

option contracts that number greater than 14,000, calculated per day: (1) per equity option overlying the same underlying security; (2) per RUT option; (3) per RMN option; (4) per MNX option; and (5) per NDX option ("14,000 cap"). The contract volume above the 14,000 cap described above would not be included in the Volume Threshold calculations. Therefore, per day, up to 14,000 contracts that meet the criteria above would be included in the Volume Threshold. The purpose of excluding this volume is because it is already subject to different fee caps or fee credits.

The Exchange also proposes to delete the \$0.08 per contract side rebate for ROTs and \$0.07 per contract side rebate for specialists in connection with trades occurring as part of a dividend, merger, and short stock interest strategy. The Exchange believes that at this time the rebate is no longer necessary. The Exchange believes that the current \$1,000 and \$25,000 fee caps that will remain unchanged are sufficient incentives to encourage this type of business at the Exchange.

The purpose of SR-Phlx-2008-59, Amendment No. 1 is to clarify the application of the proposed reduction of the equity option transaction charge to \$0.01 per contract.

## 2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6(b) of the Act,<sup>13</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act,<sup>14</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members. The Exchange believes that this proposal is equitable because it generally should result in a reduction in fees for ROTs and specialists who meet the Volume Threshold, which should, in turn, increase order flow to the Exchange. Specifically, the Exchange believes that it is equitable to reduce fees for specialists and ROTs, which includes SQTs and RSQTs, as opposed to other broker-dealers and ROTs entering transactions from off-floor because specialists and ROTs have continuous quoting and affirmative market making obligations.<sup>15</sup>

<sup>13</sup> 15 U.S.C. 78f(b).

<sup>14</sup> 15 U.S.C. 78f(b)(4).

<sup>15</sup> For billing purposes, ROTs entering transactions from off-floor will continue to be charged the broker/dealer equity option transaction charge because those transactions generally are considered to be not the core part of their continuous quoting and affirmative market making obligations.

## 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

No written comments were either solicited or received.

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

The foregoing proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>16</sup> and paragraph (f)(2) of Rule 19b-4<sup>17</sup> thereunder, because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the Exchange. 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 Number SR-Phlx-2008-59 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-Phlx-2008-59. 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

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

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

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, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. 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-2008-59 and should be submitted on or before September 5, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-18855 Filed 8-14-08; 8:45 am]

**BILLING CODE 8010-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11308]

### Illinois Disaster Number IL-00016

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

**ACTION:** Amendment 4.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Illinois (FEMA-1771-DR), dated 06/24/2008.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* 06/01/2008 through 07/22/2008.

*Effective Date:* 07/30/2008.

*Physical Loan Application Deadline Date:* 08/25/2008.

**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,

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

409 3rd Street, SW., Suite 6050,  
Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Illinois, dated 06/24/2008, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:* Greene.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance  
Number 59008)

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E8-18913 Filed 8-14-08; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11281]

### Indiana Disaster Number IN-00020

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

**ACTION:** Amendment 5.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Indiana (FEMA-1766-DR), dated 06/08/2008.

*Incident:* Severe Storms, Flooding, and Tornadoes.

*Incident Period:* 05/30/2008 through 06/27/2008.

*Effective Date:* 08/06/2008.

*Physical Loan Application Deadline Date:* 08/07/2008.

**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:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Indiana, dated 06/08/2008, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:*

Adams, Benton, Fountain, Gibson,  
Hendricks, Jay, Marion,  
Montgomery, Posey, Switzerland,  
Wabash.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance  
Number 59008)

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E8-18912 Filed 8-14-08; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11264 and # 11265]

### Iowa Disaster Number IA-00015

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

**ACTION:** Amendment 10.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Iowa (FEMA-1763-DR), dated 05/27/2008.

*Incident:* Severe Storms, Tornadoes, and Flooding.

*Incident Period:* 05/25/2008 and continuing.

*Effective Date:* 08/06/2008.

*Physical Loan Application Deadline Date:* 09/29/2008.

*EIDL Loan Application Deadline Date:* 02/27/2009.

**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:** The notice of the Presidential disaster declaration for the State of Iowa, dated 05/27/2008 is hereby amended to include the following areas as adversely affected by the disaster:

*Primary Counties: (Physical Damage and Economic Injury Loans):*

Appanoose, Clarke, Monroe,  
Ringgold.

*Contiguous Counties: (Economic Injury Loans Only):*

Missouri: Putnam, Worth.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance  
Numbers 59002 and 59008)

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E8-18910 Filed 8-14-08; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11342]

### Texas Disaster Number TX-00298

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

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA-1780-DR), dated 07/24/2008.

*Incident:* Hurricane Dolly.

*Incident Period:* 07/22/2008 through 08/01/2008.

*Effective Date:* 08/01/2008.

*Physical Loan Application Deadline Date:* 09/22/2008.

**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:** M. Mitravich, 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 Private Non-Profit organizations in the State of Texas, dated 07/24/2008, is hereby amended to establish the incident period for this disaster as beginning 07/22/2008 and continuing through 08/01/2008.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance  
Number 59008)

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. E8-18911 Filed 8-14-08; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11353 and # 11354]

### Texas Disaster Number TX-00297

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

**ACTION:** Amendment 2.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA-1780-DR), dated 07/31/2008.

*Incident:* Hurricane Dolly.

*Incident Period:* 07/22/2008 and continuing through 08/01/2008.

*Effective Date:* 08/01/2008.

*Physical Loan Application Deadline Date:* 09/30/2008.