

A proposed rule change filed under Rule 19b-4(f)(6)<sup>14</sup> normally does not become operative prior to 30-days after the date of filing. However, Rule 19b-4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Phlx has asked the Commission waive the 30-day operative delay and the 5-day pre-filing requirement. The Commission believes that waiving the 30-day operative delay and the 5-day pre-filing requirement is consistent with the protection of investors and the public interest because such waiver will allow the Phlx to immediately clarify its rule and conform it to the industry-wide close of trading times now in effect. Accelerating the operative date will allow for a more efficient and effective market operation by offering clarity and internal consistency with existing Phlx rules. For these reasons, the Commission designates the proposed rule change as effective and operative immediately upon filing with the Commission.<sup>15</sup>

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-Phlx-2006-12 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

<sup>14</sup> *Id.*

<sup>15</sup> For the purposes only of waiving the 30-day operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

All submissions should refer to File Number SR-Phlx-2006-12. 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-2006-12 and should be submitted on or before April 3, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

Nancy M. Morris,

Secretary.

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## 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 Public Law 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, approval of existing 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, Fax: 202-395-6974. (SSA), Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1333 Amex 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. Request for Workers' Compensation/Public Disability Benefit Information—20 CFR 404.408(e)—0960-0098. Section 224 of the Social Security Act provides for an offset of disability insurance benefits when workers' compensation (WC) or public disability benefits (PDB) is also being received. The SSA-1709 is used to request and/or verify information regarding WC/PDB given to Social Security disability recipients so that the proper adjustment is made to their monthly benefits. The respondents are Federal, State, and local agencies administering WC/PDB, insurance carriers, and public or private self-insured companies.

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

*Number of Respondents:* 120,000.

*Frequency of Response:* 1.

*Average Burden per Response:* 15 minutes.

*Estimated Annual Burden:* 30,000 hours.

2. Request for Reconsideration—20 CFR 404.907-404.921, 416.1407-416.1421—0960-0622. The information collected on Form SSA-561-U2 is used by SSA to document and initiate the reconsideration process for determining entitlement to Social Security benefits (Title II), Supplemental Security Income (SSI) payments (Title XVI), and Special Veterans Benefits (Title VIII). The respondents are individuals filing for reconsideration.

<sup>16</sup> 17 CFR 200.30-3(a)(12).

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 1,455,000.  
*Frequency of Response:* 1.  
*Average Burden per Response:* 8 minutes.

*Estimated Annual Burden:* 194,000 hours.

3. Statement of Employer—20 CFR 404.801–803—0960–0030. The information collected on Form SSA–7011–F4 is needed to substantiate allegations of wages paid to workers when wages do not appear in SSA’s records of earnings and the worker has no proof of said earnings. SSA can use the information to process claims for benefits and resolve discrepancies in the worker’s earnings record. The respondents are certain employers who can verify wage allegations made by the wage earner.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 925,000.  
*Frequency of Response:* 1.  
*Average Burden per Response:* 20 minutes.

*Estimated Annual Burden:* 308,333 hours.

4. Claimant Statement About Loan of Food or Shelter; Statement About Food or Shelter Provided to Another—20 CFR 416.1130–416.1148—0960–0529. Forms SSA–5062 and SSA–L5063 are used to obtain statements about food and/or shelter provided to an SSI claimant or recipient. SSA uses this information to determine whether food and/or shelter are bona fide loans or should be counted as income for SSI purposes. This determination can affect eligibility for SSI and the amount of SSI benefits payable. The respondents are claimants/recipients for SSI benefits and individuals that provide loans of food and/or shelter to SSI claimants/recipients.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 131,080.  
*Frequency of Response:* 1.  
*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 21,847 hours.

5. Instructions for Completion of Federal Assistant Application—0960–0184.

The information on Form SSA–96 will be used to assist SSA in selecting grant proposals for funding based on their technical merits. The information will also assist in evaluating the soundness of the design of the proposed activities, the possibilities of obtaining productive results, the adequacy of resources to conduct the activities and the relationship to other similar activities that have been or are being conducted. The respondents are State and local governments. State-designated protection and advocacy groups, colleges and universities and profit and nonprofit private organizations.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 400.  
*Frequency of Response:* 2 hours.  
*Average Burden per Response:* 14 hours.

*Estimated Annual Burden:* 11,200 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 Office at 410–965–0454, or by writing to the address listed above.

1. Permanent Residence Under Color of the Law (PRUCOL)—20 CFR 416.1615 and 416.1618—0960–0451. Under Public Law 104–193, which was effective August 22, 1996, a non-citizen must be a “qualified alien” and meet certain additional requirements in order to be eligible for Supplemental Security income (SSI). This law also established an exception to the new requirements for certain “nonqualified aliens” (i.e., non-citizens who are not qualified aliens). Nonqualified aliens who were receiving SSI on August 22, 1996 were allowed to remain on the rolls until September 30, 1997, at which time benefits would be suspended if the aliens had not acquired alien status. Public Law 105–33 extended the

suspension date to September 30, 1998. Public Law 105–306, enacted October 28, 1998, provided that nonqualified aliens who were receiving SSI on August 22, 1996 would remain eligible for SSI after September 30, 1998 provided all other requirements for eligibility were met (e.g., income and resources, etc.). SSI eligibility for this group of aliens—“grandfathered nonqualified aliens”—will continue to be determined based on the rules governing alien eligibility in effect prior to August 22, 1996, i.e., the PRUCOL standard.

As discussed in SSA regulations at 20 CFR 416.1615 and 416.1618, a PRUCOL alien must present evidence of his/her alien status at application and periodically thereafter as part of the eligibility determination process for SSI. SSA verifies the validity of the evidence of PRUCOL for grandfathered nonqualified aliens with the Department of Homeland Security (DHS). Based on the DHS response, SSA will determine whether the individual is PRUCOL. Without this information, SSA would not be able to determine whether the individual is eligible for SSI payments. The respondents are individuals who have alien status and live in the United States.

*Type of Request:* Extension of an OMB-approved information collection.  
*Number of Respondents:* 9,000.  
*Frequency of Response:* 1.  
*Average Burden per Response:* 5 minutes.

*Estimated Annual Burden:* 750 hours.

2. Request for Evidence from Doctor or Hospital—20 CFR 404.1512, 404.1513(a), (b) & (e), 404.1514, 416.912, 416.913(a), (b) & (e), 41694—0960–NEW. Claimants are required to provide medical evidence of their impairments(s) in pursuing a disability claim. SSA uses the forms listed below to request medical evidence from sources (doctors and hospitals) where the claimant has been treated, see or otherwise evaluated. Respondents are doctors and hospitals where the claimant has been evaluated.

*Type of Request:* Collection in Use Without OMB Number.

Form type	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated annual burden (hours)
Request for Evidence from a Doctor (J1) .....	10,000	20	200,000	15	50,000
Request for Evidence from a Hospital (J2) .....	10,000	20	200,000	15	50,000
Totals .....	20,000	.....	400,000	.....	100,000

*Estimated Annual Burden:* 1000,000 hours.

3. Request for School Records—20 CFR Part 416, Subpart I, 416906, 416.913, 416.946, 404, Subpart P, Appendix 1—0960–NEW. School records are pertinent evidence in a childhood claim for disability benefits. ALJs send a letter to schools which the claimant has attended requesting the claimant's school records. These records are evaluated for evidence relative to the claimant's impairments or ability to do age-appropriate activities. Respondents are the school(s) which the claimant has attended.

*Type of Request:* Collection in Use Without OMB Number.

*Number of Respondents:* 10,000.

*Frequency of Response:* 6.

*Average Burden per Response:* 30 minutes.

*Estimated Annual Burden:* 30,000 hours.

4. Homeless Outreach Project and Evaluation (HOPE)—0960–0704.

## Background

Congress passed the McKinney Act of 1987 in recognition of an in an effort to address situations and conditions facing people without permanent shelter. The Act funded 15 emergency services and nine individual titles to authorize the provision of specific programs by Federal agencies. The Act also established the Interagency Council on Homelessness (ICH) composed of leaders from 15 Federal agencies who are in charge of coordinating efforts to assist people who are homeless. During the past decade, SSA and other ICH agencies have compiled important data about people who are homeless and have carried out evaluations of services which have generated evidence about "best" or "promising practices" well suited to combating homelessness.

In fiscal year 2003, President George W. Bush announced an initiative to end chronic homelessness in 10 years. As a result, SSA developed Project HOPE and in May 2004 awarded 34 Cooperative Agreements to organizations which provide outreach, support services and benefit application assistance to the chronically homeless and other underserved populations. An additional 7 cooperative agreements were awarded in November 2004 for a total of 41. The goal of Project HOPE is to improve both the quantity and quality of applications for disability benefits. Project HOPE gives focused support to Cooperative (co-op) awardees via a training program and ongoing technical assistance.

## Evaluation of Project HOPE

SSA uses the project HOPE evaluation to determine the effectiveness and the efficiency of the program. To obtain the information needed for the evaluation, SSA has developed an interactive Web site that is used by co-op awardees to input client and program data, and by SSA to communicate project-wide announcements to the awardees. The respondents are HOPE grantees/non-profit social services organizations serving people who are homeless and disabled.

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

*Number of Respondents:* 41.

*Frequency of Response:* 12.

*Average Burden per Response:* 65 minutes.

*Estimated Annual Burden:* 533 hours.

Dated: March 6, 2006.

**Elizabeth A. Davidson,**

*Reports Clearance Officer, Social Security Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval of Noise Compatibility Program Update for Albany International Airport, Albany, NY

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Albany County Airport Authority under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On July 8, 2005 the FAA determined that the noise exposure maps submitted by the Albany County Airport Authority under part 150 were in compliance with applicable requirements. On January 4, 2006, the FAA approved the Albany International Airport's updated noise compatibility program. Most of the recommendations of the program update were approved. Four measures were approved as voluntary measures and four were disapproved in part. One measure was disapproved for part 150 purposes."

**DATES:** The effective date of the FAA's approval of the Albany International

Airport's noise computability program update is January 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Maria Stanco, Environmental Protection Specialist, Federal Aviation Administration, New York Airports District Office, 600 Old County Road, Suite 446, Garden City, NY 11530, Telephone 516 227–3808. Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the noise compatibility program update for the Albany International Airport, effective January 4, 2006.

A. Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise computability program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with Interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

1. The noise computability program was developed in accordance with the provisions and procedures of FAR Part 150;

2. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

3. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

4. Program measures relating to the use of flight procedures can be implemented within the period covered