

which should be included in the development of the risk-based sampling techniques in the proposed rule text will clarify members' and member organizations' obligations in monitoring the use of these exceptions, as well as provide for effective supervision and review of associated persons in such exempt locations.

Amendment No. 3 provides a more comprehensive list of factors to be considered in the development of the risk-based sampling techniques, makes technical and clarifying changes to the rule text, and provides a discussion on the timing of the adoption of the Exchange's new definition of branch office. The Commission believes that the proposed changes in Amendment No. 3 provide for a clearer understanding of the implementation of the proposed branch office definition. Specifically, the Commission agrees with the Exchange that branch office registration should be primarily determined by the functions performed in an office. For instance, the Exchange's proposed deletion of the qualifier "other than the main office" from the definition of branch office recognizes that the definition of branch office and its corresponding registration should be triggered based on the activities performed at the location, even if the activities are performed at the main office. Similarly, the Exchange also proposes that, despite the seven exceptions to the definition of branch office, any location responsible for supervising the activities of persons associated with a member or member organization at one or more non-branch locations of such member or member organization should nevertheless register as a branch office. The Commission notes that this rule change is similar to one proposed by the NASD in its branch office filing. Finally, the Commission notes that the additional technical and clarifying changes made to NYSE Rule 342.10 raise no new issues of regulatory concern.

Accordingly, the Commission believes that accelerated approval of Amendment Nos. 2 and 3 is appropriate.

## VI. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5) of the Act.<sup>71</sup>

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>72</sup> that the proposed rule change (SR-NYSE-2002-34) and Amendment No. 1 thereto are approved, and that Amendment Nos. 2 and 3 thereto are approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>73</sup>

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. E5-5033 Filed 9-15-05; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration # 10180 and # 10181]**

### Alabama Disaster Number AL-00003

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

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Alabama (FEMA-1605-DR), dated 08/29/2005.

*Incident:* Hurricane Katrina.

*Incident Period:* 08/29/2005 and continuing.

*Effective Date:* 09/08/2005.

*Physical Loan Application Deadline Date:* 10/28/2005.

*EIDL Loan Application Deadline Date:* 05/29/2006.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Disaster Area Office 3, 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, Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the Presidential disaster declaration for the State of Alabama, dated 08/29/2005, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties:

Choctaw, Clarke, Greene, Hale,

Pickens, Sumter, Tuscaloosa.

Contiguous Counties:

Alabama, Bibb, Fayette, Jefferson,

Lamar, Marengo, Perry, Walker,

Wilcox.

Mississippi, Clarke, Kemper,

Lauderdale, Lowndes, Noxubee.

All other information in the original declaration remains unchanged.

<sup>72</sup> 15 U.S.C. 78s(b)(2).

<sup>73</sup> 17 CFR 200.30-3(a)(12).

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 05-18436 Filed 9-15-05; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration # 10137 and # 10138]**

### Florida Disaster Number FL-00005

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

**ACTION:** Amendment 4.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA-1595-DR), dated 07/10/2005.

*Incident:* Hurricane Dennis.

*Incident Period:* 07/07/2005 and continuing through 07/20/2005.

*Effective Date:* 08/31/2005.

*Physical Loan Application Deadline Date:* 09/08/2005.

*EIDL Loan Application Deadline Date:* 04/10/2006.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Disaster Area Office 3, 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, Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of Florida, dated 07/10/2005, is hereby amended to re-establish the incident period for this disaster as beginning 07/07/2005 and continuing through 07/20/2005.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 05-18437 Filed 9-15-05; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration # 10193 and # 10194]**

### Georgia Disaster # GA-00004

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster

<sup>71</sup> XXX