

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>7</sup> which requires, among other things, that NASD rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general, to protect investors and the public interest. The NASD believes that the proposed rule change is designed to accomplish these objectives by making the procedures for transferring designated parts of a customer account through ACATS consistent with the procedures for transferring the entire account, permitting customers to authorize a partial transfer of assets outside of ACATS, and permitting customers to authorize an account transfer, in whole or in part, using electronic signature in a format recognized as valid under federal law to conduct interstate commerce. The proposed amendments to Rule 11870 are designed to expedite the transfer of customer assets between broker-dealers and more easily allow investors to transfer their assets to the broker-dealer of their choice. The proposed rule change would also conform NASD requirements to those recently adopted by the NYSE's Rule 412 and their interpretation under Rule 412.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will have an impact on or impose a burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments relating to the proposed rule change have been solicited or received. The NASD will notify the Commission of any written comments it receives.

### III. 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](mailto:rule-comments@sec.gov). All comment letters should refer to File No. SR-NASD-2004-058. 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 the NASD. All submissions should refer to File No. SR-NASD-2004-058 and should be submitted by August 12, 2004.

### IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.<sup>8</sup> In particular, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of Section 15A(b)(6) of the Act,<sup>9</sup> which requires that the rules of the NASD be designed to remove impediments to and protect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. The Commission finds the approval of the NASD's rule change is consistent with this section because the amendments are designed to make the transfer of customer securities account assets easier, more efficient, and faster process for investors to move their securities to their broker-dealer of choice. The proposed rule change also

makes the NASD and NYSE Rule 412 governing the transfer of customer accounts between broker-dealers consistent, which should eliminate confusion and differing treatment of customer account transfers.

The NASD has requested that the Commission approve the proposed rule change prior to thirtieth day after publication of the notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice because the rule is substantially the same as the NYSE rule, which was recently approved by the Commission,<sup>10</sup> and because by so approving the NASD can implement its revised rule concurrently with the NYSE's implementation of its rule.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR-NASD-2004-058) be, and hereby is, approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

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## DEPARTMENT OF STATE

[Public Notice: 4773]

### 30-Day Notice of Proposed Information Collection: DS-156, Nonimmigrant Visa Application; OMB Control Number 1405-0018

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- Title of Information Collection: Nonimmigrant Visa Application
- OMB Control Number: #1405-0018
- Type of Request: Extension of a Currently Approved Collection
- Originating Office: Visa Office, Bureau of Consular Affairs (CA/VO)
- Form Number: DS-156
- Respondents: Nonimmigrant visa applicants
- Estimated Number of Respondents: 12,300,000 per year

<sup>10</sup> *Supra* note 5. The Commission received no comment letters opposing the NYSE rule.

<sup>11</sup> 17 CFR 200.30-3(a)(12).

2004. However, in order to conform to the NYSE's implementation date of September 12, 2004, the NASD requested to change their implementation date to September 13, 2004. Telephone conversation between Shirley H. Weiss, Office of General Counsel, NASD, and Susan Petersen, Division of Market Regulation, Commission, (June 25, 2004).

<sup>7</sup> 15 U.S.C. 78o-3(b)(6).

<sup>8</sup> 15 U.S.C. 78o-3(b). In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78f(b)(5).

<sup>9</sup> 15 U.S.C. 78o-3(b)(6).

- Estimated Number of Responses: 12,300,000 per year
- Average Hours Per Response: 1 hour
- Total Estimated Burden: 12,300,000 hours per year
- Frequency: Once per respondent
- Obligation to Respond: Required to Obtain or Retain a Benefit

**DATES:** Comments may be submitted to the Office of Management and Budget (OMB) for up to 30 days from July 22, 2004.

**ADDRESSES:** Comments and questions should be directed to Alex Hunt, the State Department Desk Officer in Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached on 202-395-7860. You may submit comments by any of the following methods:

- E-mail: [ahunt@omb.eop.gov](mailto:ahunt@omb.eop.gov). You must include the DS form number (if applicable), information collection title, and OMB control number in the subject line of your message.
- Hand Delivery or Courier: OIRA State Department Desk Officer, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503
- Fax: 202-395-6974

**FOR FURTHER INFORMATION CONTACT:** Copies of the proposed information collection and supporting documents may be obtained from Brendan Mullarkey of the Office of Visa Services, U.S. Department of State, 2401 E St. NW., L-703, Washington, DC 20522, who may be reached at 202-663-1166 or [mullarkeybp@state.gov](mailto:mullarkeybp@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 form collects information from aliens applying for nonimmigrant visas to enable consular officers to determine efficiently the applicant's eligibility for a visa.

Methodology:

Form DS-156 will be directly submitted to visa-processing posts worldwide.

Dated: June 30, 2004.

**Janice L. Jacobs,**

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

[FR Doc. 04-16732 Filed 7-21-04; 8:45 am]

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## DEPARTMENT OF STATE

### [Public Notice 4772]

#### Determination Under the Arms Export Control Act

**AGENCY:** Bureau of Nonproliferation, Department of State.

**ACTION:** Notice.

Pursuant to Section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Under Secretary of State for Arms Control and International Security has made a determination pursuant to Section 73 of the Arms Export Control Act and has concluded that publication of the determination would be harmful to the national security of the United States.

Dated: July 16, 2004.

**Susan F. Burk,**

*Acting Assistant Secretary of State for Nonproliferation, Department of State.*

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## DEPARTMENT OF STATE

### [Public Notice 4770]

#### Culturally Significant Objects Imported for Exhibition Determinations: "From Fra Angelico to Bonnard: Masterpieces From the Rau Collection"

**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 "From Fra Angelico to Bonnard: Masterpieces from the Rau Collection," 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 Portland Art Museum, Portland, Oregon, from on or about July 28, 2004 until on or about August 22, 2004, at the Dayton Art Institute, Dayton, Ohio, from on or about September 4, 2004 until on or about January 11, 2005, 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 the Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619-6982). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

**C. Miller Crouch,**

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

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## DEPARTMENT OF STATE

### [Public Notice 4771]

#### Imposition of Missile Proliferation Sanctions Against a Russian Entity

**AGENCY:** Bureau of Nonproliferation, Department of State.

**ACTION:** Notice.

**SUMMARY:** A determination has been made that a Russian entity has engaged in missile technology proliferation activities that require the imposition of sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

**EFFECTIVE DATE:** July 22, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Vann H. Van Diepen, Office of Chemical, Biological and Missile Nonproliferation, Bureau of Nonproliferation, Department of State (202-647-1142).

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); Section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the "Export Administration Act of 1979"); and Executive Order 12851 of June 11, 1993; a determination was made on June 15,