

remain direct employees of the member organization given their unique senior principal executive responsibilities over the various areas of their associated member organization.<sup>12</sup>

### III. Discussion

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange<sup>13</sup> and, in particular, the requirements of Section 6 of the Act.<sup>14</sup> Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>15</sup> which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect 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 believes that the proposed rule change should reduce unnecessary administrative burdens on the NYSE as well as member organizations. Persons who assert independent contractor status are subject to the member organizations' internal policies and procedures and the jurisdictional reach of the Exchange to the same extent as any other registered person. The Exchange would still receive notice of independent contractor arrangements. The Rule helps ensure that member organizations are aware of their responsibility to supervise independent contractors.

Specifically, the revised Form U4: (1) Obviates the need to submit duplicative notice because the Form U4 provides the Exchange prompt notice and an up-to-date record of such persons<sup>16</sup> by requiring the identification by registered persons of independent contractor status; and (2) establishes jurisdictional

reach by requiring registered persons who seek to become associated with a member organization to "submit to the authority of the jurisdictions and SROs and agree to comply with all provisions, conditions and covenants of the statutes, constitutions, certificates of incorporation, by-laws and rules and regulations of the jurisdictions and SROs as they are or may be adopted, or amended from time to time."<sup>17</sup>

The Exchange believes that permitting supervisors to assert independent contractor status should not affect the individual's ability to supervise, nor would it reduce accountability for failure to fulfill their supervisory, regulatory, and other professional obligations. The Commission notes that regardless of whether an individual is deemed an independent contractor, he will be required to have the same qualifications and act in the same capacity as any other person similarly charged with supervisory responsibilities.

Finally, the Commission reiterates its longstanding position that the designation of an independent contractor has no relevance for purposes of the securities laws.<sup>18</sup> In this regard, the Commission notes that member organizations may not avoid their obligation to control and supervise the activities of their registered persons by designating them as independent contractors.<sup>19</sup>

### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>20</sup> that the proposed rule change (File No. SR-NYSE-2006-05), as amended, is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>21</sup>

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. E6-9986 Filed 6-23-06; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53951A; File No. SR-NYSEArca-2006-23]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to a Pilot Program for NYSE Arca BBO Data

June 20, 2006.

#### Correction

In FR Document No. 06-5301 beginning on page 33500 for Friday, June 9, 2006, the 34 Release number was incorrectly stated. The correct number is 34-53951.

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. 06-5639 Filed 6-23-06; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53952A; File No. SR-NYSE Arca-2006-21]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to Approval of Market Data Fees for NYSE Arca Data

June 20, 2006.

#### Correction

In FR Document No. 06-5300 beginning on page 33496 for Friday, June 9, 2006, the 34 Release number was incorrectly stated. The correct number is 34-53952.

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. 06-5641 Filed 6-16-06; 8:45 am]

**BILLING CODE 8010-01-M**

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before August 25, 2006.

**ADDRESSES:** Send all comments regarding whether these information collections are necessary for the proper performance of the function of the

<sup>12</sup> See NYSE Rule 311(b)(5) and its Interpretation.

<sup>13</sup> In approving this proposed rule change, as amended, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>14</sup> 15 U.S.C. 78f.

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

<sup>16</sup> NYSE Rule 345.12 provides, in part, that an application for a natural person required to be registered with the Exchange shall be submitted on Form U4 and that information on Form U4 must be kept current and shall be updated by filing with the Exchange an amendment to that filing.

<sup>17</sup> See Form U4, Subsection 2 of Section 15A (Individual/Applicant's Acknowledgement and Consent).

<sup>18</sup> See letter to Gordon S. Macklin, President, NASD, Charles J. Henry, Chicago Board Options Exchange, Robert J. Birnbaum, American Stock Exchange and John J. Phelan, NYSE from Douglas Scarff, Director, Division of Market Regulation, dated June 18, 1982.

<sup>19</sup> See Section 15(b)(4)(E) of the Act, 15 U.S.C. 78o(b)(4)(E).

<sup>20</sup> 15 U.S.C. 78s(b)(2).

<sup>21</sup> 17 CFR 200.30-3(a)(12).

agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Sandra Johnston, Program Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., Suite 8300, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:**

Sandra Johnston, Program Analyst, Office of Financial Assistance, 202-205-7528 [sandra.johnston@sba.gov](mailto:sandra.johnston@sba.gov), Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* "Statement of Personal History."

*Description of Respondents:* Small Business Lending Companies.

*Form No.* 1081.

*Annual Responses:* 200.

*Annual Burden:* 100.

*Title:* "U.S. Small Business Administration Application for Section 504 Loan."

*Description of Respondents:* Loan Applicants.

*Form No.* 1244.

*Annual Responses:* 10,000.

*Annual Burden:* 20,800.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. E6-9975 Filed 6-23-06; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

[Public Notice 5451]

### 30-Day Notice of Proposed Information Collection: DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant; OMB Control Number 1405-0144

**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:* Contact Information and Work History for Nonimmigrant Visa Applicant.

- *OMB Control Number:* 1405-0144.

- *Type of Request:* Extension of Currently Approved Collection.

- *Originating Office:* Bureau of Consular Affairs, Visa Office.

- *Form Number:* DS-158.

- *Respondents:* Applicants for F, J, and M nonimmigrant visas.

- *Estimated Number of Respondents:* 700,000 per year.

- *Estimated Number of Responses:* 700,000 per year.

- *Average Hours per Response:* 1 hour.

- *Total Estimated Burden:* 700,000 hours per year.

- *Frequency:* Once per respondent.

- *Obligation to Respond:* Required to Obtain or Retain Benefit.

**DATES:** Submit comments to the Office of Management and Budget (OMB) for up to 30 days from June 26, 2006.

**ADDRESSES:** Direct comments and questions to Katherine Astrich, the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached at (202) 395-4718. You may submit comments by any of the following methods:

- E-mail:

*Katherine T. Astrich@omb.eop.gov.*

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

- Mail (paper, disk, or CD-ROM submissions): Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.

- Fax: (202) 395-6974.

**FOR FURTHER INFORMATION CONTACT:** You may obtain copied of the proposed informational collection and support documents from Andrea Lage of the Office of Visa Services, U.S. Department of State, 2401 E Street, NW., Washington, DC 20522, who may be reached at (202) 663-1399 or [lageab@state.gov](mailto:lageab@state.gov).

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

- Evaluate whether the proposed information collection is necessary to properly perform 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,

*Abstract of proposed collection:* This form collects contact information, current employment information, and previous work experience information from aliens applying for certain nonimmigrant visas to enter the United States.

Form DS-158 will be submitted to U.S. embassies and consulates overseas. A version of the form without personal data is available online.

Dated: June 9, 2006.

**Stephen A Edson,**

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

[FR Doc. E6-10016 Filed 6-23-06; 8:45 am]

**BILLING CODE 4710-06-P**

## TENNESSEE VALLEY AUTHORITY

### Meeting No. 06-03

*Time and Date:* 9 a.m., June 28, 2006.  
TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

*Status:* Open.

### Agenda

#### Old Business

Approval of minutes of May 18, 2006, Board Meeting.

#### New Business

1. Report of the Finance, Strategy, and Rates Committee. A. Approval of parameters for TVA's FY 2007 Budget proposal.

2. Report of the Community Relations Committee.

3. Preliminary Report of the Operations, Environment, and Safety Committee.

4. President's Report.

*For more information:* Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898-2999. People who plan to attend the meeting and have special needs should call (865) 632-6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: June 21, 2006.

**Maureen H. Dunn,**

*General Counsel and Secretary.*

[FR Doc. 06-5698 Filed 6-22-06; 10:50 am]

**BILLING CODE 8120-08-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2006-20]

### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application,