

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

The Exchange does not believe that the proposed rule change, as amended, will impose 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 on the proposed rule change 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. 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-PCX-2005-134 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number SR-PCX-2005-134. 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 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-2005-134 and should be submitted on or before February 2, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>58</sup>

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. 06-316 Filed 1-11-06; 8:45 am]

**BILLING CODE 8010-01-P**

### **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-53052; File No. SR-PCX-2004-46]

#### **Self-Regulatory Organizations; Order Approving Proposed Rule Change, and Amendment No. 1 Thereto, by the Pacific Exchange, Inc. Relating to Modifying the Market Imbalance Calculation for the Opening and Market Order Auctions on the Archipelago Exchange**

January 5, 2006.

On May 14, 2004, the Pacific Exchange, Inc. ("PCX" or "Exchange"), through its wholly-owned subsidiary PCX Equities, Inc. ("PCXE") submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to modify the practices that the Exchange employs with respect to the calculation of the Market Imbalance during the Market Order Auction<sup>3</sup> and

Closing Auction<sup>4</sup> conducted on the Archipelago Exchange ("ArcaEx"), the equity trading facility of the Exchange. On May 24, 2004, the PCX submitted Amendment No. 1 to the proposed rule change.<sup>5</sup> The **Federal Register** published the proposed rule change, as amended, for comment on June 3, 2004.<sup>6</sup> The Commission received no comments on the proposed rule change, as amended.

The Exchange proposes to modify PCXE Rule 1.1(q) for the purpose of modifying the ArcaEx calculation of the Market Imbalance. Currently, the "Market Imbalance" is defined as the imbalance of any remaining Market Orders<sup>7</sup> that are not matched for execution during the Market Order Auction<sup>8</sup> and the imbalance of any remaining Market-on-Close ("MOC") Orders that are not matched for execution during the Closing Auction.<sup>9</sup> As such, all eligible Market Orders, MOC Orders,<sup>10</sup> Limit Orders,<sup>11</sup> and Limit-on-Close ("LOC") Orders<sup>12</sup> that are eligible for execution in the applicable auction against Market Orders or MOC Orders are taken into consideration when calculating the Market Imbalance for the Market Order Auction and Closing Auction. The Exchange proposes to modify the Market Imbalance calculation for both the Market Order Auction and the Closing Auction so that it will only take into consideration Market Orders (for the Market Order Auction) and MOC Orders (for the Closing Auction) in determining the Market Imbalance.

After careful consideration, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange.<sup>13</sup> In particular, the Commission believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>14</sup> in general, and furthers the objectives of Section 6(b)(5),<sup>15</sup> in particular, because it is designed to promote just and equitable principles of

<sup>4</sup> See PCXE Rule 7.35(e).

<sup>5</sup> Amendment No. 1 replaced and superseded the original filing in its entirety.

<sup>6</sup> Securities Exchange Act Release No. 49773 (May 26, 2004), 69 FR 31440.

<sup>7</sup> PCXE Rule 7.31(a).

<sup>8</sup> PCXE Rule 7.35(c).

<sup>9</sup> PCXE Rule 7.35(e).

<sup>10</sup> PCXE Rule 7.31(dd).

<sup>11</sup> PCXE Rule 7.31(b).

<sup>12</sup> PCXE Rule 7.31(ee).

<sup>13</sup> In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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

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

<sup>58</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See PCXE Rule 7.35(c).

trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments and perfect the mechanisms of a free and open market and to protect investors and the public interest.

The Exchange represents that the modified Market Imbalance calculation will provide Users<sup>16</sup> with more information about the number of Market Orders and MOC Orders available for execution on the side of the market with an excess number of such orders during the applicable auction. The Commission believes that the Exchange's proposal is reasonably designed to promote transparency of the available Market Orders and MOC Orders that have been submitted to participate in the applicable auction. The Commission also believes that the proposed rule change, as amended, appears to be reasonably designed to promote competition among Users seeking to execute against Market Orders and MOC Orders, which are executed before marketable Limit Orders and LOC orders during the Market Order Auction and Closing Auction, respectively.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>17</sup> that the proposed rule change, as amended, (SR-PCX-2004-46) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority,<sup>18</sup>

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. E6-194 Filed 1-11-06; 8:45 am]

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**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration # 10222 and # 10223]

**Florida Disaster Number FL-00011**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 5.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA-1609-DR), dated October 24, 2005.

*Incident:* Hurricane Wilma.

*Incident Period:* October 23, 2005 through November 18, 2005.

*Effective Date:* January 6, 2006.

*Physical Loan Application Deadline Date:* January 19, 2006.

<sup>16</sup> See PCXE Rule 1.1(yy) for the definition of "User."

<sup>17</sup> 15 U.S.C. 78s(b)(2).

<sup>18</sup> 17 CFR 200.30-3(a)(12).

*EIDL Loan Application Deadline Date:* July 24, 2006.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of Florida, dated October 24, 2005, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to January 19, 2006.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. E6-240 Filed 1-11-06; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration # 10312 and # 10313]

**Wisconsin Disaster # WI-00002**

**AGENCY:** Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Wisconsin dated 01/05/2006.

*Incident:* Tornadoes.

*Incident Period:* 08/18/2005.

*Effective Date:* 01/05/2006.

*Physical Loan Application Deadline Date:* 03/06/2006.

*Economic Injury (EIDL) Loan Application Deadline Date:* 10/05/2006.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, National Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties:

Dane, Richland.

Contiguous Counties: Wisconsin:

Columbia, Crawford, Dodge, Grant, Green, Iowa, Jefferson, Rock, Sauk, Vernon

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere .....	5.375
Homeowners Without Credit Available Elsewhere .....	2.687
Businesses With Credit Available Elsewhere .....	6.557
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere .....	4.750
Businesses And Non-Profit Organizations Without Credit Available Elsewhere .....	4.000

The number assigned to this disaster for physical damage is 10312 C and for economic injury is 10313 O.

The States which received an EIDL Declaration # are Wisconsin.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: January 5, 2006.

**Hector V. Barreto,**  
*Administrator.*

[FR Doc. E6-244 Filed 1-11-06; 8:45 am]

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**SMALL BUSINESS ADMINISTRATION**

**National Small Business Development Center Advisory Board**

**Public Meeting**

The U.S. Small Business Administration, Office of Small Business Development Centers, National Advisory Board will be hosting a public meeting via conference call to discuss such matters that may be presented by members, and the staff of the U.S. Small Business Administration, or interested others. The conference call will be held on Tuesday, February 21, 2006 at 1 p.m. Eastern Standard Time.

Anyone wishing to make an oral presentation to the Board must contact Erika Fischer, Senior Program Analyst, U.S. Small Business Administration, Office of Small Business Development Centers, 409 3rd Street, SW.,