

preserving the ability of firms to correct bona fide errors.

As explained in the Commission's notice of OCC's proposed rule change,<sup>8</sup> the primary reason for this rule change is that there were only a few late exercise requests that OCC received during the period January 2006 through March 2007.<sup>9</sup> Specifically, there were five requests for late exercises from five different firms relating to 14 line items with values ranging from \$124,000 to \$270,000. All requests were received after the start of critical processing, requiring OCC to run supplemental exercise procedures after nightly processing had been completed. Such processing was initiated following the 6:30 a.m. (CT) cut-off time for late exercise requests,<sup>10</sup> and all assigned firms were notified before the 8 a.m. (CT) deadline. Although no late exercise requests were received between the deadline for submitting exercises and the start of critical processing during the above-referenced review period, OCC determined that, upon request, its operations staff would extend the deadline by a reasonable period in the event an exchange, clearing member, or OCC experienced system or operational problems that prevented one or more clearing members from submitting exercises on a timely basis.<sup>11</sup> The payment of the applicable filing fee in such instances was neither required nor has it typically been required for requests received before the start of critical processing.

### III. Discussion

Section 17A(b)(3)(F) of the Act<sup>12</sup> requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission finds that OCC's proposed rule change is consistent with this requirement because the new fee structure should provide an incentive

for clearing members to improve their back office processing with respect to determining positions for which an exercise notice is to be submitted in order to reduce the frequency that they file late exercise requests while preserving their ability to correct bona fide operational errors.

### IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act<sup>13</sup> and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR-OCC-2007-16), as amended, be and hereby is approved. In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation.<sup>14</sup>

For the Commission by the Division of Trading and Markets pursuant to delegated authority.<sup>15</sup>

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-29250 Filed 12-10-08; 8:45 am]

**BILLING CODE 8011-01-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 February 9, 2009.

**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 Michele Gierwatoski, Lead Accountant, Office of Denver Finance, Small Business Administration, 721 19th Street, 3rd Floor, Denver, CO 80202.

**FOR FURTHER INFORMATION CONTACT:** Michele Gierwatoski, Lead Accountant,

Office of Denver Finance, 303-844-0413, [michele.gierwatoski@sba.gov](mailto:michele.gierwatoski@sba.gov); Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** The SBA Form 172 is used by Lenders to report loan payments data to SBA on monthly basis. The purpose of this reporting is to (1) show the remittance due SBA on a loan serviced by participating lending institutions; (2) update the loan receivable balances; and (3) generate the issuance of past due notices.

*Title:* "Transaction Report on Loans Serviced by Lenders".

*Description of Respondents:* Small Business Administration Participating Lenders.

*Form Number:* 172.

*Annual Responses:* 11,134.

*Annual Burden:* 3,352.

*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 Barbara Brannan, Special Assistant, Office of Surety Bond Guarantee Program, Small Business Administration, 409 3rd Street, SW., 8th floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Barbara Brannan, Special Assistant, Office of Surety Bond Guarantee Program, 202-205-6545, [barbara.brannan@sba.gov](mailto:barbara.brannan@sba.gov); Curtis B. Rich, Management Analyst, 202-205-7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** SBA's Surety Bond Guarantee (SBG) Program was created to encourage surety companies to provide bonding for small contractors. The purpose of this survey is to ascertain small business familiarity with the program and establish baseline level data on the relative size of the small business market in need of the program.

*Title:* "Small Business Administration (SBA) Surety Bond Guarantee Customer Survey".

*Description of Respondents:* Surety Companies.

*Form Number:* 2309.

*Annual Responses:* 382.

*Annual Burden:* 13.

*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 Rachel Newman Karton, Program

<sup>8</sup> *Supra* note 3.

<sup>9</sup> From April 2007 to October 2007 there were no requests to submit a late exercise although in each of June and September 2007, OCC received an inquiry regarding a possible submission. However, the clearing members involved elected not to formally file such a request.

<sup>10</sup> Systemic and operational constraints preclude OCC from processing late exercise requests at an earlier time.

<sup>11</sup> Subject to OCC's need to start critical processing, the deadline for submitting exercise notices may be extended if "unforeseen conditions" prevent their submission by a clearing member (OCC Rule 205). OCC has concluded that its authority to extend such deadlines should more explicitly reference systemic or operational problems or other unforeseen conditions experienced by additional industry participants that may impact the timely submission of exercise notices.

<sup>12</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>13</sup> 15 U.S.C. 78q-1.

<sup>14</sup> 15 U.S.C. 78c(f).

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

Analyst, Office of Entrepreneurial Development, Small Business Administration, 409 Street, SW., 6th floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Rachel Newman Karton, Program Analyst, Office of Entrepreneurial Development, 202-619-186, *rachel.newman-karton@sba.gov*; Curtis B. Rich, Management Analyst, 202-205-7030, *curtis.rich@sba.gov*.

**SUPPLEMENTARY INFORMATION:** Each form is used to notify recipients of grant awards and cooperative agreement awards. Form 1222 is used also to document logistical and budgetary information gathered from the awardees application and proposed. Awardees/ Respondents are universities, colleges, state and local government, for-profit organizations. Form 1224 is used to certify the cost sharing by the recipient.

*Title:* "Notice of Award and Grant Cooperative Agreement Sharing Proposal".

*Description of Respondents:* Participating Colleges and Grants Management Offices.  
*Form Numbers:* 1222 and 1224.  
*Annual Responses:* 2,592.  
*Annual Burden:* 202,261.

**Jacqueline White,**  
*Chief, Administrative Information Branch.*  
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**BILLING CODE 8025-01-M**

**SMALL BUSINESS ADMINISTRATION**

**Small Business Investment Companies; Increase in Maximum Leverage Ceiling**

13 CFR 107.1150(a) sets forth the maximum amount of Leverage (as

defined in 13 CFR 107.50) that a Small Business Investment Company may have outstanding at any time. The maximum Leverage amounts are adjusted annually based on the increase in the Consumer Price Index published by the Bureau of Labor Statistics. The cited regulation states that the Small Business Administration will publish the indexed maximum Leverage amounts each year in a Notice in the **Federal Register**.

Accordingly, effective the date of publication of this Notice, and until further notice, the maximum Leverage amounts under 13 CFR 107.1150(a) are as stated in the following table:

If your leverageable capital is:	Then your maximum leverage is:
(1) Not over \$22,800,000 .....	300 percent of Leverageable Capital.
(2) Over \$22,800,000 but not over \$45,700,000 .....	\$68,400,000 + [2 x (Leverageable Capital - \$22,800,000)].
(3) Over \$45,700,000 but not over \$68,600,000 .....	\$114,200,000 + (Leverageable Capital \$45,700,000).
(4) Over \$68,600,000 .....	\$137,100,000.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 2, 2008.

**A. Joseph Shepard,**  
*Associate Administrator for Investment.*  
 [FR Doc. E8-29027 Filed 12-10-08; 8:45 am]  
**BILLING CODE 8025-01-M**

**SOCIAL SECURITY ADMINISTRATION**

**Agency Information Collection Activities: Proposed Request and Comment Request**

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L. 104-13), the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a revision to an OMB-approved information collection.

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 ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information

collection(s) to the OMB Desk Officer and the SSA Reports Clearance Officer at the addresses or fax numbers listed below.

(OMB),  
 Office of Management and Budget,  
*Attn:* Desk Officer for SSA,  
*Fax:* 202-395-6974.  
*E-mail address:*  
*OIRA\_Submission@omb.eop.gov.*  
 (SSA), Social Security Administration,  
 DCBPM,  
*Attn:* Reports Clearance Officer,  
 1332 Annex Building,  
 6401 Security Blvd.,  
 Baltimore, MD 21235,  
*Fax:* 410-965-6400,  
*E-mail address:* *OPLM.RCO@ssa.gov,*

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. Therefore, your comments would be most helpful if you submit them to SSA within 60 days from the date of this publication. Individuals can obtain copies of the collection instrument by calling the SSA Reports Clearance Officer at 410-965-3758 or by writing to the email address listed above.

1. Claimant's Recent Medical Treatment—20 CFR 404.1512 and 416.912—0960-0292 Form HA-4631 is a questionnaire used by SSA to obtain updated medical evidence. Each claimant who requests a hearing before an Administrative Law Judge (ALJ) has a right to such a hearing once the

Disability Determination Service (DDS), at the Reconsideration level, has denied the claim. SSA requests the claimant complete and return the HA-4631 if the claimant's file does not reflect a complete medical history. Because the claimant's situation may change over time, as the claimant proceeds through the appeals process, ALJs must obtain the information on Form HA-4631 to update and complete the record and to verify the accuracy of information previously provided. It is by this process, ALJs can ascertain whether the claimant's situation has changed. The ALJ and Hearing Office (HO) staff use the response to make hearing arrangements for consultative examination(s) and the attendance of an expert witness(es), if appropriate. At the hearing, the ALJ offers any completed questionnaires as exhibits and may use them to refresh the claimant's memory, and to inquire into the matters at issue. The respondents are claimant's requesting hearings on entitlement to benefits based on disability under Titles II and/or XVI of the Social Security Act.

*Type of Request:* Extension of an OMB-Approved Information Collection.  
*Number of Respondents:* 350,000.  
*Frequency of Response:* 1.  
*Average Burden Per Response:* 10 minutes.  
*Estimated Annual Burden:* 58,333 hours.