

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

Nancy M. Morris,  
Secretary.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56331; File No. SR-Amex-2007-93]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Options Directed Order Participant Transaction Charge Rebate Program

August 28, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on August 20, 2007, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. Amex has designated this proposal as one establishing or changing a due, fee, or other charge imposed by Amex under Section 19(b)(3)(A)(ii) of the Act <sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the transaction charge rebates currently applicable to supplemental registered options traders (“SROT”) to all Directed Order Participants. The text of the proposed rule change is available at the Exchange, the Commission’s Public Reference Room, and <http://www.amex.com>.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements

concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Amex has substantially prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to extend the options transaction charge <sup>5</sup> rebates currently applicable to SROT<sup>6</sup> to all Directed Order Participants (including SROT) that provide liquidity to the Exchange and receive electronic directed customer orders (the “Directed Order Fee Rebate Program”). This Directed Order Fee Rebate Program would provide fee rebates to Directed Order Participants that provide order flow to the Exchange from an order flow provider firm.<sup>7</sup>

This proposal would allow the Exchange to provide Directed Order Participants with options transaction charge rebates for the number of options contracts that are electronically directed to them and executed on the Exchange. The following rebate schedule is proposed:

Monthly directed order volume (in contracts)	Rebate per contract
0–1,000,000 .....	\$0.05
1,000,001–2,000,000 .....	.10
2,000,001–3,000,000 .....	.125
3,000,001 and up .....	.15

Rebates would be capped at 100% of transaction charges so that once a Directed Order Participant’s transaction charges reach zero, the Exchange would not pay out any additional credits.<sup>8</sup>

<sup>5</sup> The options transaction charge is the collective of the Options Transaction Fee, the Options Comparison Fee, and the Options Floor Brokerage fee, as noted on the Options Fee Schedule.

<sup>6</sup> See Securities Exchange Act Release No. 56002 (July 2, 2007), 72 FR 37548 (July 10, 2007) (SR-Amex 2007-55).

<sup>7</sup> See Securities Exchange Act Release No. 56269 (August 15, 2007), 72 FR 47086 (August 22, 2007) (Notice of Filing and Order Granting Accelerated Approval of SR-Amex 2007-75). Generally, for purposes of the Directed Order Flow Program, a directed order is deemed to be an electronic customer order from an order flow provider that is directed to a specific specialist, registered options trader (“ROT”), SROT, or remote registered options trader (“RROT”).

<sup>8</sup> For example, a Directed Order Participant which pays \$100,000 in transaction charges per month, could not receive more than a \$100,000 rebate.

The Exchange notes that Directed Order Participants are entitled to the options transaction charge rebate, which is separate and apart from the Exchange’s Payment for Order Flow Plan.<sup>9</sup> The proposed options transaction charge rebate, which is provided to Directed Order Participants, will not come from the marketing fees collected on those transactions.

##### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act <sup>10</sup> in general, and Section 6(b)(4) of the Act <sup>11</sup> in particular, in that it is designed to provide for an equitable allocation of reasonable dues, fees, and other charges among exchange members and other persons using exchange facilities.

#### 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 Act.

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

No written comments were solicited or received with respect to the proposed rule change.

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

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act <sup>12</sup> and Rule 19b-4(f)(2) <sup>13</sup> thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. 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,

<sup>9</sup> See *supra* note 7.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(4).

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>13</sup> 17 CFR 240.19b-4(f)(2).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 15 U.S.C. 78s(b)(1).

<sup>17</sup> 17 CFR 240.19b-4.

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

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

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-Amex-2007-93 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-Amex-2007-93. 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, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. 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-Amex-2007-93 and should be submitted on or before September 26, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**Nancy M. Morris,**  
Secretary.

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**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration # 11012 and # 11013]**

**Ohio Disaster # OH-00012**

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA-1720-DR), dated 08/27/2007.

*Incident:* Severe Storms, Flooding, and Tornadoes.

*Incident Period:* 08/20/2007 and continuing.

*Effective Date:* 08/27/2007.

*Physical Loan Application Deadline Date:* 10/26/2007.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/27/2008.

**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 President's major disaster declaration on 08/27/2007, 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 (Physical Damage and Economic Injury Loans):

Allen, Crawford, Hancock, Putnam, Richland, Wyandot.

Contiguous Counties (Economic Injury Loans Only):

Ohio: Ashland, Auglaize, Defiance, Hardin, Henry, Huron, Knox, Marion, Morrow, Paulding, Seneca, Van Wert, Wood.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners With Credit Available Elsewhere .....	6.250
Homeowners Without Credit Available Elsewhere .....	3.125
Businesses With Credit Available Elsewhere .....	8.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere .....	5.250
Businesses And Non-Profit Organizations Without Credit Available Elsewhere .....	4.000

	Percent
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000

The number assigned to this disaster for physical damage is 110126 and for economic injury is 110130.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Herbert L. Mitchell,**

Associate Administrator for Disaster Assistance.

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**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration # 10968]**

**Vermont Disaster Number VT-00005**

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

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Vermont (FEMA-1715-DR), dated 08/03/2007.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* 07/09/2007 through 07/11/2007.

*Effective Date:* 08/24/2007.

*Physical Loan Application Deadline Date:* 10/02/2007.

**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:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of VERMONT, dated 08/03/2007, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:*

Caledonia, Orleans.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Herbert L. Mitchell,**

Associate Administrator for Disaster Assistance.

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<sup>14</sup> 17 CFR 200.30-3(a)(12).