

stated that its proposed linkage fees were consistent with other fees charged by the Exchange for non-Linkage Orders. In Amendment No. 2, Phlx clarifies that due to the recent changes to the options transaction charges applicable to broker-dealers discussed above, the proposed fee applicable to Principal Orders sent to the Exchange via the Linkage is no longer consistent with other fees charged by the Exchange for non-Linkage Orders.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filings with the Commission, Phlx included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change.<sup>11</sup> The text of these statements may be examined at the places specified in Item IV below. Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.<sup>12</sup>

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to modify the fee schedule to reflect changes made to Phlx's fee schedule subsequent to the Original Filing and to make a correction to the fee schedule.

2. Statutory Basis

Phlx believes that the proposed rule change, as amended, is consistent with section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of section 6(b)(4),<sup>14</sup> in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members who avail themselves of the linkage.

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

Phlx does not believe that the proposed rule change, as amended, will impose any inappropriate burden on competition.

contracts (with the first 3,000 contracts charged \$25 per contract).

<sup>11</sup> See Original Filing, note 5 *supra*.

<sup>12</sup> *Id.*

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4).

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change, as amended.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the 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 Phlx consents, the Commission will:

(A) by order approve the proposed rule change, as amended, or

(B) institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2, including whether Amendment No. 2 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. 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 will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File Number SR-Phlx-2003-16 and should be submitted by May 27, 2003.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-10958 Filed 5-2-03; 8:45 am]

**BILLING CODE 8010-01-P**

<sup>15</sup> 17 CFR 200.30-2(a)(12).

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3494]**

**State of Alaska**

As a result of the President's major disaster declaration on April 26, 2003, I find that the Kenai Peninsula Borough, Matanuska-Susitna Borough and Municipality of Anchorage in the State of Alaska constitute a disaster area due to damages caused by a severe winter storm, including high winds and freezing temperatures that occurred on March 6 through March 14, 2003. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on June 25, 2003 and for economic injury until the close of business on January 26, 2004 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853-4795.

In addition, applications for economic injury loans from small businesses located in the following contiguous boroughs and areas may be filed until the specified date at the above location: Denali Borough, Kodiak Island Borough, Lake and Peninsula Borough, Chugach Regional Educational Attendance Area (REAA), Copper River REAA, Delta/Greely REAA and Iditarod Area REAA in the State of Alaska.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere .....	5.875
Homeowners without credit available elsewhere .....	2.937
Businesses with credit available elsewhere .....	6.378
Businesses and non-profit organizations without credit available elsewhere .....	3.189
Others (including non-profit organizations) with credit available elsewhere .....	5.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere .....	3.189

The number assigned to this disaster for physical damage is 349411 and for economic injury the number is 9V0800.

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

Dated: April 28, 2003.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 03-10939 Filed 5-2-03; 8:45 am]

**BILLING CODE 8025-01-P**