

to the Exchange's original minimum listing standards, and approval of the continued minimum listing standards as originally proposed in File Number SR-NYSE-2003-43. File Number SR-NYSE-2004-20 was published in the **Federal Register** on July 2, 2004.⁹ Three comment letters were received in response to File Number SR-NYSE-2004-20.¹⁰ Following consideration of these comment letters, the Exchange filed Amendment No. 2 to NYSE-2004-20 on August 31, 2004.¹¹ The Exchange believes it is appropriate to extend the amended Pilot Program until the earlier of January 31, 2005, or such date as the Commission may approve File Number SR-NYSE-2004-20.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act¹² because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of 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 that is 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

Written comments were neither solicited nor 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 proposed 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) by its terms, does not become operative until 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, and the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹³ and Rule 19b-4(f)(6) thereunder.¹⁴ At any time within 60 days of the filing of this 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.

Although Rule 19b-4(f)(6) under the Act¹⁵ requires that an Exchange submit a notice of its intent to file at least five business days prior to the filing date, the Commission is waiving this requirement at the Exchange's request in view of the fact that the proposed rule change seeks to continue the existing Pilot Program. The NYSE has also requested that the Commission waive the 30-day operative delay. The Commission believes waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Waiver of the operative date will allow the Exchange's Pilot Program to continue without any interruption in service to issuers and investors. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.¹⁶

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

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ CFR 240.19b-4(f)(6).

¹⁵ *Id.*

¹⁶ For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Number SR-NYSE-2004-58 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-2004-58. 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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of 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-2004-58 and should be submitted on or before November 29, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E4-3037 Filed 11-5-04; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3642]

Commonwealth of Virginia; Amendment #2

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency—effective September 30, 2004, the above

¹⁷ 17 CFR 200.30-3(a)(12).

⁹ See *supra* note 5.

¹⁰ See letters to Jonathan G. Katz, Secretary, Commission, from Richard F. Latour, President & CEO, MicroFinancial Incorporated, July 15, 2004, Kenneth A. Hoogstra, von Briesen & Roper, s.c., dated July 20, 2004, and John L. Patenaude, Vice President Finance and Chief Financial Officer, Nashua Corporation, dated July 22, 2004.

¹¹ See letter to Nancy J. Sanow, Assistant Director, Division, Commission, from Darla C. Stuckey, Corporate Secretary, NYSE, dated August 31, 2004.

¹² 15 U.S.C. 78f(b)(5).

numbered declaration is hereby amended to establish the incident period for this disaster as beginning September 27, 2004, and continuing through September 30, 2004.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is December 17, 2004 and for economic injury the deadline is July 18, 2005.

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

Dated: November 1, 2004.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

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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 Pub. L. 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, 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.

(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 collections listed below are pending at SSA and will be submitted to OMB January 7, 2005. Therefore, your comments should be submitted to SSA by this date. 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. *Disability Determination and Transmittal—20 CFR 404.1615(e), 416.1015(f)—0960-0437.* The information collected on Form SSA-831-C3/U3 is used by SSA to document the State agency determination as to whether an individual who applies for disability benefits is eligible for those benefits based on his/her alleged disability. SSA also uses the information for program management and evaluation. The respondents are State Disability Determination Services adjudicating Title II and Title XVI disability determinations for SSA.

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

Number of Respondents: 3,155,120.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Average Burden: 788,780 hours.

2. *Non-Attorney Representative Demonstration Project Application—0960-NEW.* Section 303 of the Social Security Protection Act of 2004 (SSPA) provides for a 5-year demonstration project to be conducted by SSA under which the direct payment of SSA-approved fees is extended to certain non-attorney claimant representatives. Under the SSPA, to be eligible for direct payment of fees, a non-attorney representative must fulfill the following statutory requirements: (1) Possess a bachelors degree or have equivalent qualifications derived from training and work experience; (2) pass an examination that tests knowledge of the relevant provisions of the Social Security Act; (3) secure professional liability insurance or equivalent insurance; (4) pass a criminal background check; and (5) demonstrate completion of relevant continuing education courses. Through the services of a private contractor, SSA must collect the requested information to determine if a non-attorney representative has met the statutory requirements to be eligible for direct payment of fees for his or her claimant representation services. The information collection is needed to comply with the legislation. The respondents are non-attorney representatives who apply for direct payment of fees.

Type of Request: New information collection.

Number of Respondents: 500.

Frequency of Response: 1.

Average Burden Per Response: 1 hour.

Estimated Annual Burden: 500 hours.

3. *Request For Review of Hearing Decision/Order—20 CFR 404.967-.981,*

20 CFR 416.1467-.1481—0960-0277.

SSA collects the information on Form HA-520 from each claimant for Title II or Title XVI benefits who is dissatisfied with the hearing decision or the dismissal of a hearing request and wants to request review of the decision by the Appeals Council. An individual may request Appeals Council review by filing a written request. However, a completed HA-520 ensures that SSA receives the information necessary to establish that the claimant filed the request for review within the prescribed time, that the claimant is a proper party, and that the claimant has completed the requisite steps to permit review by the Appeals Council. The Appeals Council also uses the information provided by the claimant to document the claimant's reason(s) for disagreeing with the ALJ decision or dismissal, to determine whether the claimant has additional evidence to submit, and to determine whether the claimant has a representative or wants to appoint one.

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

Number of Respondents: 107,485.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 17,914 hours.

4. *State Mental Institution Policy Review—20 CFR 416 subpart U, 20 CFR 416 subpart F, 20 CFR 404.2035 and .2065, 20 CFR 416.635 and .665—0960-0110.* SSA sends Form SSA-9584-BK to State mental institutions that participate in SSA's representative payee onsite review program. As a representative payee, the State mental institution has the responsibility to receive and administer payments to beneficiaries who have been determined by SSA to be incapable of managing benefits. SSA is required by law and regulations to monitor representative payees' use of benefits. Under the onsite review program, SSA conducts a triennial review of State mental institutions in order to determine whether the institutions' policies and practices conform with SSA's regulations in the use of benefits, and the other duties and responsibilities required of representative payees.

The form obtains information needed by the SSA review team (comprised of representatives from SSA's regional and field offices) and provides a basis for conducting the actual onsite review. In addition, the information is used in the preparation of the subsequent report of findings and recommendations, which is issued to the institutions.

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