

securities exchange.¹¹ In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,¹² which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposed rule change amends the Exchange's existing generic listing standards pursuant to Rule 19b-4(e) under the Act¹³ for ICUs to provide that an eligible index may be calculated following the "fundamentals weighted" or "fundamental index" methodology. This index calculation methodology weights components based on one or more of the following: sales, cash flow, book value, and dividends.¹⁴

Including this index calculation methodology in the Exchange's generic listing standards will provide investors with more investment choices by offering an alternative to the other index methodologies, such as capitalization-weighted indexes. The Commission notes that the indexes that would be based on the fundamentals weighting methodology will already be subject to the requirements of the generic listing standards pursuant to Rule 19b-4(e) under the Act,¹⁵ including trading volume and liquidity requirements. In addition, by amending its generic listing standards pursuant to Rule 19b-4(e) under the Act,¹⁶ the Exchange should reduce the time frame for listing or trading ICUs that rely on an index utilizing a fundamentals weighting methodology. The proposed rule change should therefore facilitate the listing or trading of such securities and thereby reduce the burdens on issuers and other market participants.

The Exchange has requested accelerated approval of the proposed rule change. The Commission finds good cause for approving the proposed

rule change prior to the 30th day after the date of publication of the notice of filing in the **Federal Register**. The Commission believes the proposed rule change should provide investors with an alternative to the current index calculation methodologies. The proposed rule change is substantially identical to that approved for another exchange.¹⁷ The Commission does not believe that the proposed rule change raises any novel regulatory issues. Therefore, the Commission finds good cause, consistent with Section 19(b)(2) of the Act,¹⁸ to approve the proposed rule change on an accelerated basis.¹⁹

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²⁰ that the proposed rule change (SR-NYSE-2006-88) is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²¹

Nancy M. Morris,

Secretary.

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SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10676 and # 10677]

Florida Disaster # FL-00015

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of FLORIDA dated 10/25/2006.

Incident: Flea Market Fire.

Incident Period: 09/25/2006.

Effective Date: 10/25/2006.

Physical Loan Application Deadline

Date: 12/26/2006.

Economic Injury (EIDL) Loan

Application Deadline Date: 07/25/2007.

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

Duval.

Contiguous Counties

Florida: Baker, Clay, Nassau, and St. Johns.

The Interest Rates are:

| | Percent |
|---|---------|
| Homeowners With Credit Available Elsewhere | 6.250 |
| Homeowners Without Credit Available Elsewhere | 3.125 |
| Businesses With Credit Available Elsewhere | 7.934 |
| 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 10676-5 and for economic injury is 10677-0.

The State which received an EIDL Declaration # is Florida.

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

Dated: October 25, 2006.

Steven C. Preston,

Administrator.

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BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10678 and # 10679]

Hawaii Disaster # HI-00005

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 Hawaii (FEMA-1664-DR), dated 10/23/2006.

Incident: Kiholo Bay Earthquake.

Incident Period: 10/15/2006.

EFFECTIVE DATE: 10/23/2006.

Physical Loan Application Deadline

Date: 12/22/2006.

¹¹ In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹² 15 U.S.C. 78f(b)(5).

¹³ 17 CFR 240.19b-4(e).

¹⁴ According to the Exchange, in each instance, the index methodology will set forth the means of calculating sales, cash flow, book value, and dividends and thus will be transparent.

¹⁵ 17 CFR 240.19b-4(e).

¹⁶ *Id.*

¹⁷ See Securities Exchange Act Release No. 54459 (September 15, 2006), 71 FR 55533 (September 22, 2006) (SR-NASDAQ-2006-035). See also Securities Exchange Act Release No. 54490 (September 22, 2006), 71 FR 58034 (October 2, 2006) (SR-NYSEArca-2006-61).

¹⁸ 15 U.S.C. 78s(b)(2).

¹⁹ The Commission's approval order is not retroactive in effect.

²⁰ *Id.*

²¹ 17 CFR 200.30-3(a)(12).