

**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-PCX-2004-129. 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 PCX. 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-PCX-2004-129 and should be submitted on or before March 10, 2005.

#### **IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change**

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>9</sup> In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,<sup>10</sup> which requires that the rules of an exchange be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest.

Simultaneous with this order, the Commission is approving an exemption until June 30, 2005, from Rules 11 Ac1-

<sup>9</sup> In approving the proposed rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

1, 11 Ac1-2, and 11 Ac1-4 under the Act<sup>11</sup> that permits ArcaEx, ETP Holders of ArcaEx, and vendors that disseminate ArcaEx quote information to enter, execute, and report quotations in exchange-listed, NNM, and SmallCap securities in increments less than \$0.01, although such quotations will be disseminated in rounded, penny increments without a rounding identifier.<sup>12</sup> The changes to Commentary .05 to PCXE Rule 7.6(a) incorporate the terms of that Commission exemption into PCXE's rules. The changes to Commentary .01 to PCXE Rule 6.16 provide that an ETP Holder must price-improve an incoming marketable order by at least \$0.01 when holding an unexecuted customer limit order otherwise due an execution pursuant to PCXE Rule 6.16(a). This is an important investor protection because an ETP Holder will be prohibited from stepping ahead of a customer limit order by a sub-penny amount even though sub-penny orders generally may be entered on ArcaEx. The Commission notes that it previously has approved an identical price improvement standard on other exchanges.<sup>13</sup>

The Commission finds good cause for approving this proposal before the thirtieth day after the publication of notice thereof in the **Federal Register**. Accelerated approval will provide protection for customer limit orders simultaneous with the effectiveness of the Commission exemption that permits sub-penny quoting, for a limited period, on ArcaEx.

#### **V. Conclusion**

*It Is Therefore Ordered*, pursuant to Section 19(b)(2) of the Act,<sup>14</sup> that the proposed rule change, as amended (SR-PCX-2004-129), is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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**BILLING CODE 8010-01-P**

<sup>11</sup> 17 CFR 240.11 Ac1-1, 240.11 Ac1-2, and 240.11 Ac1-4.

<sup>12</sup> See letter from David S. Shillman, Associate Director, Division, Commission, to Mai S. Shiver, Director of Regulatory Policy, PCX, dated February 10, 2005.

<sup>13</sup> See Securities Exchange Act Release No. 44164 (April 6, 2001), 66 FR 19263 (April 13, 2001) (approving penny price improvement increment on Chicago Stock Exchange); Securities Exchange Act Release No. 46274 (July 29, 2002), 67 FR 50743 (August 5, 2002) (same for Cincinnati—now National—Stock Exchange).

<sup>14</sup> 15 U.S.C. 78s(b)(2).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

#### **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, the Paperwork Reduction Act of 1995, effective October 1, 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. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Building, Room 10235, 725 17th St., NW., Washington, DC 20503, Fax: 202-395-6974;

(SSA), Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1338 Annex Building, 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 within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. 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. *Railroad Employment Questionnaire—20 CFR 404.1401, 404.1406–1408—0960–0078.* SSA uses form SSA-671 to secure sufficient information to effect the required coordination with the Railroad Retirement Board for Social Security claims processing. It is completed whenever claimants give indications of having been employed in the railroad industry. The respondents are applicants for Social Security benefits,

who have had railroad employment, or dependents of railroad workers.

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

*Number of Respondents:* 125,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 5 minutes.

*Estimated Annual Burden:* 10,417 hours.

## 2. Government Pension Questionnaire—20 CFR 404.408a—0960–0160.

The Social Security Act and regulations provide that an individual receiving spouse's benefits and concurrently receiving a Government pension, based on the individual's own earnings, may have the Social Security benefit amount reduced by two-thirds of the pension amount. The data collected on form SSA-3885 is used by SSA to determine if the individual's Social Security benefit will be reduced, the amount of the reduction, and if one of the exceptions in 20 CFR 404.408a applies. The respondents are individuals who are receiving, or will receive, Social Security spouse's benefits and also receive their own Government pension.

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

*Number of Respondents:* 76,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 12.5 minutes.

*Estimated Annual Burden:* 15,833 hours.

*3. Teacher Questionnaire (SSA-5665-BK); Request for Administrative Information (SSA-5666-BK)—20 CFR 416.924a and 20 CFR 404.1520—0960–0646.* If an individual who is claiming disability under title XVI or title II is currently, or has recently been, in an

education program, SSA must obtain information about his or her functioning from teachers, instructors, and other education personnel who have the opportunity to observe the individual on a day-to-day basis. Educational programs are an important source of evidence and often provide formal assessment results and other kinds of information from a variety of disciplines. Evidence obtained from educational programs varies a great deal, however, in format, content, reliability, and usefulness. The need exists, therefore, for an information collection instrument that will assure a degree of uniformity and consistency in the quantity and quality of information received about a claimant's (or beneficiary's/recipient's) impairment-related limitations.

## SSA-5665-BK

*Type of Request:* Revision of OMB-approved information collection.

*Number of Respondents:* 557,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 20 minutes.

*Estimated Annual Burden:* 185,667 hours.

## SSA-5666

*Type of Request:* Revision of OMB-approved information collection.

*Number of Respondents:* 555,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 138,750 hours.

*4. Statement Regarding Date of Birth and Citizenship—20 CFR 404.716—0960–0016.* Form SSA-702 collects information needed when preferred or

other evidence is not available to prove age or citizenship for an individual applying for Social Security benefits. SSA uses this form for individuals who must establish age as a factor of entitlement or U.S. citizenship as a payment factor. Respondents are applicants for one or more Social Security benefits who need to establish their dates of birth as a factor of entitlement or U.S. citizenship as a factor of payment.

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

*Number of Respondents:* 1,200.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 200 hours.

*5. The Ticket to Work and Self-Sufficiency Program—20 CFR 411.160–730—0960–0644.* The Ticket to Work and Self-Sufficiency program allows individuals with disabilities who are receiving SSA payments to work towards decreased dependence on government cash benefits programs without jeopardizing their benefits during the transition period to employment. The program allows disability payment recipients to choose a provider from an employment network (EN), who will guide these beneficiaries in obtaining, regaining, and maintaining self-supporting employment. 20 CFR 411.160–730 discusses the regulations governing this program. The respondents are individuals entitled to Social Security benefits based on disability or individuals entitled to SSI; Program Managers; EN contractors; and VRAs.

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

CFR sections	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
411.140(c) [X-refer sections 411.145, 411.150, 411.325(a), (b), (c), & (d), 411.320(f)].	70,000 .....	2/year .....	60 .....	140,000.
411.325(e) [X-refer section 411.395(b)] .....	70,000 .....	12/year .....	60 .....	840,000.
411.325(f) [X-refer section 411.395(a)] .....	60,000 .....	1/year .....	5 .....	5,000.
411.190 (a) [X-refer section 411.195] .....	250 .....	1/year .....	30 .....	125.
411.220(a)(1) .....	55 .....	Varies .....	30 .....	28.
441.245(b)(1) .....	12,000 .....	1 .....	1 .....	200.
411.325(d) .....	25 .....	1 .....	480 .....	200.
411.365 .....	82 .....	1 .....	240 .....	328.
411.575 [X-refer section 411.500]	6,000 .....	1 .....	30 .....	3,000.
411.605(b) [X-refer section 411.610]	27,000 .....	Varies .....	5 .....	2,250.
411.435(c) .....	100 .....	Once .....	60 .....	100.
411.615 .....	1,000 .....	Once .....	60 .....	1,000.
411.625 .....	50 .....	Once .....	60 .....	50.
411.210(b) .....	2,000 .....	Once .....	30 .....	1,000.
411.590(b) .....	100 .....	Once .....	60 .....	100.
411.655 .....	1 .....	Once/year .....	120 .....	2.
411.200 .....	150 .....	12/year .....	15 .....	450.
Total annual respondents .....	248,813 .....	.....	Total Annual Burden Hours.	993,833.

*Total Estimated Annual Burden:*  
993,833 hours.

6. *Help America Vote Act—0960-NEW.*

## Background

On October 29, 2002, President George W. Bush signed into law H.R. 3295, the Help America Vote Act (HAVA) of 2002, which mandates the verification of newly registered voters. HAVA places certain requirements upon SSA in terms of verifying information to be used for each State's voter registration process.

SSA's role in HAVA is defined in Section 303 of the law. Section 303 requires each State to implement a computerized statewide voter registration list and to verify voter information with the State motor vehicle administration (MVA) records, or if none exist, with SSA records.

## HAVA Information Collection

Individuals registering to vote must provide their driver's license number to the State election agency. If they have no driver's license or State-issued identity card they must supply the last four digits of the Social Security number (SSN). The State election agency will forward the new registrant name, date of birth (DOB), and the last four digits of the SSN to the State MVA.

SSA requires State MVAs to use the American Association of Motor Vehicle Administrations (AAMVA) as a consolidation point for data transfer as is currently done for SSN verification of a driver's license applicant. The data, as input by the MVA, routes the applicant's information to the AAMVA network hub. AAMVA forwards the transaction to SSA's HAVA verification system. The result will be returned from SSA to the AAMVA hub for distribution to the State MVA. The respondents to the HAVA collection are the various State MVAs responsible under the act for verifying voter registration information.

*Type of Request:* New Information Collection.

*Number of Respondents:* 50 State MVAs.

*Total Annual Responses:* \*1,000,000.

*Average Burden per Response:* 2 minutes.

*Estimated Annual Burden:* 33,333 hours.

\*The actual number of responses per state will vary based on population. Therefore, the total number of responses is based on data of new voter applications received by all 50 States in 1999–2000.

7. *Public Understanding Measurement System (PUMS)—0960-0612.*

As required by Section 2(b) of the Government Performance and Results Act (GPRRA), which provides that Agencies establish the means for measuring their progress in achieving agency-level goals, SSA established the PUMS in 1998 as a tool for measuring its performance in meeting its strategic objectives in the area of public knowledge about and understanding of the Social Security program. The instrument used in PUMS is a national phone survey of adult Americans (age 18 and over) conducted annually for SSA by a professional polling organization.

The PUMS survey instrument is designed to collect knowledge data from key populations toward which SSA has targeted education and outreach programs. Additionally, the survey is intended to assure a valid knowledge measure for key populations at the national level. This information is a crucial step in making SSA more focused and effective in its communication programs. The respondents are randomly selected adults residing in the United States.

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

*Number of Respondents:* 1,400.

*Frequency of Response:* 1.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 350 hours.

8. *Statement of Income and Resources—20 CFR 416.207, 416.301-310, 416.704 and 416.708—0960-0124.* The information collected on form SSA-8010-BK is used in Supplemental Security Income (SSI) claims and redeterminations to obtain information about the income and resources of: Ineligible spouses, parents/spouses of parents, and children living in the claimant's/beneficiary's household; essential persons; and sponsors of aliens (including spouses of sponsors who live with the sponsor). The information is needed to make initial or continuing eligibility determinations for SSI claimants/beneficiaries who are subject to deeming. If eligible, the information is used to determine the amount of the SSI payment. The respondents are persons whose income and resources must be considered in determining the eligibility of SSI claimants or beneficiaries.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 341,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 26 minutes.

*Estimated Annual Burden:* 147,767 hours.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at (410) 965-0454, or by writing to the address listed above.

1. *Advance Notice of Termination of Child's Benefits and Student's Statement Regarding School Attendance—20 CFR 404.350–404.352, 404.367–404.368—0960-0105.* The information collected on Form SSA-1372 is needed to determine whether children of an insured worker are eligible for student benefits. The data allows SSA to determine student entitlement and whether entitlement will end. The respondents are student claimants for Social Security benefits, their respective schools and, in some cases, their payees.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 200,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 33,333 hours.

2. *Statement Regarding Marriage—20 CFR 404.726—0960-0017.* Form SSA-753 elicits information from third parties to verify the applicant's statement about intent, cohabitation, and holding out to the public as married, which are basic tenets of a common-law marriage. The responses are used by SSA to determine if a valid marital relationship exists and to make an accurate determination regarding entitlement to spouse/widow(er) benefits. The respondents are individuals who are familiar with and can provide confirmation of an applicant's common-law marriage.

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

*Number of Respondents:* 40,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 9 minutes.

*Estimated Annual Burden:* 6,000 hours.

3. *Request for Address Information From Motor Vehicles Records; Request for Address Information From Employment Commissions Records—4 CFR 104.2—0960-0341.* SSA sends the SSA-L711 to State Motor Vehicle Administrations to obtain the last known address from driver's license and registration records. SSA sends the SSA-L712 to State Employment Commissions to obtain the last known

address from State unemployment/employment wage records. SSA uses the information to locate debtors to arrange for payment of debts owed to SSA. The respondents are State Motor Vehicle Administrations and State Employment Commissions.

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

*Number of Respondents:* 2,400.

*Frequency of Response:* 1.

*Average Burden per Response:* 2 minutes.

*Estimated Annual Burden:* 80 hours.

**4. General Request for Social Security Records, eFOIA—20 CFR 402.130—0960—NEW.** SSA uses the information collected on this electronic request for Social Security records to respond to the public's request for information under the rights provided by the Freedom of Information Act (FOIA), and to track those requests by amount received, type of request, fees charged and responses sent within the required 20 days. Respondents are individuals or agencies requesting documents under FOIA.

*Type of Request:* New information collection.

*Number of Respondents:* 300,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 3 minutes.

*Estimated Annual Burden:* 15,000 hours.

**5. Social Security Number Verification Service (SSNVS)—0960-0660.**

## Background

Under Internal Revenue Service regulations, employers are obligated to provide wage and tax data to SSA using form W-2, Wage and Tax Statement or its electronic equivalent. As part of this process, the employer must furnish the employee's name and their SSN. This information must match SSA's records in order for the employee's wage and tax data to be properly posted to their Earnings Record. Information that is incorrectly provided to the Agency must be corrected by the employer using an amended reporting form, which is a labor-intensive and time-consuming process for both SSA and the employer. Therefore, to help ensure that employers provide accurate name and SSN information, SSA piloted SSNVS with 100 employers and now plans to implement the service nationally.

**SSNVS Collection.** SSNVS is an optional free and secure Internet service for employers that allows them to perform advance verification of their employees' name and SSN information against SSA records. SSA will use the information collected through the SSNVS to verify that employee name

and SSN information, provided by employers, matches SSA records. SSA will respond to the employer informing them only of matches and mismatches of submitted information. Respondents are employers who provide wage and tax data to SSA and elect to use the service.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 200,000.

*Frequency of Response:* 120.

*Average Burden per Response:* 5 minutes.

*Estimated Annual Burden:* 2,000,000 hours.

**6. Application for SSI—20 CFR 416.305–335—0960–0229.** SSA uses the information collected on form SSA-8000-BK or its electronic equivalent, the Modernized SSI Claims System (MSSICS), to determine eligibility for SSI and the amount of benefits payable to the applicant. During the personal interview process the MSSICS system takes less time to complete because the system propagates like information and only asks relevant questions of the applicant. Approximately 97% of SSI applications are taken via MSSICS. The respondents are applicants for SSI payments.

*Type of Request:* Revision of an OMB-approved information collection.

## Form SSA-8000

*Number of Respondents:* 33,851.

*Frequency of Response:* 1.

*Average Burden per Response:* 41 minutes.

*Estimated Annual Burden:* 23,132 hours.

## MSSICS

*Number of Respondents:* 1,094,523.

*Frequency of Response:* 1.

*Average Burden per Response:* 36 minutes.

*Estimated Annual Burden:* 656,714 hours.

*Total Burden Hours:* 679,846.

Dated: February 10, 2005.

**Elizabeth A. Davidson,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 05-3029 Filed 2-16-05; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF STATE

**[Public Notice 4994]**

### Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Junior Faculty Development Program

*Announcement Type:* New Cooperative Agreement.

*Funding Opportunity Number:* ECA/A/E/EUR-05-05.

*Catalog of Federal Domestic Assistance Number:* 00.000.

*Key Dates: Application Deadline:* April 15, 2005.

*Executive Summary:* The Office of Academic Exchange Programs/European Programs Branch of the Bureau of Educational and Cultural Affairs (ECA/A/E) announces an open competition for the Junior Faculty Development Program (JFDP). Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501 (c) (3) may submit proposals to place visiting faculty from Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Macedonia, Serbia and Montenegro, Tajikistan, Turkmenistan, and Uzbekistan at U.S. universities for a one academic semester (five months) program. The grantee organization for this program will support and oversee the activities of the faculty throughout their stay in the United States. In addition, the grantee organization will recruit and select candidates for the JFDP in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Macedonia, Serbia and Montenegro, Tajikistan, Turkmenistan, and Uzbekistan to begin the program in the United States in January 2006.

## I. Funding Opportunity Description

*Authority:* Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries \* \* \*; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations \* \* \* and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

*Purpose:* The Junior Faculty Development Program (JFDP) will offer full fellowships to university instructors from participating countries. Selected through an open, merit-based competition, JFDP Fellows will attend U.S. universities for one academic semester to work with faculty mentors