

were to operate from the Phlx equity trading floor, it could be subject to various SCCP fees with respect to its non-ECN floor operation. In addition, an ECN's transactions as a floor broker would be subject to the applicable SCCP fee, as would any ECN's specialist trades.<sup>7</sup> Even if the ECN acts as a floor broker or specialist with respect to some trades, those trades for which it is not acting as a floor broker or specialist, but rather an ECN, would be eligible for this fee waiver.

SCCP also proposes to make minor changes to its definition of ECNs that appears on SCCP's fee schedule.<sup>8</sup>

SCCP believes that this proposed rule change is consistent with section 17A(b)(3)(D) of the Act<sup>9</sup> because it provides for the equitable allocation of dues, fees, and other charges.

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

SCCP does not believe that the proposed rule change will impose any inappropriate burden on competition.

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

SCCP has not solicited or received written comments pertaining to its proposed rule change.

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

The foregoing proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act<sup>10</sup> and Rule 19b-4(f)(2)<sup>11</sup> thereunder because it establishes or changes a due, fee, or other charge. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily

<sup>7</sup> For example, an ECN acting as a specialist would be subject to the trade recording fee for specialist trades matching with PACE trades.

<sup>8</sup> SCCP's definition of ECN still generally conforms to the definition in Rule 11Ac1-1(a) (8) of the Act, 17 CFR 240.11Ac-1-(a)(8). As stated on SCCP's new proposed fee schedule, ECNs shall mean any electronic system that widely disseminates to third parties orders entered therein by a Phlx market maker or over-the-counter ("OTC") market maker, and permits such orders to be executed against in whole or in part. The term ECN shall not include: any system that crosses multiple orders at one or more specified times at a single price set by the ECN (by algorithm or by any derivative pricing mechanism) and does not allow orders to be crossed or executed against directly by participants outside of such times or any system operated by, or on behalf of, an OTC market maker or exchange market maker that executes customer orders primarily against the account of such market maker as principal, other than riskless principal.

<sup>9</sup> 15 U.S.C. 78q-1(b)(3)(D).

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>11</sup> 17 CFR 240.19b-4(f)(2).

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.

### **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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549-0069. 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-SCCP-2004-01. 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, 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 rule filing that are filed with the Commission, and all written communications relating to the rule filing between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, DC. Copies of such filing will also be available for inspection and copying at SCCP's principal office and on SCCP's Web site at [http://www.phlx.com/SCCP/memindex\\_sccpproposals.html](http://www.phlx.com/SCCP/memindex_sccpproposals.html). All submissions should refer to File No. SR-SCCP-2004-01 and should be submitted by March 3, 2004.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 04-2909 Filed 2-10-04; 8:45 am]

**BILLING CODE 8010-01-P**

## **SOCIAL SECURITY ADMINISTRATION**

### **Statement of Organization, Functions and Delegations of Authority**

This statement amends Part T of the Statement of Organization, Functions and Delegations of Authority that covers the Social Security Administration

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

(SSA). Chapter TA covers the Deputy Commissioner for Disability and Income Security Programs. Notice is hereby given that Chapter TA, which covers the Office of the Deputy Commissioner, Disability and Income Security Programs, is being amended to reflect the establishment of the Information Technology Support Staff as a separate line organization.

#### **Chapter TA**

##### **Office of Disability and Income Security Programs**

Section TA.10 *The Office of the Deputy Commissioner, Disability and Income Security Programs—(Organization):*

The Office of the Deputy Commissioner, Disability and Income Security Programs under the leadership of the Deputy Commissioner, Disability and Income Security Programs includes:

Establish:

K. The Information Technology Support Staff (TAX).

Section TA.20 *The Office of the Deputy Commissioner, Disability and Income Security Programs—(Functions):*

Delete the last part of sentence #3 in paragraph C: “\* \* \* and the technology that supports them.”

Delete the last two sentences from paragraph C: “Provides user support to all its subordinate components. Directs all systems activities supporting the Agency's electronic programmatic instructional system.”

Add:

K. The Information Technology Support Staff (TAX) provides expert advice and support to the Deputy Commissioner and Assistant Deputy Commissioner on the technology that supports Agency-level projects and initiatives that impact the Agency's policymaking processes. It provides user support to all its ODISP components. It directs all systems activities supporting the Agency's electronic programmatic instructional system.

Establish:

#### **Subchapter (TAX)**

##### **Information Technology Support Staff**

Section (TAX).00 *The Information Technology Support Staff—(Mission):*

The Information Technology Support Staff provides expert advice and support to the Deputy Commissioner and Assistant Deputy Commissioner on the technology that supports Agency-level projects and initiatives that impact the Agency's policymaking processes. It provides user support to all ODISP components. It directs all systems activities supporting the Agency's electronic programmatic instructional system.

Section (TAX).10 *The Information Technology Support Staff—(Organization):*

The Information Technology Support Staff does not have a substructure.

Section (TAX).20 *The Information Technology Support Staff—(Functions):*

1. Provides expert advice and support to the Deputy Commissioner and Assistant

Deputy Commissioner on Agency-level projects and initiatives that impact the Agency's policymaking processes and the technology that supports them.

2. Represents ODISP on Agency-level steering and planning committees that develop and prioritize technology initiatives and/or funding that impact the Agency's programmatic policy development process.

3. Assesses the programmatic policy development processes to identify and recommend technology improvements and enhancements.

4. Develops, recommends, negotiates, implements, integrates and then supports broad automated systems strategies for ODISP components that take into account current and emerging technologies, Agency systems policies and standards and their impact on the ODISP environment.

5. Provides user and infrastructure support to all ODISP components, managing the desktop and computer room environments. Manages software and hardware inventories and oversees ODISP-wide rollouts and migrations. Provides application software training as needed.

6. Directs the preparation and management of ODISP's ITS budget, including development of procurement plans, cost data and analysis and justification of systems needs. Represents ODISP in negotiations with the Office of Systems on systems requirements, priority designations, delivery schedules and equipment arrival dates. Manages the identification, procurement and implementation of all IT items for ODISP components.

7. Provides expert advice and support to the Deputy Commissioner and ODISP Associate Commissioners on systems security policies, initiatives, best practices and implementation procedures. Performs data and system security audits, assessments and risk assessments on existing and proposed ODISP systems as required. Represents ODISP on Agency-level IT security workgroups and committees.

Dated: January 30, 2004.

**Jo Anne B. Barnhart,**

*Commissioner of Social Security.*

[FR Doc. 04-3003 Filed 2-10-04; 8:45 am]

**BILLING CODE 4191-02-U**

## DEPARTMENT OF STATE

### Bureau of Oceans and International Environmental and Scientific Affairs; Certifications Pursuant to Section 609 of Public Law 101-162

[Public Notice 4621]

**SUMMARY:** On January 26, 2004, the Department of State certified, pursuant to Section 609 of Public Law 101-162 ("Section 609"), that 2 nations, Costa Rica and Honduras, have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also withdrew certification

for one country, Nigeria, due to concerns over the effectiveness of its program.

**EFFECTIVE DATE:** February 11, 2004.

#### FOR FURTHER INFORMATION CONTACT:

James Story, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-2335.

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On January 26, 2004, the Department certified Costa Rica and Honduras on the basis that their sea turtle protection program is comparable to that of the United States. These countries join 14 others certified by the Department in 2003 on the same basis.

The Department also withdrew certification for Nigeria, on the basis of a determination that the program in place in Nigeria was no longer comparable in effectiveness to the program in place in the United States. Imports of shrimp harvested by commercial fishing technology in Nigeria will not be eligible for importation into the United States, though products from artisanal fisheries or aquaculture production remain eligible for importation if accompanied by a properly executed DS-2031 Shrimp Importer's/Exporter's declaration. No other categories of shrimp produced in Nigeria are eligible for importation at this time.

The Department of State has communicated the certifications under Section 609 to the Office of Trade Program of the United States Customs Service.

Dated: February 4, 2004.

**David A Balton,**

*Deputy Assistant Secretary for Oceans and Fisheries, Department of State.*

[FR Doc. 04-2972 Filed 2-10-04; 8:45 am]

**BILLING CODE 4710-09-U**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed Between the Week of January 19 and January 30, 2004

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Agreements filed during the week ending January 23, 2004.

*Docket Number:* OST-2004-16940.

*Date Filed:* January 20, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* MV/PSC/005 dated January 15, 2004, Mail Vote Number S 077—Amended Version, Recommended Practice 1720a (R-1), Request for Form Code for Travel Agent Service Fee (TASF), Intended effective date: February 1, 2004.

Agreements filed during the week ending January 30, 2004.

*Docket Number:* OST-2004-17001.

*Date Filed:* January 30, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC12 USA-EUR Fares 0086 dated January 30, 2004, Resolution 015h USA Add-Ons between USA and UK, Intended effective date: April 1, 2004.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 04-2997 Filed 2-10-04; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending January 2, 2004

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural