

### 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 Exchange consents, the Commission shall:

(a) By order approve such 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-Phlx-2005-11 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-Phlx-2005-11. 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 Phlx. 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-Phlx-2005-11 and should be submitted on or before March 2, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>6</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 05-2477 Filed 2-8-05; 8:45 am]

**BILLING CODE 8010-01-M**

### 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 April 11, 2005.

**ADDRESSES:** Send all comments regarding whether this information collection is 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 Robert Dillier, Public Affairs Specialist, Office of Communications, Small Business Administration, 409 3rd Street SW., Suite 7450, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Robert Dillier, Public Affairs Specialist, (202) 205-6086 [robert.dillier@sba.gov](mailto:robert.dillier@sba.gov) Curtis B. Rich, Management Analyst, (202) 205-7030 [curtis.rich@sba.sba](mailto:curtis.rich@sba.sba)

### SUPPLEMENTARY INFORMATION:

*Title:* "U.S. Small Business Administration Advisory Committee Membership-Nominee Information."

*Description of Respondents:* To collect information for Candidates for Advisory Council.

*Form No:* 898.

*Annual Responses:* 100.

*Annual Burden:* 100.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 05-2527 Filed 2-8-05; 8:45 am]

**BILLING CODE 8025-01-P**

### SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10007 and # 10008]

#### Indiana Disaster # IN-00001 Disaster Declaration

**AGENCY:** Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Indiana (FEMA-1573-DR), dated 01/21/2005.

*Incident:* Severe Winter Storms and Flooding.

*Incident Period:* 01/01/2005 and continuing.

*Effective Dates:* 01/21/2005.

*Physical Loan Application Deadline Date:* 03/22/2005.

*EIDL Loan Application Deadline Date:* 10/21/2005.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Disaster Area Office 1, 360 Rainbow Blvd. South 3rd Floor, Niagara Falls, NY 14303.

**FOR FURTHER INFORMATION CONTACT:** Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 01/21/2005, applications for disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

#### Primary Counties:

Bartholomew	Benton	Blackford	Boone
Brown	Carroll	Cass	Clark
Clay	Clinton	Crawford	Daviess
Decatur	Delaware	Dubois	Floyd
Fountain	Gibson	Grant	Greene

<sup>6</sup> 17 CFR 200.30-3(a)(12).

Hamilton	Hancock	Harrison	Hendricks
Henry	Howard	Huntington	Jackson
Jay	Jennings	Johnson	Knox
Lawrence	Madison	Marion	Martin
Miami	Monroe	Montgomery	Morgan
Orange	Owen	Parke	Pike
Posey	Putnam	Randolph	Rush
Scott	Shelby	Sullivan	Tippecanoe
Tipton	Vanderburgh	Vermillion	Vigo
Wabash	Warren	Warrick	Washington
Wells	White		

*Contiguous Counties:*

Indiana		
Adams	Allen	Fayette
Franklin	Fulton	Jasper
Jefferson	Kosciusko	Newton
Perry	Pulaski	Ripley
Spencer	Wayne	Whitley
Illinois		
Clark	Crawford	Edgar
Edwards	Gallatin	Iroquois
Lawrence	Vermillion	Wabash
White		
Kentucky		
Daviess	Hardin	Henderson
Jefferson	Meade	Oldham
Trimble	Union	
Ohio		
Darke	Mercer	

The Interest Rates are:

Homeowners With Credit Available Elsewhere .....	5.875
Homeowners Without Credit Available Elsewhere .....	2.937
Businesses With Credit Available Elsewhere .....	5.800
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere .....	4.750
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	4.750

The number assigned to this disaster for physical damage is 100076 and for economic injury is 100080 (Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 05-2453 Filed 2-8-05; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Small Business Size Standards: Waiver of the Nonmanufacturer Rule**

**AGENCY:** Small Business Administration.

**ACTION:** Notice to waive the Nonmanufacturer Rule for Adhesives and Sealants Manufacturing.

**SUMMARY:** The U.S. Small Business Administration (SBA) is granting a waiver of the Nonmanufacturer Rule for Adhesives and Sealants Manufacturing. The basis for waivers is that no small

business manufacturers are supplying these classes of products to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses; SBA's Very Small Business Program or awarded through the SBA's 8(a) Business Development Program.

**DATES:** This waiver is effective February 24, 2005.

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at *edith.butler@sba.gov*.

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) of the Small Business Act, (Act)15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, SBA's Very Small Business Program or awarded through the SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small

business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1204, in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on six digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code established by the Federal Procurement Data System.

The SBA received a request on November 2, 2004 to waive the Nonmanufacturer Rule for Adhesives and Sealants Manufacturing.

In response, on December 6, 2004, SBA published in the **Federal Register** a notice of intent to waive the Nonmanufacturer Rule for Adhesives and Sealants Manufacturing. In response to this notice, no comments were received from any interested parties. SBA has determined that there are no small business manufacturers of this class of product, and is therefore granting the waiver of the Nonmanufacturer Rule for Adhesives and Sealants Manufacturing, NAICS 325520.