

for a transaction in a low-priced security would be \$37.50.⁸

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,⁹ in general, and with Section 15A(b)(5) of the Act,¹⁰ in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers, and other persons using any facility or system which the association operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act¹¹ and Rule 19b-4(f)(2)¹² thereunder because it establishes or changes a due, fee, or charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such 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. Persons making written submissions

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. 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. Copies of the filing will also be available for inspection and copying at the principal office of the Association. All submissions should refer to File No. SR-NASD-2002-135 and should be submitted by November 8, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,
Deputy Secretary.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3453]

State of California

Santa Clara County and the contiguous counties of Alameda, San Mateo, San Joaquin, Stanislaus, San Benito, Santa Cruz and Merced in the State of California constitute a disaster area as a result of a wildfire that began on September 23, 2002 in the Santa Cruz Mountains. The wildfire consumed over 3,100 acres and damaged residences and businesses in the Croy Ridge and surrounding area. The wildfire was fully contained by October 5, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on December 9, 2002 and for economic injury until the close of business on July 10, 2003 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 4 Office, P. O. Box 13795, Sacramento, CA 95853-4795.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	6.625

¹³ 17 CFR 200.30-3(a)(12).

	Percent
Homeowners without credit available elsewhere	3.312
Businesses with credit available elsewhere	7.000
Businesses and non-profit organizations without credit available elsewhere	3.500
Others (including non-profit organizations) with credit available elsewhere	6.375
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	3.500

The number assigned to this disaster for physical damage is 345305 and for economic damage is 9R9700.

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

Dated: October 10, 2002.

Hector V. Barreto,
Administrator.

[FR Doc. 02-26548 Filed 10-17-02; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3449; Amendment #1]

State of Louisiana

In accordance with a notice received from the Federal Emergency Management Agency, dated October 1, 2002, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning on September 21, 2002, and continuing through October 1, 2002.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is November 26, 2002, and for economic injury the deadline is June 27, 2003.

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

Dated: October 10, 2002.

Herbert L. Mitchell,
Associate Administrator for Disaster Assistance.

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3366; Amendment #2]

Commonwealth of Virginia

The above-numbered declaration is hereby amended to extend the deadline

⁸ Nasdaq represents that the caps are economically identical to the caps currently applicable to SuperSOES, under which a member could pay up to \$75 per trade but could receive a rebate of up to \$37.50 if its order executes against the quotation of a market participant that charges an access fee, while a liquidity provider that does not charge an access fee could receive a rebate of up to \$37.50.

⁹ 15 U.S.C. 78o-3.

¹⁰ 15 U.S.C. 78o-3(b)(5).

¹¹ 15 U.S.C. 78s(b)(1).

¹² 17 CFR 240.19b-4.