

maximum charge will remain at \$50.00 per trade side. The proposed rule change is scheduled to become effective for transactions settling on or after August 1, 2006. The text of the proposed rule change is available on Phlx's Internet Web site (<http://www.phlx.com>), at Phlx's principal office, and at the Commission's Public Reference Room.

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

In its filing 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. 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.

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

#### 1. Purpose

Currently, the Exchange charges an Equity Transaction Charge of \$0.0035 per share, based on total shares per transaction, with the exception of specialist trades and PACE trades.<sup>5</sup> The Exchange proposes to reduce the current Equity Transaction Charge to \$0.0023 per share.<sup>6</sup> The purpose of the proposal is to attract additional equity floor broker order flow to the Exchange. This proposal is scheduled to become effective for transactions settling on or after August 1, 2006.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Act,<sup>7</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act,<sup>8</sup> in particular, because it is an equitable

<sup>5</sup> However, the Equity Transaction Charge applies where an order, after being delivered to the Exchange by the PACE system, is executed by the specialist by way of an outbound ITS commitment, when such outbound ITS commitment reflects the PACE order's clearing information, but does not apply where a PACE trade is executed against an inbound ITS commitment. See, e.g., Securities Exchange Act Release Nos. 50106 (July 28, 2004), 69 FR 47197 (August 4, 2004) (SR-Phlx-2004-40) and 47245 (January 24, 2003), 68 FR 5069 (January 31, 2003) (SR-Phlx-2002-88).

<sup>6</sup> The maximum amount for the Equity Transaction Charge will remain at \$50.00 per trade side.

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

<sup>8</sup> 15 U.S.C. 78f(b)(4).

allocation of reasonable dues, fees, and other charges among members of the Exchange.

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

The Exchange does not believe that the proposed rule change 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

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

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

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>9</sup> and Rule 19b-4(f)(2)<sup>10</sup> thereunder. Accordingly, the proposed rule change is effective upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change 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 No. SR-Phlx-2006-45 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 20549-1090.

All submissions should refer to File No. SR-Phlx-2006-45. This file number should be included on the subject line

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>10</sup> 17 CFR 240.19b-4(f)(2).

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 will also be available for inspection and copying at the principal office of Phlx. 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 No. SR-Phlx-2006-45 and should be submitted on or before August 24, 2006.

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

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E6-12523 Filed 8-2-06; 8:45 am]

BILLING CODE 8010-01-P

## SMALL BUSINESS ADMINISTRATION

### Disaster Declaration #10552 and #10553; California Disaster #CA-00038

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of California dated 07/27/2006.

Incident: Sawtooth Complex Fire.  
Incident Period: 07/09/2006 through 07/18/2006.

Effective Date: 07/27/2006.  
Physical Loan Application Deadline Date: 09/25/2006.

Economic Injury (EIDL) Loan Application Deadline Date: 04/27/2007.

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

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

**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: San Bernardino.

Contiguous Counties:

Arizona: La Paz, Mohave.

California: Inyo, Kern, Los Angeles, Orange, Riverside.

Nevada: Clark.

The Interest Rates are:

	Percent
Homeowners with Credit Available Elsewhere .....	5.875
Homeowners without Credit Available Elsewhere: .....	2.937
Businesses with Credit Available Elsewhere: .....	7.763
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere: .....	4.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere: .....	5.000
Businesses And Non-Profit Organizations without Credit Available Elsewhere: .....	4.000

The number assigned to this disaster for physical damage is 10552 5 and for economic injury is 10553 0.

The States which received an EIDL Declaration # are California, Arizona, Nevada.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 27, 2006.

**Steven C. Preston,**  
Administrator.

[FR Doc. E6-12502 Filed 8-2-06; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Notice of Federal Agency Actions on Proposed Transportation Projects in Ohio**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal

Agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to proposed highway and transit projects within the area known as the Eastern Corridor, which is a 165 square mile area in the Cincinnati metropolitan area that extends from the Cincinnati Central Business District and riverfront redevelopment area in Hamilton County, easterly to east of the I-275 outerbelt corridor in Clermont County, near the communities of Milford, Batavia, and Amelia, in the State of Ohio. The Federal actions, taken as a result of a tiered environmental review process under the National Environmental Policy Act, 42 U.S.C. 4321-4351 (NEPA), and implementing regulations on tiering, 40 CFR 1502.20, 40 CFR 1508.28, and 23 CFR Part 771, determined certain issues relating to the proposed projects. Those Tier 1 decisions will be used by Federal agencies in subsequent proceedings, including decisions whether to grant licenses, permits, and approvals for highway and transit projects. Tier 1 decisions also may be relied upon by State and local agencies in proceedings on the proposed projects.

**DATES:** By this notice, the FHWA is advising the public that it has made decisions that are subject to 23 U.S.C. 139(l)(1) and are final within the meaning of that law. A claim seeking judicial review of the Tier 1 Federal agency decisions on the proposed highway and transit projects will be barred unless the claim is filed on or before January 30, 2007. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. Mark L. Vonder Embse, PE., Senior Transportation Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio, 43215; e-mail: [mark.vonderembse@fhwa.dot.gov](mailto:mark.vonderembse@fhwa.dot.gov); telephone: (614) 280-6854; FHWA Ohio Division Office's normal business hours are 8 a.m. to 4:30 p.m. (eastern time). You also may contact Mr. Tim Hill, Ohio Department of Transportation, 1980 West Broad Street, Columbus, OH 43223; telephone: (614) 644-0377.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA has issued a Tier 1 Record of Decision (ROD) in connection with proposed highway and transit projects within the Eastern Corridor of the City of Cincinnati in the State of Ohio. Decisions in the Tier 1 ROD include, but are not limited to, the following:

1. Purpose and need for the projects, including the need for actions to

increase highway capacity, reduce congestion and delay, improve safety and increase transportation connectivity in the region.

2. Reasonable alternatives that will be carried forward for further evaluation in the Tier 2 proceedings.

3. Alternatives that have been eliminated from further consideration and study, including but not limited to the no-build alternative; the Wasson Light Rail Transit alternative; the Beechmont Levee Corridor alternative; and individual or combined measures involving high occupancy vehicle lanes, bus rapid transit, ferry boats, and expanded Ohio River crossings on I-275 and I-471.

4. The Little Miami River will be clear spanned, thereby precluding the proposed highway and transit crossing from being designated as a water resources project within the meaning of Section 7 of the Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287.

The Tier 1 actions by the Federal agencies, and the laws under which such actions were taken, are described in the Draft Environmental Impact Statement (DEIS), approved November 8, 2004, the FEIS approved September 30, 2005, the ROD approved June 2, 2006, and in other documents in the FHWA project records. The DEIS, FEIS, ROD and other documents in the FHWA project file are available by contacting the FHWA or the Ohio Department of Transportation at the addresses provided above. The DEIS, FEIS, and ROD also are available online at <http://www.easterncorridor.org/default.asp>.

The scope and purpose of the Tier 1 FEIS are described in Sections 1.1 and 1.3 of the FEIS and referenced sections of the DEIS. The DEIS, FEIS, and ROD describe the issues that will be addressed in Tier 2, including further refinement and evaluation of the alternatives advanced to Tier 2 and identification of preferred alternatives for the various parts of the multimodal plan.

This notice applies to all Federal agency Tier 1 decisions that are final within the meaning of 23 U.S.C. 139(l)(1) as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA), 42 U.S.C. 4321-4351; Federal-Aid Highway Act, 23 U.S.C. 109 and 23 U.S.C. 128.

2. Air: Clean Air Act, 42 U.S.C. 7401-7671(q).

3. Land: Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303 and 23 U.S.C. 138.