are requesting the information from the financial institutions located near TVA operating plants and offices to determine whether those financial institutions have TVA-owned cash on deposit. We will use the information obtained to confirm the amount of cash

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