

considered to be “predominantly to non-professional users” so long as the Eligible Firm’s Market Data distribution to professional users when compared to Market Data distribution to all (professional and non-professional) users does not exceed 10%.<sup>14</sup>

To be eligible for the Enterprise License Fee, an Eligible Firm shall have to certify to PBOT that it qualifies for the Enterprise License Fee, including in regard to distribution to professional and non-professional users, and shall need to immediately notify PBOT if it can no longer certify its qualification.<sup>15</sup>

In developing the Enterprise License Fee, PBOT considered inquiries from actual and potential broker dealer data recipients regarding the availability of an Enterprise License for data transmitted over the MDDN and considered that certain industry organizations have offered fee structures that are available to some but not all data recipients, similarly to the Enterprise License Fee.<sup>16</sup> The Exchange believes that the proposed fee of \$10,000 per year or \$850 per month is fair and reasonable and consistent with industry practice.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>17</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>18</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and

functions were performed for an organization not so exempt.

<sup>14</sup> As an example, if data recipient ABC Corp. has 100 customers that receive PBOT Market Data of which 10 are professional users and 90 are retail (non-professional) users the Enterprise License Fee would be available to the firm because 10 professional users / 100 total users = 10%.

<sup>15</sup> A firm that has entered into an agreement with PBOT to receive Market Data over the MDDN but is not qualified for the Enterprise License Fee may pay the device fee and/or the snapshot fee as appropriate.

<sup>16</sup> For example, the Nasdaq Stock Market, Inc. (“Nasdaq”), a self regulatory organization, has fee schedules that are as much as twenty times higher for professional or corporate subscribers than for non-professional subscribers for UTP Level 1 fees, TotalView fees and Nasdaq MAX fees; and offers a TotalView Non-Professional Enterprise Fee License to qualified firms that distribute TotalView to their non-professional users with whom they have a professional relationship. The Options Price Reporting Authority (“OPRA”), a national market system, offers an Enterprise Professional Subscriber Fee to certain professional options data subscribers (these professional subscribers do not qualify for the reduced fees charged to nonprofessional subscribers) that is based on the number of professional users that the subscribers have instead of the number of devices. In addition, the Exchange believes that some industry data vendors offer different fee structures to qualified data recipients.

<sup>17</sup> 15 U.S.C. 78f(b).

<sup>18</sup> 15 U.S.C. 78f(b)(5).

perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, by providing an alternate fee structure to market data recipients and thereby encouraging re-distribution of such data. The Exchange believes that its proposal, which is designed to encourage dissemination of market data, is likewise consistent with Section 6(b)(4) of the Act<sup>19</sup> in that the proposed rule change provides for the equitable allocation of reasonable dues, fees, and other charges among the Exchange’s members and issuers and other persons using its facilities as described herein.

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

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

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

Within 35 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 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange 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 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 No. SR–Phlx-2006–63 on the subject line.

<sup>19</sup> 15 U.S.C. 78f(b)(4).

### Paper comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR-Phlx-2006–63. 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 Phlx. 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–Phlx-2006–63 and should be submitted on or before January 18, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>20</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E6–22252 Filed 12–27–06; 8:45 am]

**BILLING CODE 8011–01–P**

## DEPARTMENT OF STATE

[Public Notice 5655]

### Culturally Significant Objects Imported for Exhibition; Determinations: “Dead Sea Scrolls”

**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*

<sup>20</sup> 17 CFR 200.30–3(a)(12).

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 "Dead Sea Scrolls", imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the San Diego Natural History Museum, San Diego, California, from on or about June 29, 2007, until on or about January 15, 2008, 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 Sulzysky, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: (202) 453-8050). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: December 20, 2006.

**C. Miller Crouch,**

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

[FR Doc. E6-22319 Filed 12-27-06; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice 5656]

### **Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Near East Asia—South Asia Undergraduate Exchange Program**

*Announcement Type:* New Cooperative Agreement.

*Funding Opportunity Number:* ECA/A/E/NEA-SCA-07-01.

*Catalog of Federal Domestic Assistance Number:* 00.000.

*Key Dates:*

*Application Deadline:* February 15, 2007.

*Executive Summary:* The Office of Academic Exchange Programs of the Bureau of Educational and Cultural Affairs announces an open competition to administer the FY2007 Near East and South Asia Undergraduate Exchange Program. Consortia of accredited, post-secondary educational institutions and public and private non-profit organizations meeting the provisions described in Internal Revenue Code

section 26 U.S.C. 501(c)(3) in the United States may submit proposals to organize and carry out academic exchange activities for students from underrepresented sectors in the Middle East, North Africa and South Asia (eligible countries and locales are listed below in the Purpose section). The grantee organization will be responsible for the following aspects of the program: placement of no less than 150 foreign students at accredited U.S. institutions for a semester or academic year, student travel to the U.S., orientation, enrichment programming, advising, monitoring and support, pre-return activities, evaluation, and follow-up with program alumni. It is anticipated that the total amount of funding for FY2007 administrative and program costs will be \$3,000,000.

### **I. Funding Opportunity Description**

#### *Authority*

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries \* \* \*; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations\* \* \* and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

*Purpose:* The principal objective of the Near East and South Asia Undergraduate Exchange Program (herein referred to as the "Undergraduate Program") is to provide a substantive exchange experience at a U.S. college or university to a diverse group of emerging student leaders from underrepresented sectors in the Middle East, North Africa and South Asia. In this context, the cooperating organization should ensure that participants are able to enroll full-time in courses at U.S. institutions alongside American peers, and provide the participants with opportunities to understand America and Americans inside and outside the classroom.

Participants will return to their home countries at the conclusion of the exchange program to re-enter colleges and universities there, and re-integrate

with their home societies. It is also an objective of the program to provide participants with tailored instruction in the academic skills and study habits required to be successful at the undergraduate level.

The Undergraduate Program will provide no less than 150 scholarships: Approximately 40 scholarships for one academic year and 110 for one semester, at U.S. institutions of higher education to outstanding students from non-elite sectors from the Near East (countries/locales may include Algeria, Bahrain, Egypt, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Yemen, West Bank/Gaza) and South Asia (India, Pakistan, and Bangladesh). Scholarships will be granted primarily to students who are currently enrolled in an undergraduate degree program in their home country. Participants may range from those about to enter university in their home country to those who have just completed their undergraduate degree, and those between these two stages. The cooperating organization will place one-semester program participants and academic-year participants in non-degree programs at both U.S. four-year colleges and universities, and community colleges.

The cooperating organization should develop enrichment activities to enhance the participants' academic education, including having students make local presentations about their countries, community service, and internships. All participants are required to return to their home countries immediately upon the conclusion of the program. Transfers of academic program or visa sponsorship of participants to another U.S. institution will not be considered.

ECA will award one cooperative agreement for this program. Programs and projects must conform with Bureau requirements and guidelines outlined in the Solicitation Package. ECA programs are subject to the availability of funds.

Programs must comply with J-1 Visa regulations. Please refer to the Solicitation Package for further information.

In a cooperative agreement, the Near East, South and Central Asia Branch of the Office of Academic Exchange Programs in the Bureau of Educational and Cultural Affairs (ECA/A/E/NEA-SCA) is substantially involved in program activities above and beyond routine grant monitoring. ECA/A/E/NEA-SCA activities and responsibilities for this program are, but not limited to, the following: