

provisions of section 15A of the Act,<sup>9</sup> in general and with section 15A(b)(6) of the Act,<sup>10</sup> in particular, in that the proposal is designed to promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

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

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

Written comments were neither solicited nor received.

### **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 self-regulatory organization consents, the Commission will:

- A. By order approve such proposed 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, as amended, 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 NASD. All submissions should refer to File No. SR-NASD-2003-81 and should be submitted by July 3, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. 03-14830 Filed 6-11-03; 8:45 am]

**BILLING CODE 8010-01-P**

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### **SMALL BUSINESS ADMINISTRATION**

**[License No. 02/72-0623]**

#### **Zon Capital Partners, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Zon Capital Partners, L.P. ("Zon"), 5 Vaughn Drive, Suite 104, Princeton, New Jersey 08540, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the proposed financing of a small concern is seeking an exemption under section 312 of the Act and § 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730 (2002)). Zon proposes to provide equity financing to HR Technologies, 2700 Westchester Avenue, Purchase, New York 10577. The financing is contemplated for funding growth and acquisitions.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Early Stage Enterprises L.P., an Associate of Zon, owns greater than 10 percent of HRT and therefore HRT is considered an Associate of Zon as defined in § 107.50 of the Regulations.

Notice is hereby given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit written comments on the proposed transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409

Third Street, SW., Washington, DC 20416.

A copy of this notice shall be published, in accordance with § 107.730 (g), in the **Federal Register** by SBA.

Dated: June 6, 2003.

**Jeffrey D. Pierson,**

*Associate Administrator for Investment.*

[FR Doc. 03-14854 Filed 6-11-03; 8:45 am]

**BILLING CODE 8025-01-P**

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### **SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3496, Amdt. 3]**

#### **State of Kansas**

In accordance with notices received from the Department of Homeland Security—Federal Emergency Management Agency, effective May 30 and June 2, 2003, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning on May 4, 2003, and continuing through May 30, 2003. This declaration is also amended to include Allen County in the State of Kansas as a disaster area due to damages caused by severe storms, tornadoes and flooding occurring on May 4, 2003, and continuing through May 30, 2003.

All other counties contiguous to the above named primary county have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is July 7, 2003, and for economic injury the deadline is February 6, 2004.

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

Dated: June 4, 2003.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 03-14853 Filed 6-11-03; 8:45 am]

**BILLING CODE 8025-01-P**

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### **SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3508]**

#### **Commonwealth of Kentucky**

As a result of the President's major disaster declaration on June 3, 2003, I find that Anderson, Boyd, Breckinridge, Boyle, Bullitt, Caldwell, Carter, Crittenden, Elliott, Fleming, Garrard, Grayson, Greenup, Hardin, Hart, Henderson, Hopkins, Jefferson, Jessamine, Larue, Lewis, Lawrence, Mason, McLean, Meade, Mercer, Nelson, Rowan, Union, Washington, Webster and Woodford Counties in the Commonwealth of Kentucky constitute a disaster area due to damages caused

<sup>9</sup> 15 U.S.C. 78o-3.

<sup>10</sup> 15 U.S.C. 78o-3(6).

<sup>11</sup> 17 CFR 200.30-3(a)(12).

by severe storms, flooding, mud and rock slides, and tornadoes occurring on May 4 through May 27, 2003. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 4, 2003, and for economic injury until the close of business on March 3, 2004, at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Barren, Bath, Bracken, Butler, Casey, Christian, Daviess, Edmonson, Fayette, Franklin, Green, Hancock, Johnson, Lincoln, Livingston, Lyon, Madison, Marion, Martin, Menifee, Metcalfe, Morgan, Muhlenberg, Nicholas, Ohio, Oldham, Robertson, Rockcastle, Scott, Shelby, Spencer, Taylor and Trigg in the Commonwealth of Kentucky; Adams, Brown, Lawrence and Scioto counties in the State of Ohio; Gallatin and Hardin counties in the State of Illinois; Clark, Crawford, Floyd, Harrison, Perry, Posey, Spencer, Vanderburgh and Warrick counties in the State of Indiana; and Wayne county in the State of West Virginia.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere .....	5.625
Homeowners without credit available elsewhere .....	2.812
Businesses with credit available elsewhere .....	5.906
Businesses and non-profit organizations without credit available elsewhere .....	2.953
Others (including non-profit organizations) with credit available elsewhere .....	5.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	2.953

The number assigned to this disaster for physical damage is 350811. For economic injury the number is 9V7500 for Kentucky; 9V7600 for Ohio; 9V7700 for Illinois; 9V7800 for Indiana; and 9V7900 for West Virginia.

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

Dated: June 4, 2003.  
**Herbert L. Mitchell,**  
*Associate Administrator for Disaster Assistance.*  
 [FR Doc. 03-14855 Filed 6-11-03; 8:45 am]  
**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Advisory Committee on Veterans Business Affairs; Public Meeting**

The U.S. Small Business Administration (SBA), pursuant to the Veterans Entrepreneurship and Small Business Development Act of 1999 (Pub. L. 106-50), will be hosting the second meeting of the Advisory Committee on Veterans Business Affairs. The meeting will be held at 409 3rd Street, SW., Washington, DC 20416, on Tuesday, June 24, 2003, from 9 a.m. to 5 p.m. and on Wednesday, June 25, 2003, from 9 a.m. to 12 p.m.

If you have any questions or concerns regarding the meeting, please contact Ms. Cheryl Clark in the Office of Veterans Business Development (OVBD) at (202) 619-1697.

**Candace H. Stoltz,**  
*Director of Advisory Councils, Office of Communications.*  
 [FR Doc. 03-14852 Filed 6-11-03; 8:45 am]  
**BILLING CODE 8025-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**Notice of Granted Buy America Waivers**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of granted Buy America waiver.

**SUMMARY:** The following waivers allow New Flyer of America and the North American Bus Industries (NABI) to count a foreign-manufactured articulating joint system used in low and standard floor bus as a domestic component for purposes of calculating the aggregate domestic content of the vehicle and was predicated on the non-availability of the item in the domestic market. The New Flyer waiver was granted on April 24, 2003, and the NABI waiver on May 9, 2003. For reasons discussed in the text of the waivers, both expire on July 1, 2004. This notice shall insure that the public is aware of the waivers. FTA requests that the public notify it of any relevant changes in the domestic articulating joint market.

**FOR FURTHER INFORMATION CONTACT:** Meghan G. Ludtke, FTA Office of Chief Counsel, Room 9316, (202) 366-1936 (telephone) or (202) 366-3809 (fax).

**SUPPLEMENTARY INFORMATION:** See waivers below.

Issued: June 9, 2003.

**Jennifer L. Dorn,**  
*Administrator.*

April 24, 2003.

Mr. Paul Smith,  
*Vice President, Sales and Marketing, New Flyer of America, 711 Kerneghan Avenue, Winnipeg, Manitoba, Canada R2C 3T4.*

Mr. Smith: This letter responds to your correspondence of March 24, 2003, in which New Flyer of America (New Flyer) requests a non-availability waiver of the Buy America requirements for the procurement of the Hubner Manufacturing Corporation (Hubner) articulated joint system for New Flyer's low floor buses.

The Federal Transit Administration's (FTA) requirements concerning domestic preference for federally funded transit projects are set forth in 49 U.S.C. 5323(j). Section 5323(j)(2)(C) addresses the general requirements for the procurement of rolling stock. This section provides that all rolling stock procured with FTA funds must have a domestic content of at least 60 percent and must undergo final assembly in the U.S. You request a waiver under 49 U.S.C. 5323(j)(2)(B), which states the Buy America requirements shall not apply if the item or items are not produced in the U.S. in sufficient and reasonably available quantities or are not of a satisfactory quality. The implementing regulation provides that non-availability waivers may be granted for a component of rolling stock. 49 CFR 661.7(f).

FTA post a summary of this waiver request on its website and requested comment. We received four comments, one against and three in favor of granting the waiver.<sup>1</sup> The comment against the waiver argues that the Buy America rules for rolling stock already allow a waiver of up to forty percent foreign content, and when a component is unavailable from a domestic source, the vehicle maker should use part of its allotted foreign content. However, as noted above, the regulation currently allows component waivers for rolling stock when the product is not available from a domestic source. FTA received no comments indicating that these articulating joint systems are available from a U.S. source.

Based on a thorough review of the industry, FTA previously granted a two-year non-availability waiver to Newflyer for this articulated joint system on April 24, 2001. You state that the circumstances necessitating the current waiver remain unchanged and in the near term, New Flyer must still use the Hubner joint, which is still not available from a domestic source.

In response to the original waiver, FTA received a comment from a U.S. bellows

<sup>1</sup> The comment against the waiver was from Gillig Corporation. The comments in favor of the waiver were from CAPtech, Inc., North American Bus Industries, and Hubner Manufacturing.