

does not make any financial or investment recommendation or otherwise promote a product or service of the member from coverage of the rule and did not require correspondence covered by the rule to be filed with the Department. The Commission believes that requiring pre-use approval by a principal of correspondence sent to 25 or more existing retail customers within any 30 calendar-day period appropriately balances the needs of members to contact existing customers without being unduly burdened against the goal of having communications with retail customers that are fair and balanced.

The Commission is not persuaded by the commenters' arguments that pre-use approval of emails is not workable given that pre-use approval is already required for certain emails.<sup>37</sup> The Commission commends NASD for attempting to address problems with correspondence, rather than waiting for additional inappropriate materials to reach retail customers. Finally, the Commission believes that NASD's proposed amendment to the rule text adequately addresses concerns that the proposed rule change lacks clarity.

## V. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>38</sup> that the proposed rule change (SR-NASD-2006-011), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>39</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. E6-12443 Filed 8-1-06; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-54223; File No. SR-NYSE-2006-43]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving Proposed Rule Change To Amend Section 902.02 of the Listed Company Manual To Exempt Companies Transferring From NYSE Arca From Initial Listing Fees and the Annual Fee for the Year of Such Transfer

July 26, 2006.

On June 7, 2006, the New York Stock Exchange LLC ("NYSE" or "Exchange") filed with 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 amend Section 902.02 of its Listed Company Manual to provide that there shall be no initial listing and no prorated annual fee payable with respect to the first partial calendar year of listing for any company listed on NYSE Arca, Inc. ("NYSE Arca") that transfers the listing of its primary class of common shares to the Exchange. The Commission published notice of the proposal in the **Federal Register** on June 26, 2006.<sup>3</sup> The Commission received no comments on the proposal.

The Commission has reviewed carefully the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange<sup>4</sup> and, in particular, the requirements of Section 6 of the Act<sup>5</sup> and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Sections 6(b)(4)<sup>6</sup> and 6(b)(5) of the Act,<sup>7</sup> which require that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities, and are designed to remove impediments to and perfect the mechanism of a free and open market and a national market system and are not designed to permit unfair

discrimination between issuers. The Commission believes that the fee waiver is reasonable, given the NYSE's representation that its review of companies transferring from NYSE Arca to the Exchange will be less costly than the review of a transfer from other self-regulatory organizations. While the Commission understands that the Exchange will rely on the baseline review of any NYSE Arca listed company performed by NYSE Regulation, the Commission notes that the Exchange must conduct a thorough regulatory review of companies transferring from NYSE Arca to the Exchange to ensure that the Exchange can independently confirm that such companies qualify for listing on the Exchange. The Commission also believes the proposed waiver may enhance competition by making NYSE Arca a more attractive listing venue and a viable alternative to listing on Nasdaq.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>8</sup> that the proposed rule change (SR-NYSE-2006-43) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. E6-12427 Filed 8-1-06; 8:45 am]

**BILLING CODE 8010-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10482 and # 10481]

**Massachusetts Disaster Number MA-00006**

**AGENCY:** Small Business Administration.

**ACTION:** Amendment 2.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Massachusetts (FEMA-1642-DR), dated 05/25/2006.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 05/12/2006 through 05/23/2006.

*Effective Date:* 07/24/2006.

*Physical Loan Application Deadline Date:* 08/07/2006.

*EIDL Loan Application Deadline Date:* 02/26/2007.

**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,

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

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

<sup>3</sup> Securities Exchange Act Release No. 54008 (June 16, 2006), 71 FR 36370.

<sup>4</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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

<sup>6</sup> 15 U.S.C. 78f(b)(4).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>37</sup> For example, emails sent to 25 or more prospective retail customers within a 30 calendar-day period currently require principal pre-use approval. See NASD Response Letter, *supra* note 5.

<sup>38</sup> *Id.*

<sup>39</sup> 17 CFR 200.30-3(a)(12).

<sup>8</sup> 15 U.S.C. 78s(b)(2).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

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 Commonwealth of Massachusetts, dated 05/25/2006, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 08/07/2006.

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. E6-12414 Filed 8-1-06; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending July 21, 2006

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2006-25428.

*Date Filed:* July 17, 2006.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 7, 2006.

*Description:* Joint application of Gemini Air Cargo ("Gemini") and Amerijet International, Inc. ("Amerijet") requesting approval of the *de facto* transfer of certain international certificate authority currently held by Gemini.

*Docket Number:* OST-2006-25275.

*Date Filed:* July 20, 2006.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 10, 2006.

*Description:* Application of American Airlines, Inc., for a Certificate of Public

Convenience and Necessity to engage in scheduled foreign air transportation of persons, property, and mail between Dallas/Ft. Worth, Texas and Beijing, People's Republic of China. American also applies for the allocation of seven weekly U.S.-China combination frequencies of the DFW-Beijing route.

*Docket Number:* OST-1996-1389.

*Date Filed:* July 20, 2006.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 10, 2006.

*Description:* Application of United Air Lines, Inc., requesting renewal of its certificate of public convenience and necessity for Route 603, Segment 6, to engage in scheduled foreign air transportation of persons, property and mail between Washington, D.C. and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain, via the intermediate points the Azores and Lisbon, Portugal. United requests that the certificate be renewed indefinitely or at a minimum for a period of five years.

*Docket Number:* OST-2006-25454.

*Date Filed:* July 21, 2006.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 11, 2006.

*Description:* Application of Flying Boat, Inc. d.b.a. Chalk's International Airlines, d.b.a. Chalk's Ocean Airways intent to resume commuter air service following a temporary cessation of operations caused by unique circumstances.

**Renee V. Wright,**

*Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. E6-12437 Filed 8-1-06; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[OST Docket No. OST-2006-25493]

#### Surface Transportation Policy & Revenue Technical Advisory Committee

**AGENCY:** Office of the Secretary, Department of Transportation (DOT).

**ACTION:** Notice of intent to form an advisory committee.

**SUMMARY:** Pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, Aug. 10, 2005, the Secretary of Transportation is establishing a technical advisory committee to collect and evaluate technical input as directed in section 1909(b)(8) of the SAFETEA-

LU. Section 1909(b) of SAFETEA-LU also established the National Surface Transportation Policy and Revenue Study Commission (Revenue Commission). The purpose of this notice is to invite interested parties, organizations, and individuals, to submit applications to be considered for representation on the technical advisory committee.

**DATES:** Comments and/or applications for membership or nominations for membership, or a letter of intent to submit and application or nomination, on the technical advisory committee must be received on or before August 23, 2006. If a letter of intent is submitted, the application or nomination must be received on or before September 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Alla C. Shaw, Attorney-Advisor, Federal Highway Administration, Office of the Chief Counsel, 202-366-1042 ([alla.shaw@fhwa.dot.gov](mailto:alla.shaw@fhwa.dot.gov)), 400 Seventh Street, SW., Room 4230, Washington, DC 20590. Office hours are from 7:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

You may submit applications online through the Document Management System (DMS) at: <http://dms.dot.gov/submit>. The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site. Anyone is able to search the DMS for all applications received in the docket established for this notice by the name of the individual submitting the application (or signing the application, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in a **Federal Register** published on April 11, 2000 (70 FR 19477), or you may visit <http://dms.dot.gov>.

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

##### Background

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144). Section 1909(b) of the SAFETEA-LU established the National Surface Transportation Policy and Revenue Study Commission. Within this section, Congress directed