

and coordination with person engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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 establishment of a SuperMontage execution price governor may prevent inadvertent executions significantly away from the inside market. The Commission also agrees with Nasdaq that this approach may act to balance the goals of rapid execution and price discovery while protecting market participants and the public investors they represent from excessive volatility and market confusion that can result from grossly mispriced/sized quotes/orders in an automated and linked trading environment. The Commission also notes that Nasdaq separately filed and received accelerated approval of a proposal, pursuant to Section 19(b)(2) of the Act,⁸ to establish the execution price governor on a 60-day pilot basis, which is scheduled to expire on December 13, 2002.⁹ Since the implementation of the pilot program, Nasdaq has indicated that it has encountered no problems with the establishment of the execution price governor.¹⁰

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹¹ that the proposed rule change and Amendment No. 1 (SR-NASD-2002-142) are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland,

Deputy Secretary.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3469]

State of Alaska

As a result of the President's major disaster declaration for Public Assistance on November 8, 2002, and subsequent amendment adding Individual Assistance on November 18, 2002, I find that the Alaska Gateway Regional Educational Attendance Area (REAA) and the Copper River Regional Educational Attendance Area (REAA) in the State of Alaska constitute a disaster area due to damages caused by an earthquake occurring on November 3, 2002 and continuing through November 10, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on January 17, 2003 and for economic injury until the close of business on August 18, 2003 at the address listed below or other locally announced locations: Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853-4795.

In addition, applications for economic injury loans from small businesses located in the following areas and jurisdictions may be filed until the specified date at the above location: Chugach REAA, Delta/Greely REAA, Yukon Flats REAA, City & Borough of Yakutat, Fairbanks North Star Borough, and Matanuska-Susitna Borough in the State of Alaska. The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	5.875
Homeowners without credit available elsewhere	2.937
Businesses with credit available elsewhere	6.648
Businesses and non-profit organizations without credit available elsewhere	3.324
Others (including non-profit organizations) with credit available elsewhere	5.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.324

The number assigned to this disaster for physical damage is 346902. For economic injury the number is 9T1100 for Alaska.

Dated: November 21, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Herbert L. Mitchell,

Associate Administrator For Disaster Assistance.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3470]

State of Arkansas (And Contiguous Counties in Mississippi and Tennessee)

Crittenden County and the contiguous counties of Cross, Lee, Mississippi, Poinsett and St. Francis Counties in the State of Arkansas; DeSoto and Tunica Counties in the State of Mississippi; and Shelby and Tipton Counties in the State of Tennessee constitute a disaster area as a result of severe storms and tornadoes that occurred on November 9, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on January 21, 2003, and for economic injury may be filed until the close of business on August 22, 2003, at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.875
Homeowners Without Credit Available Elsewhere	2.937
Businesses With Credit Available Elsewhere	6.648
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	3.324
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	5.500
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	3.324

The numbers assigned to this disaster for physical damage are 347011 for Arkansas; 347111 for Mississippi; and 347211 for Tennessee. The numbers assigned to this disaster for economic injury are 9T1200 for Arkansas; 9T1300 for Mississippi; and 9T1400 for Tennessee.

⁸ 15 U.S.C. 78s(b)(2).

⁹ See Securities Exchange Act Release No. 46652 (October 11, 2002), 67 FR 64681 (October 21, 2002).

¹⁰ Telephone conversation between Thomas P. Moran, Associate General Counsel, Nasdaq, and Cyndi Nguyen, Attorney, Division, Commission, on November 21, 2002.

¹¹ 15 U.S.C. 78s(b)(2).

¹² 17 CFR 200.30-3(a)(12).