

collecting, distributing, and publishing quotations. In approving SR-NASD-2003-85, according to Nasdaq, the Commission found that post-trade<sup>11</sup> anonymity is consistent with the Act and has been available in different forms for many years. As Nasdaq noted in SR-NASD-2003-150, the Pegged Order is consistent with the Act in that it provides market participants with a voluntary tool to use to offer liquidity at the inside market in Nasdaq.

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

The NASD does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the Act.

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

The NASD neither solicited nor received written comments on this proposal.

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

The forgoing rule change has become effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act,<sup>12</sup> in that it is concerned solely with the administration of the self-regulatory organization.

At any time within 60 days after 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.

### **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](mailto:rule-comments@sec.gov). Please include File

Number SR-NASD-2004-064 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-NASD-2004-064. 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 20549-0609. Copies of such filing also will be available for inspection and copying at the principal office of the NASD. 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-NASD-2004-064 and should be submitted on or before June 1, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-10561 Filed 5-7-04; 8:45 am]

**BILLING CODE 8010-01-P**

### **SMALL BUSINESS ADMINISTRATION**

#### **Data Collection Available for Public Comments and Recommendations**

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request

approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before July 9, 2004.

**ADDRESSES:** Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Sandra Johnston, Program Analyst, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW., Suite 8300, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Sandra Johnston, Program Analyst, 202-205-7528 or Curtis B. Rich, Management Analyst, 202-205-7030.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* "Applications for Business Loans".

*Description of Respondents:* Applicants for an SBA Loan.

*Form Nos:* 4, 4SCH-A, 4-1, 4-L, 4-SHORT.

*Annual Responses:* 60,000.

*Annual Burden:* 1,200,000.

*Title:* "Personal Financial Statement".

*Description of Respondents:* Small Business Loan Application.

*Form No:* 413.

*Annual Responses:* 187,027.

*Annual Burden:* 280,608.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 04-10520 Filed 5-7-04; 8:45 am]

**BILLING CODE 8025-01-P**

### **SMALL BUSINESS ADMINISTRATION**

#### **[Declaration of Disaster #P031]**

#### **State of New Mexico**

As a result of the President's major disaster declaration for Public Assistance on April 29, 2004, the U.S. Small Business Administration is activating its disaster loan program only for private non-profit organizations that provide essential services of a governmental nature. I find that Bernalillo, Eddy, Mora and San Miguel Counties in the State of New Mexico constitute a disaster area due to damages caused by severe storms and flooding occurring on April 2 through April 11, 2004. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on June 28, 2004 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 14925 Kingsport Road, Fort Worth, TX 76155-2243.

<sup>11</sup> Nasdaq corrected an error to the text, which formerly read "pre-trade." Telephone conversation between Thomas Moran, Associate General Counsel, Nasdaq, and Elizabeth MacDonald, Attorney, Division, Commission, May 3, 2004.

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

The interest rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations Without Credit Available Elsewhere .....	2.900
Non-Profit Organizations With Credit Available Elsewhere ...	4.875

The number assigned to this disaster for physical damage is P03111.

(Catalog of Federal Domestic Assistance Program No. 59008)

Dated: May 3, 2004.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 04-10519 Filed 5-7-04; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34498]

#### **Ameren Corporation—Control Exemption—Coffeen and Western Railroad Company**

Ameren Corporation (Ameren), a noncarrier holding company, has filed a verified notice of exemption to acquire control of Coffeen and Western Railroad Company (CWRC) upon CWRC's becoming a Class III rail carrier.<sup>1</sup> Ameren currently controls Class III rail carriers Joppa & Eastern Railroad (JERR) and Missouri Central Railroad Company (MCRP).<sup>2</sup>

The transaction was expected to be consummated on or shortly after April 22, 2004, the effective date of the exemption.

Ameren states that: (i) The railroads will not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the

<sup>1</sup> On April 15, 2004, CWRC filed a verified notice of exemption under 49 CFR 1150.31 in STB Finance Docket No. 34497, *Coffeen and Western Railroad Company—Lease and Operation Exemption—near Coffeen, IL*, to lease from Ameren Energy Generating Company and operate approximately 0.2 miles of rail line near Coffeen, IL. Upon consummation of the transaction covered by that exemption, CWRC would become a carrier.

<sup>2</sup> JERR, is controlled through Ameren's controlling interest in Electric Energy, Inc. Its track is entirely within Illinois, located approximately 155 miles from CWRC's track. MCRP's track and trackage rights are located entirely within Missouri, and its lines are leased and operated by Central Midland Railway Company.

transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings referring to STB Finance Docket No. 34498 must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Sandra L. Brown, 401 Ninth Street, NW., Suite 1000, Washington, DC 20004.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: May 3, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 04-10541 Filed 5-7-04; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34497]

#### **Coffeen and Western Railroad Company—Lease and Operation Exemption—Near Coffeen, IL**

Coffeen and Western Railroad Company (CWRC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Ameren Energy Generating Company (AEGC) and operate approximately 0.2 miles of rail line.<sup>1</sup> The line is located near Coffeen, IL, originating off of the Coffeen Power Plant's main lead track near Station 10+00 and continuing in a northerly direction to Station 0+00, a

<sup>1</sup> CWRC indicates that by this transaction, common carrier operations will be established on this formerly private track and any existing or new shipper may request service on the line.

point near a line owned by Norfolk Southern Railway Company.

This transaction is related to STB Finance Docket No. 34498, *Ameren Corporation—Control Exemption—Coffeen and Western Railroad Company*, wherein Ameren Corporation seeks to acquire control of CWRC upon CWRC's becoming a Class III carrier.

CWRC certifies that its projected revenues do not exceed those that would qualify it as a Class III carrier and do not exceed \$5 million. The transaction was scheduled to be consummated on or shortly after April 22, 2004, the effective date of the exemption.<sup>2</sup>

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34497, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Sandra L. Brown, 401 Ninth Street, NW., Suite 1000, Washington, DC 20004.

Board decisions and notices are available on its website at "<http://www.stb.dot.gov>."

Decided: May 3, 2004.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 04-10540 Filed 5-7-04; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 205X)]

#### **Union Pacific Railroad Company—Abandonment Exemption—in Sutter County, CA**

On April 20, 2004, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon and discontinue service over a line of railroad known as the Yuba City Industrial Lead, extending from milepost 136.38 near Marysville, CA, to milepost 139.77 near Colusa Junction,

<sup>2</sup> CWRC states that the parties are in the process of entering into a lease agreement and that it anticipates execution of that agreement by the end of April 2004.