

either listed or traded on, or traded through the facilities of, U.S. securities markets.

The Commission also believes that any concerns that a broker-dealer, such as Morgan Stanley or a subsidiary providing a hedge for the issuer, will incur undue position exposure are minimized by the size of the Notes issuance in relation to the net worth of Morgan Stanley.²⁰

Finally, the Commission notes that the value of the Index will be widely disseminated at least once fifteen seconds throughout the trading day. Nasdaq represents that the Nasdaq-100 will be determined, calculated and maintained solely by Nasdaq.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of the notice of filing thereof in the **Federal Register**. Nasdaq has requested accelerated approval because this product is similar to several other instruments currently listed and traded on the Nasdaq.²¹ The Commission believes that the Notes will provide investors with an additional investment choice and that accelerated approval of the proposal will allow investors to begin trading the Notes promptly. Additionally, the Notes will be listed pursuant to Nasdaq's existing hybrid security listing standards as described above. Therefore, the Commission finds good cause, consistent with Section 19(b)(2) of the Act,²² to approve the proposal on an accelerated basis.

Accordingly, the Commission believes there is good cause, consistent with Sections 15A(b)(6) and 19(b)(2) of the Act,²³ to approve the proposal, on an accelerated basis.

²⁰ See Securities Exchange Act Release Nos. 44913 (October 9, 2001), 66 FR 52469 (October 15, 2001) (order approving the listing and trading of notes whose return is based on the performance of the Nasdaq-100 Index) (File No. SR-NASD-2001-73); 44483 (June 27, 2001), 66 FR 35677 (July 6, 2001) (order approving the listing and trading of notes whose return is based on a portfolio of 20 securities selected from the Amex Institutional Index) (File No. SR-Amex-2001-40); and 37744 (September 27, 1996), 61 FR 52480 (October 7, 1996) (order approving the listing and trading of notes whose return is based on a weighted portfolio of healthcare/biotechnology industry securities) (File No. SR-Amex-96-27).

²¹ See Securities Exchange Act Release Nos. 45966 (May 20, 2002), 67 FR 36942 (May 28, 2002) (approval to list and trade notes linked to the performance of the Nasdaq-100); 47911 (May 22, 2003), 68 FR 32558 (May 30, 2003) (approving the listing and trading of notes (Wachovia TEES) linked to the S&P 500); 47983 (June 4, 2003), 68 FR 35032 (June 11, 2003) (approving the listing and trading of a CSFB Accelerated Return Notes linked to S&P 500); and 50019 (July 14, 2004), 69 FR 43635 (July 21, 2004) (approving the listing and trading of Morgan Stanley PLUS Notes).

²² 15 U.S.C. 78f(b)(5) and 78s(b)(2).

²³ 15 U.S.C. 78o3(b)(6) and 78s(b)(2).

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²⁴ that the proposed rule change (SR-NASD-2004-188) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁵

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04-28582 Filed 12-29-04; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50929; File No. SR-NYSE-2004-68]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. To Amend Exchange Rules 440B ("Short Sales") and 440C ("Deliveries Against Short Sales")

December 23, 2004.

Pursuant to Section 19(b)(1) ¹ of the Securities Exchange Act of 1934 ("SEA" or the "Exchange Act"),² and Rule 19b-4 thereunder,³ notice is hereby given that on December 1, 2004, the New York Stock Exchange, Inc. ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On December 23, 2004, NYSE filed Amendment No. 1 to the proposed rule change.⁴ The proposed rule change, as amended, was filed by NYSE as a non-controversial filing, under Rule 19b-4(f)(6) of the Act.⁵ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

²⁴ 15 U.S.C. 78s(b)(2).

²⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a *et seq.*

³ 17 CFR 240.19b-4.

⁴ See letter from Mary Yeager, Assistant Corporate Secretary, NYSE, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated December 23, 2004 ("Amendment No. 1").

⁵ 17 CFR 240.19b-4(f)(6). For purposes of determining the effective date and calculating the sixty-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers that period to commence on December 22, 2004, the date NYSE filed Amendment No. 1. See 15 U.S.C. 78s(b)(3)(C).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The New York Stock Exchange, Inc. ("NYSE" or the "Exchange") is filing with the Securities and Exchange Commission ("SEC" or "Commission") proposed amendments to Rule 440B ("Short Sales") and 440C ("Delivery Against Short Sales"), including Supplementary Material to conform Exchange rules to the requirements of recent Commission rule amendments regarding short sales, and adoption of Regulation SHO—Regulation of Short Sales ("Regulation SHO").⁶ The text of the proposed amendments is available from the NYSE and the Commission.⁷ New language is *italicized*; deletions are in brackets.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

(1) Purpose

Background. On June 23, 2004, the SEC adopted new Regulation SHO, under the Exchange Act.⁸ Regulation SHO, which together with other concurrent Commission actions, provide for significant changes to SEC short sale⁹ rules that are referenced in, and apply to members and member organizations through, Exchange Rules 440B ("Short Sales") and 440C

⁶ See Securities Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008 (August 6, 2004) ("Adopting Release"), available at <http://www.sec.gov/rules/final/34-50103.htm>.

⁷ Both Exhibits A and B are available at <http://www.nyse.com/regulation/> and <http://www.sec.gov/rules/sro.shtml>.

⁸ U.S.C. 78a *et seq.*

⁹ A short sale is the sale of a security that the seller does not own or any sale that is consummated by the delivery of a security borrowed by, or for the account of, the seller. In order to deliver the security to the purchaser, the short seller will borrow the security, typically from a broker-dealer or an institutional investor. The short seller later closes out the position by purchasing equivalent securities on the open market, or by using an equivalent security it already owned, and returning the security to the lender. In general, short selling is used to profit from an expected downward price movement, to provide liquidity in response to unanticipated demand, or to hedge the risk of a long position in the same, or related, security.

("Deliveries Against Short Sales").¹⁰ These SEC amendments rescind Rules 3b-3 ("Definition of Short Sale")¹¹ and 10a-2 ("Requirements for Covering Purchases"),¹² under the Exchange Act, and replace them with new Rules 200 ("Definition of Short Sale and Marking Requirements")¹³ and 203 ("Borrowing and Delivery Requirements"),¹⁴ to Regulation SHO. In addition, the Commission has amended Rule 10a-1¹⁵ ("Short Sales") to conform to Regulation SHO.

New SEA Rule 202T. Regulation SHO includes new Rule 202T,¹⁶ which provides procedures for the SEC to temporarily suspend the application of the tick test and any short sale price test of any exchange or national securities association for designated securities.¹⁷ Concurrently with the adoption of Regulation SHO, the SEC issued a Pilot Order¹⁸ suspending the provisions of the tick test and any self-regulatory organization ("SRO") price test for short sales in: (1) Certain "designated securities" (identified in Appendix A of the Pilot Order); (2) any security included in the Russell 1000 index effected between 4:15 p.m. EST and the open of the consolidated tape on the following day; and (3) any other security effected between the close of the consolidated tape (*i.e.*, 8 p.m. EST) and the open of the tape on the following day. During the Pilot, all other provisions of Rule 10a-1 and Regulation SHO—including the marking, locate and delivery requirements—remain in effect.

The Exchange proposes to amend Rule 440B by adding new paragraph (c),

which suspends the requirements of the price test for the period that the Pilot remains in effect.

New SEA Rule 200. Rule 200¹⁹ to Regulation SHO replaces Rule 3b-3,²⁰ which had defined ownership of securities for purposes of short sales. Rule 200 incorporates the substance of Rule 3b-3, with some modifications, and provides guidance to broker-dealers to calculate net positions within defined aggregation units rather than on a firm-wide basis. Rule 200 also requires broker-dealers to mark sales in all equity securities "long," "short," or "short exempt." In this regard, an order can be marked "long" only when the seller owns the security being sold and the security is in the physical possession or control of the broker-dealer, or it is reasonably expected that the security will be in the physical possession or control of the broker-dealer prior to settlement. An order can be marked "short exempt" if the seller is entitled to rely on any exception from the tick test, under Rule 10a-1, or any SRO rule (*e.g.*, Rule 440B). As a general matter, orders marked "short exempt" still need to comply with the locate requirement. Short sales of securities in the Pilot should be marked "short exempt."

The Exchange is proposing to amend the Supplementary Material to Exchange Rule 440B to incorporate the marking requirements and ownership aspects of Regulation SHO, Rule 200, to paragraphs 440B.13 ("Marking of Orders"), 440B.14 ("Ownership of Securities") and 440B.20 ("Short Exempt Sell Orders").

New SEA Rule 203. Rule 203²¹ provides various safeguards against "naked" short selling by consolidating and expanding stock "locate requirements," and imposing new delivery requirements for securities in which a substantial number of fails have occurred ("threshold securities"²²). In this regard, Rule 203 requires broker-dealers, prior to effecting short sales in all equity securities, to locate securities available for borrowing. Specifically, Rule 203(b)²³ prohibits a broker-dealer

from accepting a short sale in any equity security from another person, or effecting a short sale for the broker-dealer's own account, unless the broker-dealer has: (1) Borrowed the security, or entered into an arrangement to borrow the security; or (2) has "reasonable grounds" to believe that the security can be borrowed so that it can be delivered on the delivery date; and (3) has documented compliance with the rule.

The Commission has set forth two ways to show a broker-dealer has "reasonable grounds" to believe the security can be borrowed: (1) Reliance on an "easy to borrow" list, provided the information used to generate the list is less than 24 hours old, and securities on the list are so readily available that fails to deliver are unlikely (reliance on the fact that a security is not on a "hard to borrow" list is not sufficient);²⁴ and (2) reliance on a customer's assurance that a "locate" was received from another source (*e.g.*, a prime broker), provided the broker-dealer documents the customer's source, and prior assurances from such customer resulted in timely deliveries in settlement of the customer's transactions.

The SEC also identified a number of exceptions to this locate requirement, including exceptions for transactions in security futures, and for broker-dealers that have accepted a short sale order from another registered broker-dealer required to comply with Rule 203(b), unless the broker-dealer contractually undertook responsibility for compliance. Rule 203(a)²⁵ replaces current Rule 10a-2²⁶ and incorporates its substantive requirements and extends them to all equity securities, as opposed to only exchange-listed securities. With certain exceptions, Rule 203(a) prohibits a broker-dealer from failing to deliver, or lending securities to prevent a fail to deliver, on a sale that it knows, or has reasonable grounds to believe, is marked "long."

To conform with Regulation SHO, the Exchange is proposing to change the title of Rule 440C to "Short Sale Borrowing and Delivery Requirements," delete paragraph .10 ("Failure to Deliver"), and incorporate by reference Rule 10a-1 and Regulation SHO, as if they were fully set forth therein. The

¹⁰ The "tick test" of Rule 440B, which limits short sales only to an advancing market, and delivery requirements of Rule 440C, which requires short sellers to "locate" the stock to deliver prior to making a trade, are designed to prevent abusive short selling activities, including "short squeezes" and "naked" short selling. Regulation SHO also seeks to reduce the number of "fails to deliver" in the Continuous Net Settlement ("CNS") system.

¹¹ 17 CFR 240.3b-3.

¹² 17 CFR 240.10a-2.

¹³ 17 CFR 242.200.

¹⁴ 17 CFR 242.203.

¹⁵ 17 CFR 240.10a-1.

¹⁶ 17 CFR 242.202T.

¹⁷ The SEC deferred consideration of their proposal to replace the current "tick test" with a new uniform bid test restricting short sales to a price above the consolidated best bid, and also deferred consideration of the proposed exceptions to the uniform bid test. The SEC will reconsider any further action on these proposals after the completion of the Pilot.

¹⁸ See Securities Exchange Act Release No. 50104 (July 28, 2004), 69 FR 48032 (August 6, 2004) ("Pilot Order"), available at <http://www.sec.gov/rules/other/34-50104.htm>. See also Securities Exchange Act Release No. 50747 (November 29, 2004)(Order Delaying Pilot Period for Suspension of the Operation of the Operation of Short Sale Price Provisions) ("Second Pilot Order"), available at <http://www.sec.gov/rules/other/34-50747.htm>.

¹⁹ 17 CFR 242.200.

²⁰ 17 CFR 240.3b-3.

²¹ 17 CFR 242.203.

²² Regulation SHO defines "threshold securities" as equity securities of reporting issuers, where: for five consecutive days the security has aggregate fails to deliver at a registered clearing agency of 10,000 shares or more; this figure is equal to at least 0.5% of the issue's total shares outstanding; and a list of such threshold securities is calculated and disseminated daily by the SRO on which the security is listed or for which the SRO bears primary surveillance responsibility. The SEC has estimated that approximately 4% of all equity securities would meet this threshold.

²³ 17 CFR 242.203(b).

²⁴ In the Adopting Release, the SEC noted that "threshold securities" generally should not be included on "easy to borrow" lists. While the Commission has stated that easy to borrow lists could satisfy the "reasonable grounds" determination in Rule 203, it has also clearly stated that reliance on the fact that a security is not on a "hard to borrow" list cannot satisfy the "reasonable grounds" test.

²⁵ 17 CFR 242.203(a).

²⁶ 17 CFR 240.10a-2.

Exchange expects additional interpretations to be added to the rule at a later date, after experience with the operation of Regulation SHO.

New SEA Rule 203(b). Rule 203(b) of Regulation SHO requires clearing brokers to close-out any fail to deliver position in a threshold security that has remained open for 13 consecutive settlement days, by purchasing securities of like kind and quantity. A list of threshold securities will be disseminated daily by the Exchange prior to the opening bell.²⁷ In addition, certain restrictions are triggered if the clearing broker does not take action to close-out the open fail to deliver position.

The Exchange is proposing to amend paragraph .17 ("Covering Transactions") to Rule 440B to delete aspects of the rule that do not conform with Regulation SHO, and to reference Rule 203(b)(3) to determine how to handle covering transactions.

Proposed Amendments to Exchange Rules. Currently, Exchange Rule 440B includes the complete text of Rule 10a-1, under the Exchange Act, and Rules 440B and 440C set forth many sections of repealed Rules 3b-3 and 10a-2, under the Exchange Act, respectively. The proposed amendments to Rules 440B and 440C, including Supplementary Material, conform to the changes in Rule 10a-1 and recently adopted Regulation SHO, under the Exchange Act. The changes remove the text of SEA Rule 10a-1 from Exchange Rule 440B, and instead incorporate both SEA Rule 10a-1 and Regulation SHO by reference, as though they were fully set forth therein.

The amendments to Exchange Rule 440B conform to Regulation SHO and also include a revised Explanatory Note, which generally describes the recent changes to short sale regulation and implementation dates. The Exchange proposes to amend the Supplementary Material to Rule 440B to delete references to repealed rules and incorporate amendments to conform to and reference amended Rule 10a-1 and Regulation SHO. In addition, the Exchange proposes to amend .10 ("General Rule"), .12 ("Place of Transaction") and .15 ("Price At Which Short Sales May Be Made") to make clear, consistent with the Adopting Release of Regulation SHO, that the Exchange short sale regulations apply to all trades in listed securities: (a) whenever they occur, including the

after-hours market, and (b) which have been agreed to in the US, regardless of where the transaction is executed or "booked."

(2) Statutory Basis

The statutory basis for the proposed rule change is Sections 6(b)(5) and 17A of the Exchange Act²⁸ which require, among other things, that the rules of the Exchange are 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, processing information with respect to, and facilitating transactions in securities, to remove impediments to perfect the mechanism of a free and open market and national market system, and in general to protect investors and the public interest; and the prompt and accurate clearance and settlement of securities transactions.

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 Exchange Act.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

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

The proposed rule change is filed pursuant to paragraph (A) of Section 19(b)(3)²⁹ and Rule 19b-4(f)(6).³⁰ Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Exchange Act and Rule 19b-4(f)(6) thereunder.

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 furtherance of the purposes of the Exchange Act.³¹

The Exchange requests the Commission waive the five-day notification period and the 30-day pre-operative delay specified in Rule 19b-4(f)(6)(iii).³² Waiver of these periods will allow the Exchange to have the proposed rule change in place at the same time as the Commission's compliance date for Regulation SHO. The Exchange expects to make the proposed rule change operative on January 3, 2005.

The Commission believes that waiving both the 5-day notification period and the 30-day pre-operative delay requirements is consistent with the protection of investors and the public interest. The Commission believes that waiving these requirements does not raise any new regulatory issues, significantly affect the protection of investors or the public interest, or impose any significant burden on competition. Additionally, The Commission notes that the operative date of this proposed rule change, January 3, 2004, is the same date as the compliance date of Regulation SHO.

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 Exchange Act.

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send e-mail to rule-comments@sec.gov. Please include File Number SR-NYSE-2004-68 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-NYSE-2004-68. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your

²⁷ As the exact means of conveying the list of threshold securities has not yet been determined, members and member organizations will be informed by a later Information Memo of the exact time, location and form of dissemination of the list prior to the launch of the Pilot.

²⁸ 15 U.S.C. 78f(b)(5) and 15 U.S.C. 78q-1, respectively.

²⁹ 15 U.S.C. 78s(b)(3)(A).

³⁰ 17 CFR 240.19b-4(f)(6).

³¹ For purposes of determining the effective date and calculating the sixty-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Exchange Act, the Commission considers that period to commence on December 23, 2004, the date NYSE filed Amendment No. 1. See 15 U.S.C. 78s(b)(3)(C).

³² 17 CFR 240.19b-4(f)(6)(iii).

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 NYSE. 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-NYSE-2004-68 and should be submitted on or before January 20, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.³³

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. E4-3899 Filed 12-29-04; 8:45 am]

BILLING CODE 8010-01-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 Public Law 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection packages that may be included in this notice are for new information collections and revisions to 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 (contact information is listed below).

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202-395-6974.

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

I. The information collection listed below has been submitted to OMB for clearance. Your comments on the information collection would be most useful if received by OMB and SSA within 60 days from the date of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer at 410-965-0454, or by writing to the address listed above.

1. Homeless Outreach Project and Evaluation (HOPE)

Background

Congress passed the McKinney Act of 1987 in recognition of and in an effort to address situations and conditions facing people without permanent shelter. The Act funded 15 emergency services and nine individual titles to authorize the provision of specific programs by Federal agencies. The Act also established the Interagency Council on Homelessness (ICH) composed of leaders from 15 Federal agencies who are in charge of coordinating efforts to assist people who are homeless. During the past decade, SSA and other ICH agencies have compiled important data about people who are homeless and have carried out evaluations of services which have generated evidence about "best" or "promising practices" well suited to combating homelessness.

In fiscal year 2003, President George W. Bush announced an initiative to end chronic homelessness in 10 years. As a result, SSA developed Project HOPE and in May 2004 awarded 34 Cooperative Agreements to organizations which provide outreach, support services and benefit application assistance to the chronically homeless and other underserved populations. An additional 7 cooperative agreements were awarded in November 2004 for a total of 41. The goal of Project HOPE is to improve both the quantity and quality of applications for disability benefits. Project HOPE gives focused support to Cooperative (co-op) awardees via a training program and ongoing technical assistance.

Evaluation of Project HOPE

SSA is undertaking the project HOPE evaluation to determine the effectiveness and the efficiency of the program. To obtain the information needed for the evaluation, SSA is developing an interactive Web site that will be used by co-op awardees to input client and program data, and by SSA to communicate project-wide announcements to the awardees. The respondents are HOPE grantees/non-profit social services organizations serving people who are homeless & disabled.

Type of Request: New information collection.

Number of Respondents: 41.

Frequency of Response: 12.

Average Burden Per Response: 65 minutes.

Estimated Annual Burden: 533 hours.

II. The information collection listed below has been submitted to OMB for clearance. Your comments on the information collection 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 package by calling the SSA Reports Clearance Officer at 410-965-0454, or by writing to the address listed above.

1. Social Security Disability Report—20 CFR 404.1512 & 416.912—0960-0579

SSA requires applicants for disability payments to furnish medical, work history, and other evidence or information indicating they have an impairment which is disabling. The information is used by State DDSs to make disability determinations for SSA. The respondents are applicants for Title II and Title XVI disability benefits. These applicants may provide the information using any of the following modalities: (1) The traditional paper form SSA-3368; (2) an interview with an SSA field office representative, using the Electronic Disability Collection System (EDCS); (3) the Internet (i3368); and (4) a new modality, the i3368-PRO, an Internet form designed to be completed by representatives of applicants for disability payments. The latter three versions of the form collect the same information as the paper form, but may be formatted differently and include certain enhancements (ex: self-help screens) to guide the claimant or interviewer through the application process.

Type of Request: Revision of an OMB-approved information collection.

Note: In the 60-day **Federal Register** notice, published on November 1, 2004 at 69 FR 63429, the number of respondents for the

³³ 17 CFR 200.30-3(a)(12).