

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

Written comments were neither solicited nor received.

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

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act⁹ and Rule 19b-4(f)(2)¹⁰ thereunder because it establishes or changes a due, fee, or charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such 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 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, as amended, 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. 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 will also be available for inspection and copying at the principal office of the Association. All submissions should refer to File No. SR-NASD-2002-106 and should be submitted by October 1, 2002.

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

Margaret H. McFarland,

Deputy Secretary.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3428]

State of Texas

Amendment #9

In accordance with notices received from the Federal Emergency Management Agency, dated August 27 and August 30, 2002, the above numbered declaration is hereby amended to include Bee County in the State of Texas as a disaster area due to damages caused by severe storms and flooding beginning on June 29, 2002 and continuing through July 31, 2002. This declaration is also amended to extend the deadline for filing applications for physical damages as a result of this disaster to September 16, 2002.

All other counties contiguous to the above named primary counties have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for economic injury is April 4, 2003.

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

Dated: September 3, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

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SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; Revision of Privacy Act System of Records

AGENCY: Small Business Administration.

ACTION: Notice of revision of Privacy Act System of Records.

SUMMARY: The Small Business Administration (SBA) Office of Inspector General (OIG) is revising its Privacy Act System of Records, SBA 120, Security and Investigations Files, and SBA 130, Investigations Division Management Information System, to include as routine uses the disclosure of information to the public when: (1) An investigation has become public knowledge; (2) it is necessary to

preserve confidence in the integrity of the investigative process; (3) it is necessary to demonstrate the accountability of individuals covered by this system; (4) a legitimate public interest exists; or (5) it is necessary for the protection from imminent threat to life or property.

In addition, the revision includes a routine use to allow the disclosure of information to members of the President's Council on Integrity and Efficiency (PCIE) for the purpose of accurate reporting to the President and Congress on the activities of the Inspectors General. The revision further includes a routine use to allow disclosures to members of the PCIE, the Department of Justice, the Federal Bureau of Investigation, or the U.S. Marshals Service, as necessary, for investigative qualitative assessment review. The PCIE is establishing a peer review process to ensure that adequate internal safeguards and management procedures continue to exist. The objectives of the review are to assess whether adequate internal safeguards and management procedures are met, foster high-quality investigations and investigative processes, ensure that the highest levels of professionalism are maintained, and promote consistency in investigative standards and practices within the Inspector General investigative community.

DATES: The changes to this System of Records are effective without further notice October 10, 2002, unless comments are received that result in further modifications.

ADDRESSES: Address comments to David R. Gray, Counsel to the Inspector General, Office of Inspector General, Small Business Administration, 409 Third Street SW., 5th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: David R. Gray, Counsel to the Inspector General, Office of Inspector General, Small Business Administration, 409 Third Street SW., 5th Floor, Washington, DC 20416, (202) 205-7200.

SUPPLEMENTARY INFORMATION: This publication is in accordance with the Privacy Act requirement that Agencies publish their amended Systems in the **Federal Register** when there is a revision, change, or addition. SBA is amending the Routine Uses of System of Records, SBA 120 Security and Investigations Files, and SBA 130 Investigations Division Management Information System previously published at 56 FR 8030 (Feb. 26, 1991) and 56 FR 8034 (Feb. 26, 1991). The Routine Use Notices of System 120, Security and Investigation Files, and

⁹ 15 U.S.C. 78s(b)(3)(A)(ii).

¹⁰ 17 CFR 240.19-4(f)(2).

¹¹ For purposes of determining the effective date and calculating the 60-day abrogation date, the Commission considers August 30, 2002, the date Nasdaq filed Amendment No. 2, to be the effective date of the proposed rule change.

¹² 17 CFR 200.30-3(a)(12).