

existing FLEX index options (and other listed options). The margin that will be required for a purchase of the proposed FLEX index options in a margin account will be the same margin that is required for a purchase of other listed long-term options (options with more than nine months until expiration) and will be required to comply with the provisions of Amex Rule 462(d)(2)(D).

According to the Amex, the proposal will allow institutions to use longer-term FLEX index options to protect portfolios from long-term market moves with a known and limited cost. The Amex believes that the proposal will better serve the long-term hedging needs of institutional investors and provide those investors with an alternative to hedging their portfolios with off-exchange customized options and warrants.

By allowing for the extension of the maturity of FLEX index options to ten years in situations where there is demand for a longer-term expiration and where there is sufficient liquidity among FLEX index participating members to support the request, the Amex believes that the proposal will better serve the needs of the Amex's customers and members who make a market for such customers.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁸ in particular, in that it is designed to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

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

The Exchange does not believe that the proposed rule change will impose any burden on competition 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

No written comments were solicited or received with respect to the proposed rule change.

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

Because the foregoing rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁹ and Rule 19b-4(f)(6) thereunder.¹⁰ As required under Rule 19b-4(f)(6)(iii), the Amex provided the Commission with written notice of its intention to file the proposed rule change at least five business days prior to filing the proposal with the Commission or such shorter period as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the 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.¹¹

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. Please include File Number SR-Amex-2004-73 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-Amex-2004-73. This file

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f)(6).

¹¹ The Commission considers the 60-day period within which the Commission may summarily abrogate the proposal under Section 19(b)(3)(C) of the Act to have commenced on September 17, 2004, the date the Amex filed Amendment No. 1 to the proposal.

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 the filing also will be available for inspection and copying at the principal offices of the Amex. 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-Amex-2004-73 and should be submitted on or before November 3, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Jill M. Peterson,

Assistant Secretary.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3635]

State of Florida (Amendment #1)

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency—effective September 30, 2004, the above numbered declaration is hereby amended to include Alachua, Baker, Bradford, Charlotte, Citrus, Clay, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hamilton, Hendry, Jefferson, Lafayette, Levy, Madison, Manatee, Nassau, Putnam, Sarasota, St. Johns, Suwannee, Taylor, and Union as disaster areas due to damages caused by Hurricane Jeanne occurring on September 24, 2004 and continuing.

In addition, applications for economic injury loans from small businesses

¹² 17 CFR 200.30-3(a)(12).

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

located in the contiguous counties of Collier, Lee, Leon, and Wakulla in the State of Florida; and Brooks, Camden, Charleton, Clinch, Echols, Lowndes, Thomas, and Ware Counties in the State of Georgia may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary counties have previously been declared. The economic injury disaster number assigned to Georgia is 9AE300.

All other information remains the same, i.e., the deadline for filing applications for physical damage is November 26, 2004 and for economic injury the deadline is June 27, 2005.

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

Dated: October 6, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04-22928 Filed 10-12-04; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3636]

State of New Jersey

As a result of the President's major disaster declaration on October 1, 2004, I find that Hunterdon, Mercer, Sussex, and Warren Counties in the State of New Jersey constitute a disaster area due to damages caused by Tropical Depression Ivan occurring on September 18, 2004, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 30, 2004 and for economic injury until the close of business on July 1, 2005 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South 3rd Fl., Niagara Falls, NY 14303-1192.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Burlington, Middlesex, Monmouth, Morris, Passaic, and Somerset in the State of New Jersey; Orange County in the State of New York; and Bucks, Monroe, Northampton, and Pike Counties in the Commonwealth of Pennsylvania.

Mercer, Sussex, and Warren Counties in the State of New Jersey are also eligible under Public Assistance and our disaster loan program is available for private non-profit organizations that provide essential services of a governmental nature in those counties.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.375
Homeowners without credit available elsewhere	3.187
Businesses with credit available elsewhere	5.800
Businesses and non-profit organizations without credit available elsewhere	2.900
Others (including non-profit organizations) with credit available elsewhere	4.875
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	2.900

The number assigned to this disaster for physical damage is 363608. For economic injury the number is 9AD600 for New Jersey; 9AD700 for New York; and 9AD800 for Pennsylvania. The Public Assistance number assigned to New Jersey is P06108.

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

Dated: October 5, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04-22933 Filed 10-12-04; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3637]

State of New York

As a result of the President's major disaster declaration on October 1, 2004, I find that Broome, Chenango, Delaware, Orange, Sullivan, and Ulster Counties in the State of New York constitute a disaster area due to damages caused by Tropical Depression Ivan occurring on September 16-24, 2004. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 30, 2004 and for economic injury until the close of business on July 1, 2005 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South 3rd Fl., Niagara Falls, NY 14303-1192.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Columbia, Cortland, Dutchess, Greene, Madison, Otsego, Putnam, Rockland, Schoharie, Tioga and Westchester in the State of

New York; Passaic and Sussex Counties in the State of New Jersey; and Pike, Susquehanna, and Wayne Counties in the Commonwealth of Pennsylvania.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.375
Homeowners without credit available elsewhere	3.187
Businesses with credit available elsewhere	5.800
Businesses and non-profit organizations without credit available elsewhere	2.900
Others (including non-profit organizations) with credit available elsewhere	4.875
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	2.900

The number assigned to this disaster for physical damage is 363708. For economic injury the number is 9AD900 for New York; 9AE100 for New Jersey; and 9AE200 for Pennsylvania.

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

Dated: October 5, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 04-22932 Filed 10-12-04; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3631]

State of Ohio (Amendment #2)

In accordance with notices received from the Department of Homeland Security "Federal Emergency Management Agency" "effective September 27 and 29, 2004, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning August 27, 2004, and continuing through September 27, 2004. The declaration is also amended to include Athens, Gallia, Mahoning, Meigs, and Vinton Counties as disaster areas due to severe storms and flooding.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Jackson, Lawrence, and Ross in the State of Ohio; and Cabell, Jackson, and Mason Counties in the State of West Virginia may be filed until the specified date at the previously designated location. All other counties contiguous to the above