

once a year to make a capital gains distribution.<sup>10</sup> The staff estimates that a UIT incurs a cost of \$50, which is encompassed within the fee the UIT pays its trustee, to prepare a notice for a capital gains distribution under rule 19b-1(c). These notices require limited preparation, the cost of which accounts for only a small, indiscrete portion of the comprehensive fee charged by the trustee for its services to the UIT. There is no separate cost to mail the notices because they are mailed with the capital gains distribution. Thus, the staff estimates that the notice requirement imposes an annual cost on UITs of approximately \$324,250.

Based on these calculations, the total number of respondents for rule 19b-1 is estimated to be 6,492 (6,485 UIT portfolios + 7 funds filing an application under rule 19b-1(e)), the total annual hour burden is estimated to be 28 hours, and the total annual cost burden is estimated to be \$348,750. These estimates of average annual burden hours and costs are made solely for purposes of the Paperwork Reduction Act. The collections of information required by 19b-1(c) and 19b-1(e) are necessary to obtain the benefits described above. Responses will not be kept confidential.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to

<sup>10</sup> The number of times UITs may rely on the rule to make capital gains distributions depends on a wide range of factors and, thus, can vary greatly from one year to another. A number of UITs are organized as grantor trusts, and therefore do not generally make capital gains distributions under rule 19b-1(c), or may not rely on rule 19b-1(c) as they do not meet the rule's requirements. Other UITs may distribute capital gains biannually, annually, quarterly, or at other intervals.

comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

Dated: June 17, 2005.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. E5-3325 Filed 6-24-05; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Issuer Delisting; Notice of Application of IVAX Diagnostics, Inc. To Withdraw Its Common Stock, \$.01 Par Value, From Listing and Registration on the Boston Stock Exchange, Inc. File No. 1-14798

June 17, 2005.

On June 6, 2005, IVAX Diagnostics, Inc., a Delaware corporation ("Issuer"), filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup>; and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its common stock, \$.01 par value ("Security"), from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

On June 1, 2005, the Board of Directors ("Board") of the Issuer approved a resolution to withdraw the Security from listing and registration on BSE. In making the decision to withdraw the Security from BSE, the Board stated that the following reasons, among others, factored into its decision. On January 13, 2000, b2bstores.com, Inc. ("b2bstores"), the predecessor to the Issuer, filed a Form 8-A/A with the Commission stating that b2bstores had registered the Security to list on BSE. On March 14, 2001, the Issuer, then a wholly-owned subsidiary of IVAX Corporation, merged with and into b2bstores, and on the same day, the Issuer filed a Form 8-A/A with the Commission stating that the Issuer had registered its Security to list on the American Stock Exchange, LLC ("Amex"). Since that time, the Security has been, and currently continues to be, principally listed and traded on Amex, while it is only listed (but not traded) on BSE.

The Issuer stated in its application that it has complied with BSE rules by

complying with all applicable laws in the State of Delaware, the state in which the Issuer is incorporated, and by filing with BSE the required documents governing the withdrawal of securities from listing and registration on BSE.

The Issuer's application relates solely to withdrawal of the Security from listing on BSE and shall not affect its continued listing on Amex or its obligation to be registered under section 12(b) of the Act.<sup>3</sup>

Any interested person may, on or before July 13, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of BSE, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/delist.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-14798 or;

#### *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 1-14798. This file number should be included on the subject line if e-mail is used. To help us 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/delist.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

<sup>1</sup> 15 U.S.C. 78l(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

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

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>4</sup>

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. E5-3333 Filed 6-24-05; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51884; File No. SR-Amex-2005-038]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to the Listing and Trading of Options, Including LEAPS, on Full and Reduced Values of the Nasdaq 100 Index

June 20, 2005.

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> notice is hereby given that on April 7, 2005, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal on an accelerated basis.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange states that it proposes to correct an omission in its rules to trade regular and long-term options on both the full and reduced values of the Nasdaq 100 Index (“Index”). Options on the Index are cash-settled and have European-style exercise provisions. The text of the proposed rule change is available on the Amex’s Web site (<http://www.amex.com>), at the Amex’s principal office, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange states that it proposes to correct an omission in its rules to trade regular and long-term options on both the full and reduced values of the Nasdaq 100 Index.<sup>3</sup> The Exchange commenced trading of options based on the full and reduced values of the Nasdaq 100 Index in October 2001. However, the Exchange failed to submit a proposal to list and trade such options.<sup>4</sup> As a result, the Exchange proposes to amend its rules to provide for the listing and trading of these options on the Exchange. Specifically, the Exchange seeks to amend its rules to provide for the listing of options based upon the full value of the Nasdaq 100 Index (“Full-size Nasdaq 100 Index” or “NDX”) and one-tenth of the value of the Nasdaq 100 Index (“Mini Nasdaq 100 Index” or “MNX”),<sup>5</sup> including long-term options based upon the full value of the Nasdaq 100 Index (“NDX LEAPS”) and one-tenth of the value of the Nasdaq 100 Index (“MNX LEAPS”).<sup>6</sup> These index options are cash-settled, European-style options based on the full and reduced values of the Nasdaq 100 Index, a stock index calculated and maintained by The Nasdaq Stock Market, Inc. (“Nasdaq”).<sup>7</sup>

<sup>3</sup> Options on NDX and MNX are currently listed and trading on the Exchange, the Chicago Board Options Exchange, Inc. (“CBOE”) and the International Securities Exchange, Inc. (“ISE”). See Securities Exchange Act Release Nos. 33166 (November 8, 1993), 58 FR 60710 (November 17, 1993) (SR-CBOE-93-42) and 51121 (February 1, 2005), 70 FR 6476 (February 7, 2005) (SR-ISE-2005-01).

<sup>4</sup> See Securities Exchange Act Release No. 45163 (December 18, 2001), 66 FR 66958 (December 27, 2001) (SR-Amex-2001-101) (notice of filing and immediate effectiveness disclosing license fees in connection with NDX and MNX).

<sup>5</sup> Options on NDX and MNX are currently listed for trading on the CBOE. Options on NDX and MNX listed on the Exchange would be identical to the NDX and MNX options listed on CBOE.

<sup>6</sup> Under Amex Rule 903, the Exchange may list long-term options that expire up to 60 months from the date of issuance.

<sup>7</sup> A description of the Index is available on Nasdaq’s Web site at [http://dynamic.nasdaq.com/dynamic/nasdaq100\\_activity.stm](http://dynamic.nasdaq.com/dynamic/nasdaq100_activity.stm).

#### Index Design and Composition

The Nasdaq 100 Index, launched in January 1985, represents the largest non-financial domestic and international issues listed on Nasdaq based on market capitalization. The Index reflects companies across major industry groups, including computer hardware and software, telecommunications, retail/wholesale trade, and biotechnology.

The Index is calculated using a modified capitalization-weighted methodology. The value of the Index equals the aggregate value of the Index share weights, also known as the Depository Receipt Multiplier, of each of the component securities multiplied by each security’s respective last sale price on Nasdaq or the Nasdaq Official Closing Price (“NOCP”), divided by Adjusted Base Period Market Value (“ABPMV”), and multiplied by the base value. The ABPMV serves the purpose of scaling such aggregate value (otherwise in the trillions) to a lower order of magnitude that is more desirable for Index reporting purposes. If trading in an Index security is halted while the market is open, the last Nasdaq traded price for that security is used for all index computations until trading resumes. If trading is halted before the market is open, the previous day’s NOCP is used. Additionally, the Index is calculated without regard to any dividends on component securities. The methodology is expected to retain, in general, the economic attributes of capitalization weighting, while providing enhanced diversification. To accomplish this, Nasdaq reviews the composition of the Index on a quarterly basis and adjusts the weighting of Index components using a proprietary algorithm, if certain pre-established weight distribution requirements are not met.

Nasdaq has certain eligibility requirements for inclusion in the Index.<sup>8</sup> For example, to be eligible for inclusion in the Index, a component security must be exclusively listed on the Nasdaq National Market, or dually listed on a national securities exchange prior to January 1, 2004.<sup>9</sup> Only one class

<sup>8</sup> The initial eligibility criteria and continued eligibility criteria are available on Nasdaq’s Web site at [http://dynamic.nasdaq.com/dynamic/nasdaq100\\_activity.stm](http://dynamic.nasdaq.com/dynamic/nasdaq100_activity.stm).

<sup>9</sup> In the case of spin-offs, the operating history of the spin-off would be considered. Additionally, if a component security would otherwise qualify to be in the top 25% of securities included in the Index by market capitalization for the six prior consecutive months, it would be eligible if it had been listed for one year.

<sup>4</sup> 17 CFR 200.30-3(a)(1).

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

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