

that a gross negligence standard of care is appropriate for OCC.<sup>10</sup>

OCC believes that the proposed rule change is consistent with the requirements of section 17A of the Act<sup>11</sup> and the rules and regulations thereunder applicable to OCC because it will permit the resources of OCC to be appropriately utilized for promoting the prompt and accurate clearance and settlement of options transactions and for providing for the safeguarding of securities and funds in its custody or control or for which it is responsible.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

OCC does not believe that the proposed rule change would impose any burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or

<sup>10</sup> Specifically, OCC is proposing to amend Article VI of its By-Laws, "Clearance of Exchange Transactions," by adding new section 25, "Limitation of Liability," which would state:

(a) Notwithstanding any other provision in the By-Laws and Rules, the Corporation will not be liable for any action taken, or any delay or failure to take any action, under the By-Laws and Rules or otherwise, to fulfill the Corporation's obligations to its Clearing Members, other than for losses caused directly by the Corporation's gross negligence, willful misconduct, or violation of federal securities laws for which there is a private right of action. Under no circumstances will the Corporation be liable for the acts, delays, omissions, bankruptcy, or insolvency of any third party, including, without limitation, any bank or other depository, custodian, sub-custodian, clearing or settlement system, data communication service, or other third party, unless the Corporation was grossly negligent, engaged in willful misconduct, or was in violation of federal securities laws for which there is a private right of action, in selecting such third party; and

(b) Under no circumstances will the Corporation be liable for any indirect, consequential, incidental, special, punitive or exemplary loss or damage (including, but not limited to, loss of business, loss of profits, trading losses, loss of opportunity and loss of use) however suffered or incurred, regardless of whether the Corporation has been advised of the possibility of such damages or whether such damages otherwise could have been foreseen or prevented.

<sup>11</sup> 15 U.S.C. 78q-1.

(ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(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, as amended, 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-OCC-2003-13 on the subject line.

*Paper Comments*

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

All submissions should refer to File Number SR-OCC-2003-13. 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, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at <http://www.theocc.com>. 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-OCC-

2003-13 and should be submitted on or before December 14, 2005.

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

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. E5-6456 Filed 11-22-05; 8:45 am]

BILLING CODE 8010-01-P

**SMALL BUSINESS ADMINISTRATION**

**Wisconsin District Advisory Council; Public Meeting**

The U.S. Small Business Administration, Wisconsin District Advisory Council will be hosting a public meeting to discuss such matters that may be presented by members, and staff of the U.S. Small Business Administration, or others present. The meeting will be held on Tuesday, December 13, 2005 starting at 1:30 p.m. The meeting will be held at the U.S. Small Business Administration, Wisconsin-Milwaukee District Office, 310 West Wisconsin Avenue, Suite 400, Milwaukee, Wisconsin.

Anyone wishing to attend must contact Cindy Merrigan in writing or by fax. Cindy Merrigan, Computer Specialist, U.S. Small Business Administration, 740 Regent Street, Suite 100, Madison, Wisconsin 53715, phone (608) 441-5560, fax (202) 481-0815, e-mail: [cindy.merrigan@sba.gov](mailto:cindy.merrigan@sba.gov).

**Matthew K. Becker,**

*Committee Management Officer.*

[FR Doc. 05-23125 Filed 11-22-05; 8:45 am]

BILLING CODE 8025-01-P

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Trade Policy Staff Committee; Notice of Availability and Request for Public Comment on Interim Environmental Review of United States-Thailand Free Trade Agreement**

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

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** The Office of the U.S. Trade Representative (USTR), on behalf of the Trade Policy Staff Committee (TPSC), seeks comment on the interim environmental review of the proposed United States-Thailand Free Trade Agreement (FTA). The interim environmental review is available at

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

[http://www.ustr.gov/Trade\\_Sectors/Environment/Environmental\\_Reviews/Section\\_Index.html](http://www.ustr.gov/Trade_Sectors/Environment/Environmental_Reviews/Section_Index.html). Copies of the review will also be sent to interested members of the public by mail upon request.

**DATES:** Comments on the draft environmental review are requested by January 6, 2006 to inform the negotiations and the environmental review of the final agreement.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 1724 F Street, NW., Washington, DC 20508, telephone (202) 395-3475. Questions concerning the environmental review, or requests for copies, should be addressed to David Brooks, Environment and Natural Resources Section, Office of the USTR, telephone 202-395-7320.

**SUPPLEMENTARY INFORMATION:** The Trade Act of 2002, signed by the President on August 6, 2002, provides that the President shall conduct environmental reviews of [certain] trade agreements consistent with Executive Order 13121—Environmental Review of Trade Agreements (64 FR 63169, Nov. 18, 1999) and its implementing guidelines (65 FR 79442, Dec. 19, 2000) and report on such reviews to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The Order and guidelines are available at [http://www.ustr.gov/Trade\\_Sectors/Environment/Section\\_Index.html](http://www.ustr.gov/Trade_Sectors/Environment/Section_Index.html).

The purpose of environmental reviews is to ensure that policymakers and the public are informed about reasonably foreseeable environmental impacts of trade agreements (both positive and negative), to identify complementarities between trade and environmental objectives, and to help shape appropriate responses if environmental impacts are identified. Reviews are intended to be one tool, among others, for integrating environmental information and analysis into the fluid, dynamic process of trade negotiations. USTR and the Council on Environmental Quality jointly oversee implementation of the Order and Guidelines. USTR, through the Trade Policy Staff Committee (TPSC), is responsible for conducting the individual reviews.

#### Written Comments

In order to facilitate prompt processing of submissions of comments, the Office of the United States Trade Representative strongly urges and prefers e-mail submissions in response

to this notice. Persons submitting comments by e-mail should use the following e-mail address: [FR0423@ustr.eop.gov](mailto:FR0423@ustr.eop.gov) with the subject line: "Thailand Interim Environmental Review." Documents should be submitted as a Word Perfect, MSWord, or text (.TXT) file. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files. If submission by e-mail is impossible, comments should be made by facsimile to (202) 395-6143, attention: Gloria Blue.

Written comments will be placed in a file open to public inspection in the USTR Reading Room at 1724 F Street, NW., Washington DC. An appointment to review the file may be made by calling (202) 395-6186. The Reading Room is open to the public from 10-12 a.m. and from 1-4 p.m., Monday through Friday.

General information concerning the Office of the United States Trade Representative may be obtained by accessing its Internet Web site (<http://www.ustr.gov>).

#### Carmen Suro-Bredie,

*Chair, Trade Policy Staff Committee.*

[FR Doc. 05-23181 Filed 11-22-05; 8:45 am]

**BILLING CODE 3190-W6-P**

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending November 4, 2005

The following Agreements were filed with the Department of Transportation under sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2005-22906.

*Date Filed:* November 3, 2005.

*Parties:* Members of the International Air Transport Association.

*Subject:* TC23/TC123 Mail Vote 457 between Middle East and South East Asia Geneva, September 12-14, 2005.

*Intended effective date:* November 1, 2005.

#### Renee V. Wright,

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 05-23167 Filed 11-22-05; 8:45 am]

**BILLING CODE 4910-62-P**

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending November 4, 2005

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2002-13159.

*Date Filed:* October 31, 2005.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 21, 2005.

*Description:* Application of Valley Air Express, Inc. requesting a fitness review to resume service between Victorville, CA and Henderson, NV and, an exemption from the 45 day notice period.

*Docket Number:* OST-2005-22880.

*Date Filed:* November 1, 2005.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 22, 2005.

*Description:* Application of Swift Air, LLC requesting a certificate of public convenience and necessity to engage in interstate and foreign air transportation of persons, property and mail.

*Docket Number:* OST-2005-22882.

*Date Filed:* November 2, 2005.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 23, 2005.

*Description:* Application of Gazpromavia Aviation Company Ltd. requesting a foreign air carrier permit to engage in charter all-cargo service