

Exchange's Designated Market Maker ("DMM") allocation policy in the event of a merger involving one or more listed companies. The proposed rule change was published for comment in the **Federal Register** on March 10, 2011.<sup>3</sup> The Commission received no comment letters on the proposal. This order approves the proposed rule change.

## II. Description of the Proposed Rule Change

Currently, Policy Note VI(D)(1) to Exchange Equities Rule 103B provides that when two NYSE Amex listed companies merge, the post-merger listed company is assigned to the DMM in the company that is determined to be the survivor-in-fact (dominant company). Where no survivor-in-fact can be identified, the post-merger listed company may select one of the DMM units trading the merging companies without the security being referred for reallocation, or it may request that the matter be referred for allocation through the allocation process pursuant to Exchange Equities Rule 103B, Section III.

In addition, Policy Note VI(D)(3) to Exchange Equities Rule 103B provides that in situations involving the merger of a listed company and an unlisted company, where the unlisted company is determined to be the survivor-in-fact, the post-merger listed company may choose to remain registered with the DMM unit that had traded the listed company entity in the merger, or it may request that the matter be referred for allocation through the allocation process pursuant to Exchange Equities Rule 103B.

The Exchange proposes to amend Policy Notes VI(D)(1) and (3) to Exchange Equities Rule 103B to provide that in all listed company mergers, either between two listed companies or a listed company and an unlisted company, the management of the post-merger listed company will be able to choose to retain either of the incumbent DMMs (in the case of a merger between two listed companies) or the incumbent DMM (in the case of a merger between a listed company and an unlisted company) or request to have the security referred for reallocation. In no case will the policy dictate that a post-merger listed company must retain an incumbent DMM unless it chooses to do so.

The Exchange also proposes to amend Policy Notes VI(D)(1) and (3) to provide that a DMM unit that is ineligible to receive a new allocation due to its

failure to meet the requirements of Exchange Equities Rule 103B, Section II(D) and (E) will be eligible to be selected in its capacity as the DMM for one of the two pre-merger listed companies (in the case of a merger between two listed companies) or in its capacity as DMM of the pre-merger listed company (in the case of a merger between a listed company and an unlisted company), but will not be eligible to participate in the allocation process if the post-merger company requests that the matter be referred for allocation through the allocation process pursuant to Exchange Equities Rule 103B, Section III. In the event that such a situation were to arise, the Exchange would inform the listed company of such DMM unit's ineligibility under Exchange Equities Rule 103B, Section II(D) or (E).

## III. Discussion and Findings

After careful review, the Commission 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> In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>5</sup> which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission believes that the proposed rule change is consistent with the Act because it would provide post-merger listed companies with greater flexibility with respect to the DMM allocation process in connection with a merger.

## IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> that the proposed rule change (SR-NYSEAmex-2011-11) be, and hereby is, approved.

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

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

<sup>6</sup> 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Cathy H. Ahn,**

*Deputy Secretary.*

[FR Doc. 2011-10090 Filed 4-26-11; 8:45 am]

**BILLING CODE 8011-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12530 and #12531]

### North Carolina Disaster #NC-00033

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA-1969-DR), dated 04/19/2011.

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

*Incident Period:* 04/16/2011.

*Effective Date:* 04/19/2011.

*Physical Loan Application Deadline Date:* 06/20/2011.

*Economic Injury (EIDL) Loan Application Deadline Date:* 01/20/2012.

**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:**

Alan 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 President's major disaster declaration on 04/19/2011, 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 (Physical Damage and Economic Injury Loans):*

Bertie, Bladen, Cumberland, Halifax, Harnett, Johnston Lee, Onslow, Wake, Wilson.

*Contiguous Counties (Economic Injury Loans Only):*

North Carolina: Carteret, Chatham, Chowan, Columbus, Duplin, Durham, Edgecombe, Franklin, Granville, Greene, Hertford, Hoke, Jones, Martin, Moore, Nash, Northampton, Pender, Pitt, Robeson, Sampson, Warren, Washington, Wayne.

The Interest Rates are:

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>3</sup> See Securities Exchange Act Release No. 64040 (March 4, 2011), 76 FR 13249.

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere .....	5.125
Homeowners Without Credit Available Elsewhere .....	2.563
Businesses With Credit Available Elsewhere .....	6.000
Businesses Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	3.250
Non-Profit Organizations Without Credit Available Elsewhere .....	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations Without Credit Available Elsewhere .....	3.000
The number assigned to this disaster for physical damage is 12530B and for economic injury is 125310.	

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Joseph P. Loddo,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2011-10111 Filed 4-26-11; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration # 12532 and # 12533]**

**North Carolina Disaster # NC-00034**

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Carolina (FEMA-1969-DR), dated 04/19/2011.

*Incident:* Severe Storms, Tornadoes and Flooding.

*Incident Period:* 04/16/2011.

*Effective Date:* 04/19/2011.

*Physical Loan Application Deadline Date:* 06/20/2011.

*Economic Injury (EIDL) Loan*

*Application Deadline Date:* 01/19/2012.

**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

President's major disaster declaration on 04/19/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications 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:* Bertie, Bladen, Craven, Cumberland, Currituck, Greene, Halifax, Harnett, Hertford, Hoke, Johnston, Lee, Onslow, Pitt, Robeson, Sampson, Wake, Wilson.

The Interest Rates are:

	Percent
<i>For Physical Damage.</i>	
Non-Profit Organizations with Credit Available Elsewhere .....	3.250
Non-Profit Organizations without Credit Available Elsewhere .....	3.000
<i>For Economic Injury.</i>	
Non-Profit Organizations without Credit Available Elsewhere .....	3.000

The number assigned to this disaster for physical damage is 12532B and for economic injury is 12533B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Joseph P. Loddo,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2011-10112 Filed 4-26-11; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #12529]**

**Oklahoma Disaster #OK-00046 Declaration of Economic Injury**

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Oklahoma, dated 04/19/2011.

*Incident:* Severe snow storms.

*Incident Period:* 01/31/2011 through 02/05/2011.

*Effective Date:* 04/19/2011.

*EIDL Loan Application Deadline Date:* 01/19/2012.

**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 EIDL declaration, applications for economic injury 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:* Comanche, Creek, Delaware, Mayes, Rogers, Tulsa.

*Contiguous Counties:*

Oklahoma: Adair, Caddo, Cherokee, Cotton, Craig, Grady, Kiowa, Lincoln, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Stephens, Tillman, Wagoner, Washington.

Arkansas: Benton.

Missouri: McDonald.

The Interest Rates are:

	Percent
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000

The number assigned to this disaster for economic injury is 125290

The States which received an EIDL Declaration # are Oklahoma, Arkansas, Missouri.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: April 19, 2011.

**Karen G. Mills,**  
*Administrator.*

[FR Doc. 2011-10109 Filed 4-26-11; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Revocation of License of Small Business Investment Company**

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the Northern District of California, San Jose Division, dated June 9, 2009, the United States Small Business Administration hereby revokes the license of Aspen Ventures West, II, L.P., a Delaware Limited Partnership, to function as a small business investment company under the Small Business Investment Company License No. 09790400 issued to Aspen Ventures West, II, L.P., on November 8, 1994 and said license is hereby declared null and void as of June 9, 2009.

U.S. Small Business Administration.