

the proposed change on an accelerated basis.

#### V. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>12</sup> that the proposed rule change (File No. SR-NASD-2005-138), is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

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

[FR Doc. E5-7482 Filed 12-16-05; 8:45 am]

BILLING CODE 8010-01-P

#### DEPARTMENT OF STATE

[Public Notice 5249]

#### **Determination and Waiver of Section 517(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act (2006) (Pub. L. 109-102) Relating to Assistance for the Independent States of the Soviet Union**

Pursuant to the authority vested in me as Deputy Secretary of State, including by Section 517(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102), Executive Order 13118 of March 31, 1999, and State Department Delegation of Authority No. 245 of April 21, 2001, I hereby determine that it is in the national security interest of the United States to make available funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" in Title II of that Act without regard to the restriction in that section.

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

Dated: December 5, 2005.

**Robert B. Zoellick,**

*Deputy Secretary of State, Department of State.*

[FR Doc. 05-24276 Filed 12-16-05; 8:45 am]

BILLING CODE 4710-23-P

#### DEPARTMENT OF STATE

[Public Notice 5250]

#### **Determination Pursuant to Section 1(b) of Executive Order 13224 Relating to the Designation of Sajid Mohammed Badat, Also Known as Saajid Badat, Also Known as Muhammed Badat, Also Known as Sajid Muhammad Badat, Also Known as Saajid Mohammad Badet, Also Known as Muhammed Badet, Also Known as Sajid Muhammad Badet, Also Known as Abu Issa al Pakistani, Also Known as Issa, Also Known as Issa Al Britaini, Also Known as Issa Al Pakistani; DOB: 28 March 1979; Alt. DOB: 8 March 1976; POB: Pakistan; Citizenship: British; Passport: 703114075 and 026725401**

Acting under the authority of section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13286 of July 2, 2002, and Executive Order 13284 of January 23, 2003, and Executive Order 13372 of February 16, 2005, in consultation with the Secretary of the Treasury, the Attorney General, and the Secretary of Homeland Security, I hereby determine that Sajid Mohammed Badat, aka Saajid Badat, aka Muhammed Badat, aka Sajid Muhammad Badat, aka Saajid Mohammad Badet, aka Muhammed Badet, aka Sajid Muhammad Badet, aka Abu Issa Al Pakistani, aka Issa, aka Issa Al Britaini, aka Issa Al Pakistani has committed and poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals and the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice need be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

**Condoleezza Rice,**

*Secretary of State, Department of State.*

[FR Doc. 05-24262 Filed 12-16-05; 5:00 pm]

BILLING CODE 4710-10-U

#### DEPARTMENT OF STATE

[Public Notice 5248]

#### **Notice of Receipt of Application for a Presidential Permit for Pipeline Facilities To Be Operated and Maintained on the Border of the United States**

AGENCY: Department of State.

ACTION: Notice.

Notice is hereby given that the Department of State has received an application from PMC (Nova Scotia) Company ("PMC Nova Scotia") for itself, and on behalf of Plains Marketing Canada L.P. (both Canadian companies), for a Presidential permit, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993 and Executive Order 13284 of January 23, 2003, to operate and maintain the Milk River Pipeline crossing the U.S.-Canada border. The Murphy Oil Corporation had a Presidential permit to construct, operate and maintain this oil pipeline, but the pipeline was acquired in May, 2001 by PMC Nova Scotia, for itself and on behalf of Plains Marketing Canada, L.P.

PMC Nova Scotia and Plains Marketing Canada are direct subsidiaries of Plains All American Pipeline, L.P., of Texas, U.S.A. The existing pipeline originates in Toole County, Montana, and runs to the international boundary between the U.S. and Canada, then connects to similar facilities in the Province of Alberta, Canada. PMC Nova Scotia has, in written correspondence to the Department of State, committed to abide by the relevant terms and conditions of the permit previously held by Murphy Oil. Further, PMC Nova Scotia indicated in that correspondence that the operation of the pipeline will remain essentially unchanged from that previously permitted. Therefore, in accordance with 22 CFR 161.7(b)(3) and the Department's Procedures for Issuance of a Presidential Permit Where There Has Been a Transfer of the Underlying Facility, Bridge or Border Crossing for Land Transportation (70 FR 30990, May 31, 2005), the Department of State does not intend to conduct an environmental review of the application unless information is brought to its attention that the transfer potentially would have a significant impact on the quality of the human environment.

As required by E.O. 13337, the Department of State is circulating this application to concerned federal agencies for comment.

<sup>12</sup> 15 U.S.C. 78s(b)(2).

<sup>13</sup> 17 CFR 200.30-3(a)(12).