

fund families would be permitted to aggregate shares outstanding across markets for the purposes of calculating the annual fee, Nasdaq believes that matching fee schedules would minimize problems that could arise if fund families listing funds on both the National Market and SmallCap Market were subject to conflicting fee schedules. Although an individual fund listing on the SmallCap Market with over 25 million total shares outstanding would be subject to an increase in annual fees under the proposed rules, Nasdaq believes the benefits of substantially lower entry fees and the ability of fund families to aggregate shares across markets outweigh the burden to funds of the limited fee increase.

Finally, in many cases where multiple funds are listed, the new fee schedule would lower fees payable by Closed-End Funds, thereby benefiting the fund investors that ultimately pay those expenses by reducing the costs associated with listing fund shares. In addition, Nasdaq believes that establishing lower fees for fund families would permit Nasdaq to compete more effectively for listings with other markets.

## 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,<sup>5</sup> in general, and with Section 15A(b)(5) of the Act,<sup>6</sup> in particular, in that it provides for the equitable allocation of reasonable fees, dues, and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. The proposed change to the entry and annual fees will apply equally to all Closed-End Funds listing on The Nasdaq SmallCap Market. Furthermore, Nasdaq believes that the proposed fees are reasonable and fall within the range of fees charged by other markets.

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

Nasdaq does not believe that the proposed rule change would 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*

Written comments were neither solicited nor 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 NYSE 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 Number SR-NASD-2005-106 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-NASD-2005-106. 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 Nasdaq. 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-NASD-2005-106 and should be submitted on or before October 24, 2005.<sup>7</sup>

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

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

[FR Doc. E5-5354 Filed 9-30-05; 8:45 am]  
BILLING CODE 8010-01-P

## DEPARTMENT OF STATE

### [Public Notice 5198]

### **60-Day Notice of Proposed Information Collection: Form DS-86, Statement of Non-Receipt of a Passport, OMB Control Number 1405-0146**

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- Title of Information Collection: Statement of Non-Receipt of A Passport
- OMB Control Number: 1405-0146
- Type of Request: Extension of the currently approved collection
- Originating Office: Bureau of Consular Affairs, Department of State, Passport Services, Office of Field Operations, Field Coordination Division. CA/PPT/FO/FC.
- Form Number: DS-86
- Respondents: Individuals or Households
- Estimated Number of Respondents: 23,500
- Estimated Number of Responses: 23,500
- Average Hours Per Response: 1/12 hr. (5 min.)

(August 17, 2005), 70 FR 49347 (August 23, 2005) (SR-NASD-2005-096).

<sup>5</sup> 15 U.S.C. 78o-3.

<sup>6</sup> 15 U.S.C. 78o-3(b)(5).

<sup>7</sup> 17 CFR 200.30-3(a)(12).

- Total Estimated Burden: 2,000 hours annually
- Frequency: On occasion
- Obligation to Respond: Required to Obtain a Benefit

**DATES:** The Department will accept comments from the public up to 60 days from December 2, 2005.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [Cowlshawsc@state.gov](mailto:Cowlshawsc@state.gov).

You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.

- Mail (paper, disk, or CD-ROM submissions): Susan Cowlshaw, U.S. Department Of State, CA/PPT/FO/FC. 2100 Pennsylvania Avenue, NW., 3rd Floor/Room 3040/SA-29, Washington, DC 20037.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Susan Cowlshaw, U.S. Department Of State, CA/PPT/FO/FC. 2100 Pennsylvania Avenue, NW., 3rd Floor/Room 3040/SA-29, Washington, DC 20037, who may be reached on 202.261.8957 or [Cowlshawsc@state.gov](mailto:Cowlshawsc@state.gov).

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of proposed collection:

The Statement of Non-Receipt of A Passport, Form DS-86, is used by the U.S. Department of State to collect information for the purpose of issuing a replacement passport to customers who have not received the passport for which they originally applied.

The information is used by the Department of State to ensure that no person shall bear more than one valid or potentially valid U.S. passport at any one time, except as authorized by the Department, and also aids in combating passport fraud and misuse.

Methodology:

Passport applicants who do not receive their passports are required to

complete a Statement of Non-Receipt of A Passport, Form DS-86. Passport applicants can either download the form from the Internet or pick one up from an Acceptance Facility/Passport Agency. The form must be completed and signed. The form is then submitted to the Acceptance Facility/Passport Agency for passport re-issuance.

Dated: September 16, 2005.

**Frank Moss,**

*Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.*

[FR Doc. 05-19748 Filed 9-30-05; 8:45 am]

**BILLING CODE 4710-06-P**

---

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending September 9, 2005

The following Agreements were filed with the Department of Transportation under the 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-2005-22408.

*Date Filed:* September 7, 2005.

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

*Subject:* Geneva, 4-8 July 2005, TC2 Europe Middle-East Resolutions, r1-r22.

*Minutes:* TC2 Within Middle East, Europe-Middle East (Memo 0208).

*Tables:* TC2 Europe-Middle East specified fare table (Memo 0104).

*Intended effective date:* 1 January 2006.

*Docket Number:* OST-2005-22412.

*Date Filed:* September 7, 2005.

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

*Subject:* TC2 Within Middle East, (Memo 0147), r1-r15

*Minutes:* TC2 Within Middle East, Geneva, 4-8 July 2005, (Memo 0150).

*Tables:* Geneva, 4-8 July 2005, TC2 Within Middle East (Memo 0054).

*Technical Correction:* Geneva, 4-8 July 2005, TC2 within Middle East, (Memo 0055).

*Intended effective date:* 1 January 2006.

**Renee V. Wright,**

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

[FR Doc. 05-19701 Filed 9-30-05; 8:45 am]

**BILLING CODE 4910-62-P**

## 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 September 9, 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-1999-5846.

*Date Filed:* September 8, 2005.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* September 29, 2005.

*Description:* Supplement No. 3 of United Air Lines, Inc. to its pending application for renewal and amendment of its experimental certificate of public convenience and necessity for Route 566 (U.S.-Mexico) to include authority to carry persons, property and mail in foreign air transportation between Denver and Cozumel and between Chicago and San Jose del Cabo as well as authority to integrate this service with other services it is authorized to provide by exemptions and certificates of public convenience and necessity, pursuant to the Department's Notice dated August 23, 2005, In the Matter of Streamlining Regulatory Procedures for Licensing U.S. and Foreign Air Carriers.

*Docket Number:* OST-2005-22228, OST-2005-22433, OST-2005-22434, and OST-2005-22435.

*Date Filed:* September 9, 2005.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* September 30, 2005.

*Description:* Application of Hawaiian Airlines, Inc. requesting certificate authority from the United States to Australia and Mexico, and related integration authority as provided in the