

promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed changes are consistent with the obligations of Section 15A(b)(6) of the Act because they will provide for greater time priority protection in Nasdaq's execution service. In addition, because the obligations under Section 15A(b)(6) and Section 6(b)(5) are the same, the proposed changes also are consistent with the obligations applicable to registered exchanges.

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

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

#### *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**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents,<sup>9</sup> the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

### **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-2004-181 on the subject line.

<sup>9</sup>Nasdaq has consented to an extension of the time period for Commission action.

#### *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-2004-181. 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 Room. 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-2004-181 and should be submitted on or before January 10, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>10</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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**BILLING CODE 8010-01-P**

### **SMALL BUSINESS ADMINISTRATION**

#### **Revocation of License of Small Business Investment Company**

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the Northern District of California, San Francisco Division, dated October 6, 2004, in Case No. C01-4886 EMC, the United States Small Business Administration hereby revokes the license of Point West Ventures, L.P., a

<sup>10</sup> 17 CFR 200.30-3(a)(12).

Delaware Limited Partnership, to function as a small business investment company under the Small Business Investment Company License No. 09/09-0411 issued to Point West Ventures, L.P. on September 26, 1997, and said license is hereby declared null and void as of November 24, 2004.

Small Business Administration.

Dated: December 14, 2004.

**Jaime Guzman Fournier,**

*Acting Associate Administrator for Investment.*

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**BILLING CODE 8025-01-P**

### **SMALL BUSINESS ADMINISTRATION**

#### **[Declaration of Disaster #3627]**

#### **State of Florida (Amendment # 5)**

In accordance with a notice received from the Department of Homeland Security—Federal Emergency Management Agency—effective December 9, 2004, the above numbered declaration is hereby amended to include Brevard, Citrus, Clay, Duval, Flagler, Highlands, Indian River, Lake, Lee, Manatee, Marion, Martin, Okeechobee, Osceola, Orange, Palm Beach, Pasco, Polk, Seminole, St. Johns, St. Lucie, and Volusia as disaster areas due to damages caused by Hurricane Ivan occurring on September 13, 2004, and continuing through November 17, 2004.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Alachua, Baker, Bradford, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Hernando, Hillsborough, Levy, Nassau, Pinellas, Putnam, Sarasota, and Sumter may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary counties have previously been declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is January 3, 2005 and for economic injury the deadline is June 16, 2005.

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

Dated: December 14, 2004.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

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**BILLING CODE 8025-01-P**