

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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Comments may also be submitted electronically at the following e-mail address: rule-comments@sec.gov. All comment letters should refer to File No. SR-OCC-2003-08. 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, comments should be sent in hardcopy or by e-mail but not by both methods. 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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at www.optionsclearing.com. All submissions should refer to File No. SR-OCC-2003-08 and should be submitted by March 5, 2004.

All submissions should refer to File No. SR-OCC-2003-08 and should be submitted by March 5, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49207; File No. SR-PCX-2004-04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. To Amend Its Schedule of Fees and Charges to Temporarily Waive Market Maker Fees for Market Makers That Use More Than One Seat

February 6, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 28, 2004, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in items I, II and III below, which items have been prepared by the Exchange. The PCX has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the PCX under section 19(b)(3)(A)(ii) of the Act,³ which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

The Exchange proposes to amend the Market Maker Fees portion of its Schedule of Fees and Charges ("Schedule") to adopt a temporary waiver of the Market Maker fees for those Market Makers that use more than one seat. The text of the proposed rule change is available at the PCX and at the Commission.

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 PCX included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in item IV below. The PCX 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 proposes to amend the Market Maker Fees portion of the Schedule to adopt a temporary waiver of the Market Maker fees for those Market Makers that use more than one seat.

Under the current Schedule, all Market Makers are assessed a fee of \$1,750 per month for each seat that such Market Maker holds a primary appointment. In connection, PCX Rule 6.35(g)(2) permits Market Makers to increase the number of issues within their primary appointments depending on the number of seats that the Market Maker holds.⁴ Hence, a Market Maker benefits with additional issues as a result of holding multiple seats.

The Exchange proposes to temporarily waive the \$1,750 Market Maker fee for all Market Makers for each additional seat (for which the Market Maker holds a primary appointment) beyond the first seat held by such Market Maker. In other words, a Market Maker will only be assessed one Market Maker fee of \$1,750 per month whether the market Maker utilizes one seat or multiple seats. The PCX believes that a temporary waiver of the Market Maker fee in this limited circumstance is appropriate to encourage participation by a larger number of Market Makers on PCX Plus. As PCX Plus continues to expand, this temporary waiver will provide Market Makers with an incentive to take on a larger number of issues without incurring additional Market Maker fees. Therefore, the added participation should result in increased liquidity, which, in turn, will further competition. This waiver will remain in effect until April 30, 2004, or such earlier date as determined by the Exchange.⁵

2. Statutory Basis

The Exchange believes the proposal is consistent with section 6(b) of the Act,⁶ in general, and section 6(b)(4) of the Act,⁷ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

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

The Exchange does not believe that the proposed rule change will impose

⁴ See PCX Rule 6.35(g)(2).

⁵ The Commission notes that the PCX is required to file a proposed rule change if it decides to terminate the fee waiver before April 30, 2004.

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4).

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A)(ii).

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 on the proposed rule change were neither solicited nor received.

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

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act⁸ and subparagraph (f)(2) of Rule 19b-4 thereunder,⁹ because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

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available for inspection and copying at the principal office of the PCX. All submissions should refer to file number SR-PCX-2004-04 and should be submitted by March 5, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04-3194 Filed 2-12-04; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 4623]

Comprehensive Environmental Evaluations for Antarctic Activities

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State gives notice of the availability of two draft Comprehensive Environmental Evaluations (CEEs) for activities proposed to be undertaken in Antarctica. Interested members of the public are invited to submit comments relative to these CEEs.

DATES: Comments must be submitted on or before May 17, 2004.

ADDRESSES: Send comments to OES/OA, Room 5805; Department of State; Washington, DC 20520, or to SaturniFM@state.gov.

FOR FURTHER INFORMATION CONTACT: Fabio M. Saturni, Office of Oceans Affairs, (202) 647-0237.

SUPPLEMENTARY INFORMATION: Article 3 of Annex I to the Protocol on Environmental Protection to the Antarctic Treaty requires the preparation of a CEE for any proposed Antarctic activity likely to have more than a minor or transitory impact. Draft CEEs are to be made publicly available with a 90-day period for receipt of comments. This notice is published pursuant to 16 U.S.C. 2403a(h).

The Department of State has received two draft CEEs:

1. The Czech Republic has submitted a draft CEE for construction and operation of a scientific station in Antarctica. The document is available at the following Web site: <http://www.geology.cz/app/ftp/CzechStationCEE2004.zip>.

2. Norway has submitted a draft CEE for upgrading a summer station to a permanent station in Antarctica. The document is available at the following Web site: <ftp://ftp.npolar.no/Out/CEE/>.

The Department of State invites interested members of the public to provide written comments on these draft CEEs.

Dated: February 10, 2004.

Raymond V. Arnaudo,

Deputy Director, Office of Oceans Affairs, Department of State.

[FR Doc. 04-3242 Filed 2-12-04; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 4624]

Proposals for U.S. Pavilion at the 2005 World Exhibition in Aichi, Japan

SUMMARY: The Bureau of Educational and Cultural Affairs (ECA) of the Department of State requests proposals from private U.S. individuals, firms, associations and organizations (for profit and non-profit) for the development, organization and management of a U.S. pavilion/exhibition covering 15,000 square feet at the 2005 World Exposition in Aichi, Japan (the Aichi Expo). The Department will provide the organization submitting the winning proposal with a letter authorizing it to proceed with fundraising until the funds necessary to complete the U.S. Pavilion project have been raised. This letter will include guidelines on fundraising to be followed by the winning organization. At the time at which all funding has been raised, the Department will sign a Memorandum of Understanding (MOU) with the winning organization and will appoint a Commissioner General. Proposals from non-U.S. citizens or non-U.S. firms or organizations will be deemed ineligible. Cost for a representative U.S. pavilion/exhibit is estimated at \$20 million and must be provided completely by the winning organization. The Department of State is not authorized and does not now or in the future intend to make any commitment, implied or otherwise, to provide funding for any aspect of the U.S. pavilion/exhibition at the Aichi Expo.

DATES: The deadline for "submission" of proposals is 5 p.m., Thursday, March 4, 2004 (see below for details).

ADDRESSES: Proposals must be communicated Room 220, 301 Fourth Street, SW., Washington, DC, 20547.

FOR FURTHER INFORMATION CONTACT: James Ogul, Program Manager, (see address), telephone to 202-205-0535, fax to 202-260-0440 or e-mail at OgulJE@state.gov.

In light of recent events and heightened security measures, proposal

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

⁹ 17 CFR 240.19b-4(f)(2).

¹⁰ 17 CFR 200.30-3(a)(12).