

securities exchange.<sup>28</sup> In particular, the Commission finds that the proposal is consistent with section 6(b)(1) of the Act,<sup>29</sup> which requires a national securities exchange to be so organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by its members and persons associated with its members with the provisions of the Act, the rules or regulations thereunder, and the rules of the exchange. The Commission also finds that the proposal is consistent with section 6(b)(5) of the Act,<sup>30</sup> which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to facilitate transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Pursuant to section 19(b)(2) of the Act,<sup>31</sup> the Commission may not approve any proposed rule change, or amendment thereto, prior to the thirtieth day after the date of publication of the notice thereof, unless the Commission find good cause for so doing. The Commission hereby finds good cause for approving the proposed rule change prior to the thirtieth day after publishing notice thereof in the **Federal Register** pursuant to section 19(b)(2) of the Act.<sup>32</sup> The Commission believes that the requested extensions are consistent with the terms and conditions set forth in the Order Approving SR-PCX-2005-90, and notes that in its filing, PCX represented that accelerated effectiveness of the proposed rule change before the expiration of the pilot approvals would provide continuity of Archipelago's operation of the ATS OTC Function and DOT Function. The Commission also notes that the proposed changes are extensions of exceptions that the Commission approved on a pilot basis in the Order Approving SR-PCX-2005-90 and, as such, do not raise any new or novel issues. The pilots are both currently set to expire on November 25, 2005. Permitting PCX to extend the pilots will permit Archipelago to avoid disruption of its operation of the ATS OTC Function and the DOT Function. Furthermore, the Commission notes that after the publication of the pilot approvals in the **Federal Register**, the

Commission did not receive any comment with respect to Archipelago's ownership and operation of the ATS OTC Function of Arca Trading and the DOT Function of Archipelago Securities.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and finds that good cause exists to accelerate approval of the proposed rule change, pursuant to section 19(b)(2) of the Act.<sup>33</sup>

#### V. Conclusion

*It Is Therefore Ordered*, pursuant to section 19(b)(2) of the Act,<sup>34</sup> that the proposed rule change (SR-PCX-2005-125) is approved on an accelerated basis. Specifically, a permanent exception for the ATS OTC Function of Arca Trading is approved; and the exception for the DOT Function of Archipelago Securities is approved on a pilot basis until the closing date of the Proposed Archipelago NYSE Merger.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>35</sup>

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

[FR Doc. E5-6624 Filed 11-28-05; 8:45 am]

**BILLING CODE 8010-01-P**

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#### SMALL BUSINESS ADMINISTRATION

[License No. 02/72-0634]

##### **L Capital Partners SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that L Capital Partners SBIC, L.P., 10 East 53rd Street, 37th Floor, New York, New York 10022, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financials which Constitute Conflicts of Interest of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2002)). L Capital Partners SBIC, L.P. proposes to purchase preferred securities issued by Sceptor Industries, Inc., 8301 State Line Road, Suite 101, Kansas City, MO 64114 ("Sceptor"). The financing will enable Sceptor to expand its scope of licensed technology and intellectual property

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> 17 CFR 200.30-3(a)(12).

which will better position Sceptor to obtain growth capital.

The financing is brought within the purview of Sec. 107.730(a)(1) of the Regulations because Shalom Equity Fund Limited, an Associate of L Capital Partners SBIC, L.P. owns 42% of the existing and outstanding stock of Sceptor.

Therefore, this transaction is considered a financing of an Associate requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within 15 days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: November 22, 2005.

**Jaime Guzman-Fournier,**

*Associate Administrator, for Investment.*

[FR Doc. E5-6633 Filed 11-28-05; 8:45 am]

**BILLING CODE 8025-01-P**

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#### SMALL BUSINESS ADMINISTRATION

##### **Small Business Size Standards: Waiver of the Nonmanufacturer Rule**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of intent to terminate waiver of the Nonmanufacturer Rule for Commercial Cooking Equipment.

**SUMMARY:** The U.S. Small Business Administration (SBA) is considering terminating the waiver of the Nonmanufacturer Rule for Commercial Cooking Equipment based on our recent discovery of a small business manufacturer for this class of products. Terminating this waiver will require recipients of contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program to provide the products of small business manufacturers or processors on such contracts.

**DATES:** Comments and sources must be submitted on or before December 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at [edith.butler@sba.gov](mailto:edith.butler@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development

<sup>28</sup> In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>29</sup> 15 U.S.C. 78f(b)(1).

<sup>30</sup> 15 U.S.C. 78f(b)(5).

<sup>31</sup> 15 U.S.C. 78s(b)(2).

<sup>32</sup> *Id.*

Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule.

The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202 (c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on six digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code required as a data entry by the Federal Procurement Data System.

The SBA received a request on July 25, 2005 to waive the Nonmanufacturer Rule for Commercial Cooking Equipment. In response, on August 25, 2005, SBA published in the **Federal Register** a notice of intent to the waiver of the Nonmanufacturer Rule for Commercial Cooking Equipment.

SBA explained in the notice that it was soliciting comments and sources of small business manufacturers of this class of products. In response to this notice, a comment was received from an interested party. Accordingly, based on the available information, SBA has determined that there is a small business manufacturer of this class of products, and, is therefore considering terminating the class waiver of the Nonmanufacturer Rule for Commercial Cooking Equipment, NAICS 333319.

**Authority:** 15 U.S.C. 637(a)(17).

Dated: November 22, 2005.

**Karen C. Hontz,**

*Associate Administrator for Government Contracting.*

[FR Doc. E5-6635 Filed 11-28-05; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

[Public Notice 5239]

### Culturally Significant Objects Imported for Exhibition Determinations: "The Princess and the Patriot: Ekaterina Dashkova, Benjamin Franklin and the Age of Enlightenment"

**AGENCY:** Department of State.

**ACTION:** Notice.

**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 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 "The Princess and the Patriot: Ekaterina Dashkova, Benjamin Franklin and the Age of Enlightenment", 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. I also determine that the exhibition or display of the exhibit objects at The Museum of the American Philosophical Society in Philosophical Hall, Philadelphia, PA, from on or about February 17, 2006, until on or about December 31, 2006, 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 Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8058). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: November 18, 2005.

**C. Miller Crouch,**

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

[FR Doc. 05-23428 Filed 11-28-05; 8:45 am]

**BILLING CODE 4710-08-P**

## DEPARTMENT OF STATE

[Public Notice 5238]

### Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

**SUMMARY:** The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, 2201 "C" Street NW., Washington, DC, December 12-13, 2005, in Conference Room 1406. Prior notification and a valid government-issued photo ID (such as driver's license, passport, U.S. government or military ID) are required for entrance into the building. Members of the public planning to attend must notify Chris Tudda, Office of the Historian (202-663-3054) no later than December 8, 2005 to provide date of birth, valid government-issued photo identification number and type (such as driver's license number/state, passport number/country, or U.S. government ID number/agency or military ID number/branch), and relevant telephone numbers. If you cannot provide one of the enumerated forms of ID, please consult with Chris Tudda for acceptable alternative forms of picture identification.

The Committee will meet in open session from 1:30 p.m. through 3 p.m. on Monday, December 12, 2005, in Room 1406 to discuss declassification and transfer of Department of State records to the National Archives and Records Administration and the status of the *Foreign Relations* series. The remainder of the Committee's sessions from 3:15 p.m. until 4:30 p.m. on Monday, December 12, 2005, and 9 a.m. until 1 p.m. on Tuesday, December 13, 2005, will be closed in accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). The agenda calls for discussions of agency declassification decisions concerning the *Foreign Relations* series and other declassification issues. These are matters not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure.

Questions concerning the meeting should be directed to Marc J. Susser, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC 20520, telephone (202) 663-1123, (e-mail history.state.gov).

**Marc J. Susser,**

*Executive Secretary, Department of State.*

[FR Doc. 05-23427 Filed 11-28-05; 8:45 am]

**BILLING CODE 4710-11-P**