

manipulative acts and practices, promoting just and equitable principles of trade, fostering cooperation and coordination with persons engaged in facilitating transactions in securities, and removing impediments to and perfecting the mechanisms of a free and open market and a national market system.

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

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

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

Written comments on the proposed rule change 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) of the Act<sup>8</sup> and Rule 19b-4(f)(6)<sup>9</sup> thereunder because the proposal does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.<sup>10</sup>

A proposed rule change filed under Rule 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii)<sup>11</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay period. The Commission believes

that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest. Specifically, the Commission believes that the proposal would allow the Pilot Program to continue without any interruption, until November 30, 2007.<sup>12</sup> The Commission further notes that no comments were received on the pilot program.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such proposed 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. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2007-51 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2007-51. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). 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 such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2007-51 and should be submitted on or before June 28, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-10926 Filed 6-6-07; 8:45 am]

BILLING CODE 8010-01-P

### **SMALL BUSINESS ADMINISTRATION**

[License No. 04/04-0298]

#### **Harbert Mezzanine Partners II SBIC, L.P.; Notice Seeking Exemption Under 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Harbert Mezzanine Partners II SBIC, L.P. One Riverchase Parkway South, Birmingham, Alabama, 35244, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financials Which Constitute Conflicts of Interest of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2003)). Harbert Mezzanine Partners II SBIC, L.P. proposes to provide a loan to Delta CompuTec LLC, 2 Sound View Drive, Suite 100, Greenwich, CT 06830. The financing is contemplated for DGI's expansion through a potential new acquisition.

The financing is brought within the purview of Section 107.730 (a) (1) of the Regulations because Harbinger Mezzanine Partners, LP, an Associate of Harbert Mezzanine Partners II SBIC, L.P., currently owns greater than 10 percent of Delta CompuTec LLC, and therefore, Delta CompuTec LLC, is considered an Associate of Harbert Mezzanine Partners II SBIC, L.P. as defined in Section 105.50 of the regulations.

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(6).

<sup>10</sup> The Exchange has requested that the Commission waive the five-day pre-filing notice requirement, and the Commission has agreed to waive the requirement.

<sup>11</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>12</sup> For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

Notice is hereby given that any interested person may submit written comments on the transaction, within 15 days, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

**Jaime Guzman-Fournier,**  
Associate Administrator for Investment.  
[FR Doc. E7-10990 Filed 6-6-07; 8:45 am]  
**BILLING CODE 8025-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **[Disaster Declaration #10887]**

#### **Kentucky Disaster #KY-00009**

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance only for the Commonwealth of Kentucky (FEMA-1703-DR), dated 05/25/2007.

*Incident:* Severe Storms, Flooding, Mudslides, and Rockslides

*Incident Period:* 04/14/2007 through 04/15/2007.

*Effective Date:* 05/25/2007.

*Physical Loan Application Deadline Date:* 07/24/2007.

**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 President's major disaster declaration on 05/25/2007, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications 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:* Carter, Floyd, Johnson, Knott, Lawrence, Leslie, Martin, Perry, Pike.

*The Interest Rates are:*

	Percent
Other (Including Non-Profit Organizations) with Credit Available Elsewhere .....	5.250

	Percent
Businesses and Non-Profit Organizations without Credit Available Elsewhere .....	4.000

The number assigned to this disaster for physical damage is 10887.

(Catalog of Federal Domestic Assistance Number 59008)

**Herbert L. Mitchell,**  
Associate Administrator for Disaster Assistance.

[FR Doc. E7-10988 Filed 6-6-07; 8:45 am]

**BILLING CODE 8025-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **[Disaster Declaration #10885 and #10886]**

#### **Minnesota Disaster #MN-00008**

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Minnesota dated 05/30/2007.

*Incident:* Fires.

*Incident Period:* 05/05/2007 through 05/12/2007.

*Effective Date:* 05/30/2007.

*Physical Loan Application Deadline Date:* 07/30/2007.

*Economic Injury (EIDL) Loan Application Deadline Date:* 03/03/2008.

**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:* Cook.

*Contiguous Counties:* Minnesota: Lake.

*The Interest Rates are:*

	Percent
Homeowners with Credit Available Elsewhere .....	5.750
Homeowners without Credit Available Elsewhere .....	2.875
Businesses with Credit Available Elsewhere .....	8.000

	Percent
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere .....	4.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere .....	5.250
Businesses and Non-Profit Organizations without Credit Available Elsewhere .....	4.000

The number assigned to this disaster for physical damage is 10885 5 and for economic injury is 10886 0.

The State which received an EIDL Declaration # is Minnesota.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 30, 2007.

**Steven C. Preston,**  
Administrator.

[FR Doc. E7-10989 Filed 6-6-07; 8:45 am]

**BILLING CODE 8025-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **[Disaster Declaration #10888]**

#### **Rhode Island Disaster #RI-00003**

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Rhode Island (FEMA-1704-DR), dated 05/25/2007.

*Incident:* Severe Storms and Inland and Coastal Flooding.

*Incident Period:* 04/15/2007 through 04/16/2007

*Effective Date:* 05/25/2007.

*Physical Loan Application Deadline Date:* 07/24/2007.

**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 President's major disaster declaration on 05/25/2007, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster: