

exchange provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members and issuers and other persons using its facilities.

National securities exchanges obtain funds to pay their section 31 fees to the Commission by charging fees to broker-dealers who generate the covered sales on which section 31 fees are based. An exchange can obtain most of these funds by imposing a fee on one of its members whenever the member is on the sell side of a transaction. However, when the exchange accepts an ITS commitment to buy, the ultimate seller is a party on another market. The exchange lacks the ability to pass a fee to that seller directly, because the seller may not be a member of the exchange. The Commission previously approved an arrangement whereby Phlx collects fees from broker-dealers that place sell orders routed away over ITS,<sup>11</sup> then charges fees to or accepts fees from each other ITS participant exchange, depending on whether it is a net sender or net receiver of executed ITS sell orders with respect to that other exchange. The Commission believes that the current proposal, to continue this practice under the NMS Linkage Plan, is a reasonable means for Phlx to obtain funds to pay its section 31 fees on covered sales resulting from NMS Linkage Plan trades and is consistent with the Act.

Under section 19(b)(2) of the Act,<sup>12</sup> the Commission may not approve any proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, unless the Commission finds good cause for so doing. Granting accelerated approval will permit the Exchange to charge the Covered Sale Fee to members and member organizations engaged in executing sale transactions on another exchange through the NMS Linkage Plan at the start of that plan's operation. Moreover, approving this proposal will enable Phlx to charge fees to or accept fees from an ADF participant that is not a member of the Exchange, depending on the net amount of sales between them conducted through ITS. The Commission expects that a non-member ADF participant will not be charged a fee unless it has entered into an agreement with the Exchange subjecting it to such an arrangement. Therefore, the Commission finds good cause for approving the proposed rule change

prior to the thirtieth day after publishing notice of filing thereof in the **Federal Register**. The Commission believes that such action is consistent with the protection of investors and the public interest.

**V. Conclusion**

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>13</sup> that the proposed rule change (SR-Phlx-2006-60) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**Nancy M. Morris,**

*Secretary.*

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**BILLING CODE 8010-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration # 10626 and # 10627]**

**New Mexico Disaster # NM-00002**

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of New Mexico dated 09/29/2006.

*Incident:* Otero County Flash Flood.

*Incident Period:* 06/22/2006.

*Effective Date:* 09/29/2006.

*Physical Loan Application Deadline Date:* 11/28/2006.

*Economic Injury (EIDL) Loan*

*Application Deadline Date:* 06/29/2007.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, 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: Otero

Contiguous Counties:

New Mexico: Chaves, Dona Ana,

Eddy, Lincoln, Sierra

Texas: Culberson, El Paso, Hudspeth

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 10626 6 and for economic injury is 10627 0.

The States which received an EIDL Declaration # are New Mexico and Texas.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Dated: September 29, 2006.

**Steven C. Preston,**

*Administrator.*

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**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #10519 and #10520]**

**New York Disaster Number NY-00022**

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

**ACTION:** Amendment 3.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of New York (FEMA-1650-DR), dated 07/03/2006.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 06/26/2006 through 07/10/2006.

*Effective Date:* 10/02/2006.

*Physical Loan Application Deadline Date:* 10/16/2006.

*EIDL Loan Application Deadline Date:* 04/03/2007.

**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, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster

<sup>11</sup> See Securities Exchange Act Release No. 52745 (November 7, 2005), 70 FR 69182 (November 14, 2005).

<sup>12</sup> 15 U.S.C. 78s(b)(2).

<sup>13</sup> *Id.*

<sup>14</sup> 17 CFR 200.30-3(a)(12).