

Exchange provided the Commission with written notice of its intent to file this proposed rule change at least five business days prior to the date of filing the proposed rule change. In addition, the Exchange has requested that the Commission waive the 30-day pre-operative delay. The Commission believes that waiving the 30-day pre-operative delay is consistent with the protection of investors and the public interest because it would allow the Exchange to remain competitive with other exchanges that currently have similar rules in effect. For the reasons stated above, the Commission designates the proposal to become operative immediately.<sup>15</sup>

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 the furtherance of the purposes of the Act.

#### 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-Phlx-2005-32 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-Phlx-2005-32. 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 the Phlx. 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 available publicly. All submissions should refer to File Number SR-Phlx-2005-32 and should be submitted on or before August 30, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

Jill M. Peterson,

*Assistant Secretary.*

[FR Doc. E5-4272 Filed 8-8-05; 8:45 am]

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#### SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10135 and # 10136]

##### Alabama Disaster Number AL-00001

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

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Alabama (FEMA-1593-DR), dated 07/10/2005.

*Incident:* Hurricane Dennis.

*Incident Period:* 07/10/2005 and continuing.

**DATES:** *Effective Date:* 07/11/2005.

*Physical Loan Application Deadline Date:* 09/08/2005.

*EIDL Loan Application Deadline Date:* 04/10/2006.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Disaster Area Office 3, 14925 Kingsport Road Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the Presidential disaster declaration

for the State of Alabama, dated 07/10/2005, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: Escambia

Contiguous Counties:

Alabama: Conecuh, Covington;

Florida: Okaloosa, Santa Rosa.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

*Associate Administrator for Disaster Assistance.*

[FR Doc. 05-15715 Filed 8-8-05; 8:45 am]

BILLING CODE 8025-01-U

#### DEPARTMENT OF STATE

[Public Notice 5152]

**Determination and Certification Related To Colombian Armed Forces Under Section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Division D, Consolidated Appropriations Act, 2004 (Pub. L. 108-199) and Section 556 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Division D, Consolidated Appropriations Act, 2005 (Pub. L. 108-447)**

Pursuant to the authority vested in me as Secretary of State, including under section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act (FOAA), 2004 (Division D, Pub. L. 108-199), and section 556 of the FOAA, 2005 (Division D, Pub. L. 108-447), I hereby determine and certify that the Colombian Armed Forces and the Colombian Government, as applicable, are:

(i) In accordance with the conditions contained in section 563(a)(3) of the FY 2004 FOAA, continuing to meet the conditions contained in (A) through (E) below and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerilla organizations; and (ii) in accordance with the conditions contained in section 556(a)(2) of the FY 2005 FOAA are meeting the conditions contained in (A) through (E) below.

The above-mentioned conditions are that: (A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been

<sup>15</sup> For purposes only of waiving the pre-operative delay for this proposal, the Commission has considered the impact of the proposed rule on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>16</sup> 17 CFR 200.30-3(a)(12).

credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations; (B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations; (C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information); (D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade level, with paramilitary organizations, especially in regions where these organizations have a significant presence; (E) The Colombian Armed Forces, and the Colombian Government, are dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

The Department of State has consulted with internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the abovementioned conditions as provided in sections 563(c) and 556(c), of the FY 2004 and FY 2005 FOAAs, respectively.

This Determination shall be published in the **Federal Register** and copies shall be transmitted to the appropriate committees of Congress.

Dated: August 1, 2005.

**Condoleezza Rice,**

*Secretary of State, Department of State.*

[FR Doc. 05-15722 Filed 8-8-05; 8:45 am]

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## DEPARTMENT OF STATE

### [Public Notice 5153]

#### Statutory Debarment Under the International Traffic in Arms Regulations

##### ACTION: Notice.

**SUMMARY:** Notice is hereby given that the Department of State has imposed statutory debarment pursuant to Section 127.7(c) of the International Traffic in Arms Regulations ("ITAR") (22 CFR parts 120 to 130) on persons convicted of violating or conspiring to violate Section 38 of the Arms Export Control Act ("AECA") (22 U.S.C. 2778).

**DATES:** Date of conviction as specified for each person.

##### FOR FURTHER INFORMATION CONTACT:

David Trimble, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 663-2700.

**SUPPLEMENTARY INFORMATION:** Section 38(g)(4) of the AECA, 22 U.S.C. 2778, prohibits licenses and other approvals for the export of defense articles or defense services to be issued to persons, or any party to the export, who have been convicted of violating certain statutes, including the AECA.

In implementing this section of the AECA, the Assistant Secretary for Political-Military Affairs is authorized by Section 127.7 of the ITAR to prohibit any person who has been convicted of violating or conspiring to violate the AECA from participating directly or indirectly in the export of defense articles, including technical data or in the furnishing of defense services for which a license or other approval is required. This prohibition is referred to as "statutory debarment."

Statutory debarment is based solely upon conviction in a criminal proceeding, conducted by a United States Court, and as such the administrative debarment proceedings outlined in Section 128 of the ITAR are not applicable.

The period for debarment will be determined by the Assistant Secretary for Political-Military Affairs based on the underlying nature of the violations, but will generally be for three years from the date of conviction. At the end of the debarment period, licensing privileges may be reinstated only at the request of the debarred person following the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns,

as required by Section 38(g)(4) of the AECA. It should be noted, however, that unless licensing privileges are reinstated, the person/entity remains debarred.

Department of State policy permits debarred persons to apply to the Director of Defense Trade Controls Compliance for an exception from the period of debarment beginning one year after the date of the debarment, in accordance with Section 38(g)(4) of the AECA and Section 127.11(b) of the ITAR. Any decision to grant an exception can be made only after the statutory requirements under Section 38(g)(4) of the AECA have been satisfied. Even if the exception is granted, the debarment continues until the end of the three-year period and subsequent reinstatement. In addition, the Department will not consider exceptions for those individuals or entities convicted of serious violations of the AECA and ITAR.

Exceptions may be made to this debarment determination on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with the foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and that do not conflict with law enforcement concerns.

Pursuant to Section 38 of the AECA and Section 127.7 of the ITAR, the Assistant Secretary of State for Political-Military Affairs has statutorily debarred the following persons for a period of three years following the date of their AECA conviction:

(1) Mexpar International, Inc. a/k/a "Pasadena Aerospace" and "Aviation Logistics and Supply," July 30, 2004, U.S. District Court, Central District of California (Los Angeles), Case #: 03-CR-170-ALL.

(2) Ahmad Nahardani a/k/a "Alex Nahardani," August 9, 2004, U.S. District Court, Central District of California (Los Angeles), Case #: 03-170-AHM.

(3) Gabriela de Brea a/k/a "Gabriela Brea" and "Gabriela Lopez-Sosa," September 10, 2004, U.S. District Court, Central District of California (Los Angeles), Case #: 03-170-AHM.