

should provide investors with more tailored options on the Index and extend to investors the benefits of a listed, exchange market in customized index options.<sup>38</sup> The benefits of the PHLX's options market include, but are not limited to, a centralized market center, an auction market with posted transparent market quotations and transaction reporting, parameters and procedures for clearance and settlement, and the guarantee of OCC for all contracts traded on the PHLX. In addition, the Commission believes that the proposal to list and trade FLEX Index Options and Mini-Flex Index Options could help the PHLX to compete with the over-the-counter ("OTC") market in customized index options and help the PHLX to meet the demands of portfolio managers and other institutional investors who may use the OTC market to meet their hedging needs. The Commission notes that the PHLX rules governing the trading of FLEX index options, including the minimum size requirement for an RFQ, will apply to Mini-Flex Index Options.<sup>39</sup>

Under the PHLX's rules, FLEX Index Options and Mini-Flex Index Options can be constructed with expiration exercise settlement based on the closing values of the Index's component securities, which potentially could result in adverse effects for the markets in these securities.<sup>40</sup> Although the Commission continues to believe that basing the settlement of index products on opening as opposed to closing prices on Expiration Friday helps to alleviate stock market volatility,<sup>41</sup> these market impact concerns are reduced in the case of FLEX Index Options and Mini-Flex Index Options because the expiration of these options will not correspond to the normal expiration of any non-FLEX options (including options overlying the Index), stock index futures, and options on stock index futures. In particular, FLEX options may never expire on any "Expiration Friday" because under the PHLX's rules the expiration date of a FLEX option may not occur on a day that is on, or within, two business days of the expiration date of a non-FLEX option.<sup>42</sup> The Commission believes that this should reduce the possibility that the exercise of FLEX Index Options or Mini-Flex Index Options at expiration will cause any additional pressure on

the market for the underlying securities at the same time non-FLEX Index Options expire.

#### *F. Exclusive Licensing Agreement*

As noted above, both commenters raised concerns about the PHLX's exclusive licensing agreement with Nasdaq to trade the Index Options. The Commission notes that the ISE has filed a petition for rulemaking to amend Rule 19c-5 under the Act<sup>43</sup> to prohibit options exchanges from entering into exclusive licensing agreements with respect to index option products.<sup>44</sup> The Commission believes that the issues raised by the commenters and by ISE in its petition for rulemaking regarding the exclusive licensing of index option products should be considered comprehensively rather than on an *ad hoc* basis in the context of a particular index option product or products, such as the Index Options. In addition, the Commission believes that investors will benefit from the availability of the Index Options because, as described above, they will provide investors with additional hedging and trading vehicles. Accordingly, the Commission believes that it is appropriate in the public interest to approve the current proposal in order to make the Index Options available to investors while the Commission considers the issues presented by the exclusive licensing of index option products in the context of the ISE's petition for rulemaking.

#### *G. Accelerated Approval of Amendment No. 3*

The Commission finds good cause to approve Amendment No. 3 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 3 strengthens the proposal by representing that the PHLX will notify the Commission staff upon the occurrence of certain changes in the Index. Accordingly, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b)(2) of the Act,<sup>45</sup> to approve Amendment 3 on an accelerated basis.

#### **V. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 3, including whether Amendment No. 3 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-PHLX-2003-66. This file number should be included on the subject line if e-mail is used. To help the Commission process and review comments more efficiently, your 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to File No. SR-PHLX-2003-66 and should be submitted by January 5, 2004.

#### **VI. Conclusion**

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>46</sup> that Amendment No. 3 be approved on an accelerated basis and that the proposed rule change (SR-PHLX-2003-66), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>47</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-30837 Filed 12-12-03; 8:45 am]

**BILLING CODE 8010-01-M**

#### **SMALL BUSINESS ADMINISTRATION**

##### **[Declaration of Disaster #3555, Amdt. 3]**

##### **State of California**

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency, effective December 2, 2003, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning October 21, 2003 and continuing through December 2, 2003.

<sup>46</sup> 15 U.S.C. 78s(b)(2).

<sup>47</sup> 17 CFR 200.30-3(a)(12).

<sup>38</sup> FLEX options allow investors to customize certain terms, including size, term to expiration, exercise style, exercise price, and exercise settlement value.

<sup>39</sup> See note 10 *supra* and accompanying text.

<sup>40</sup> See 1992 Order.

<sup>41</sup> See 1992 Order.

<sup>42</sup> See PHLX Rule 1079(a)(6).

<sup>43</sup> 17 CFR 240.19c-5.

<sup>44</sup> See letter from David Krell, President and Chief Executive Officer, ISE, to Jonathan Katz, Secretary, Commission, dated November 1, 2002.

<sup>45</sup> 15 U.S.C. 78f(b)(5) and 78s(b)(2).

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is January 9, 2004, and for economic injury the deadline is July 27, 2004.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 8, 2003.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 03-30847 Filed 12-12-03; 8:45 am]

BILLING CODE 8025-01-P

## SOCIAL SECURITY ADMINISTRATION

### Agency Information Collection

#### Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with P.L. 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages that may be included in this notice are for new information collections, approval of existing information collections, revisions to OMB-approved information collections, and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below: (OMB), Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Building, Room

10235, 725 17th St., NW., Washington, DC 20503, Fax: 202-395-6974.

(SSA), Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1338 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410-965-6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410-965-0454 or by writing to the address listed above.

1. Questionnaire About Employment or Self-Employment Outside the United States—20 CFR 404.401(b)(1), 404.415, and 404.417—0960-0050. The information collected on form SSA-7163 is used by SSA to determine whether work performed by beneficiaries outside the United States (U.S.) is cause for deductions from their monthly benefits; to determine which of two work tests, foreign or regular, is applicable; and to determine the months, if any, for which deductions should be imposed. The respondents are beneficiaries living and working outside the U.S.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 20,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 12 minutes.

*Estimated Annual Burden:* 4,000 hours.

2. Beneficiary Interview and Auditor's Observation Form—0960-0630. The Beneficiary Interview and Auditor's Observations form, form SSA-322, collects information that will be used by the SSA's Office of Inspector General to interview beneficiaries and/or their caregivers and to determine whether representative payees are complying with their duties and responsibilities. Respondents to this collection are randomly selected Supplemental

Security Income (SSI) recipients and Social Security beneficiaries who have representative payees.

*Type of Request:* Extension of an OMB-approved information collection.

*Number of Respondents:* 200.

*Frequency of Response:* 1.

*Average Burden Per Response:* 15 minutes.

*Estimated Annual Burden:* 50 hours.

3. Site Review Questionnaire for Volume Payees (SSA-637); Site Review Questionnaire for Fee-for-Service Payees (SSA-638); Site Review Beneficiary Interview Form (SSA-639)—20 CFR 404.2035, 404.2065, 416.665, 416.701, and 416.708—0960-0633. In situations where a Social Security beneficiary is incompetent or physically unable to take care of his or her own affairs, SSA may make payment of Social Security and SSI benefits to a relative, other person, or organization when the best interest of the beneficiary will be served. In certain situations, SSA conducts site reviews in order to ensure that payees are carrying out their responsibilities in accordance with representative payment policies and procedures. This enables SSA to identify poor payee performance, to uncover misuse, and to initiate corrective action. Triennial site reviews are conducted for fee-for-service payees and all volume payees (*i.e.*, organizations serving 100 or more beneficiaries and individuals serving 20 or more beneficiaries). The reviews include a face-to-face meeting with the payee (and appropriate staff), examination/verification of a sample of beneficiary records and supporting documentation, and usually include beneficiary (if competent adult) or custodian (if different from payee) interviews. Forms SSA-637, SSA-638, and SSA-639 are used to record the information collected during these interviews. The respondents are certain representative payees and competent Social Security beneficiaries.

*Type of Request:* Extension of an OMB-approved collection.

Type of respondent	Number of respondents	Frequency of response	Average burden per response minutes	Estimated annual burden hours
Volume and Fee-for-Service Payees .....	680	1	60	680
Beneficiaries .....	2,040	1	10	340
Total .....	2,720	.....	.....	1,020

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the

information collections would be most useful if received by OMB and SSA within 30 days from the date of this

publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at