

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]

**BILLING CODE 8010-01-P**

## 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.

(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]

**BILLING CODE 8025-01-P**

## 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

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

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

for the State of Georgia dated 09/07/2005.

*Incident:* Severe Storms and Tornadoes.

*Incident Period:* 08/29/2005.

*Effective Date:* 09/07/2005.

*Physical Loan Application Deadline Date:* 11/07/2005.

*EIDL Loan Application Deadline Date:* 06/07/2006.

**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:** 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:

Carroll, Peach.

Contiguous Counties:

Alabama, Cleburne, Randolph.

Georgia, Bibb, Coweta, Crawford,

Douglas, Fulton, Haralson, Heard,

Houston, Macon, Paulding, Taylor.

The Interest Rates are:

	Percent
Homeowners with credit available elsewhere .....	5.375
Homeowners without credit available elsewhere .....	2.687
Businesses with credit available elsewhere .....	6.557
Businesses & small agricultural cooperatives without credit available elsewhere .....	4.000
Other (including non-profit organizations) with credit available elsewhere .....	4.750
Businesses and non-profit organizations without credit available elsewhere .....	4.000

The number assigned to this disaster for physical damage is 10193 C and for economic injury is 10194 0.

The States which received an EIDL Declaration # are Georgia, Alabama.

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

Dated: September 7, 2005.

**Hector V. Barreto,**

*Administrator.*

[FR Doc. 05-18438 Filed 9-15-05; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration No. 10191 and No. 10192]**

**Kentucky Disaster No. KY-00002**

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Kentucky dated 09/07/2005.

*Incident:* Severe Storms and Flooding.

*Incident Period:* 08/29/2005.

*Effective Date:* 09/07/2005.

*Physical Loan Application Deadline Date:* 11/07/2005.

*EIDL Loan Application Deadline Date:* 06/07/2006.

**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:** 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:

Christian.

Contiguous Counties:

Kentucky: Caldwell, Hopkins,

Muhlenberg, Todd, and Trigg.

Tennessee: Montgomery, Stewart.

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere .....	5.375
Homeowners Without Credit Available Elsewhere .....	2.687
Businesses With Credit Available Elsewhere .....	6.557
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere .....	4.750
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	4.000

The number assigned to this disaster for physical damage is 10191 6 and for economic injury is 10192 0.

The States which received an EIDL Declaration number are: Kentucky, Tennessee.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 7, 2005.

**Hector V. Barreto,**

*Administrator.*

[FR Doc. 05-18435 Filed 9-15-05; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of PM Air, LLC For Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of Order To Show Cause (Order 2005-9-12); Docket OST-2005-20363.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding PM Air, LLC fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property, and mail operating no more than two aircraft in scheduled service under Part 135 of the Federal Aviation Regulations.

**DATES:** Persons wishing to file objections should do so no later than September 26, 2005.

**ADDRESSES:** Objections and answers to objections should be filed in Docket OST-2005-20363 and addressed to U.S. Department of Transportation, Docket Operations, (M-30, Room PL-401), 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Mr. Damon D. Walker, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-7785.

Dated: Monday, September 12, 2005.

**Karan K. Bhatia,**

*Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 05-18411 Filed 9-15-05; 8:45 am]

**BILLING CODE 4910-62-P**