

Incident Period: 08/19/2009.
Effective Date: 09/04/2009.
Physical Loan Application Deadline Date: 11/03/2009.

Economic injury (EIDL) Loan Application Deadline Date: 06/04/2010.

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: Porter.

Contiguous Counties:

Indiana: Jasper; La Porte; Lake; Starke.

The Interest Rates are:

	Percent
<i>Homeowners With Credit Available Elsewhere</i>	5.500
<i>Homeowners Without Credit Available Elsewhere</i>	2.750
<i>Businesses With Credit Available Elsewhere</i>	6.000
<i>Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere</i>	4.000
<i>Other (Including Non-Profit Organizations) With Credit Available Elsewhere</i>	4.500
<i>Businesses And Non-Profit Organizations Without Credit Available Elsewhere</i>	4.000

The number assigned to this disaster for physical damage is 11870 C and for economic injury is 11871 0.

The State which received an EIDL Declaration # is Indiana.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 4, 2009.

Karen G. Mills,
Administrator.

[FR Doc. E9-22207 Filed 9-14-09; 8:45 am]

BILLING CODE 8025-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold an Open Meeting on Thursday, September 17, 2009, at 2:30 p.m., in the Multipurpose Room, Room L-006.

The subject matter of the Open Meeting will be:

1. Nationally Recognized Statistical Rating Organizations ("NRSROs")

A. Final Rule Amendments and Proposed Rule Amendments under the Credit Rating Agency Reform Act of 2006

The Commission will consider whether to adopt rules and propose other rules that impose additional disclosure and conflict of interest requirements on NRSROs in order to address concerns about the integrity of the credit rating procedures and methodologies.

B. References to Nationally Recognized Statistical Rating Organization Ratings in Commission Rules and Forms

The Commission will consider whether to eliminate references to credit ratings by NRSROs from certain rules and forms, and whether to re-open the comment period to solicit further comment on elimination of additional NRSRO references.

C. Credit Ratings and Rating Shopping Disclosure

The Commission will consider whether to propose amendments to Regulation S-K, and rules and forms under the Securities Act of 1933 ("Securities Act"), the Securities Exchange Act of 1934 ("Exchange Act") and the Investment Company Act of 1940 ("Investment Company Act") to require disclosure regarding credit ratings that a registrant uses in connection with a registered offering.

D. Rule 436(g)

The Commission will consider whether to issue a concept release and solicit comment on whether the Commission should propose to rescind Rule 436(g) under the Securities Act, in light of the disclosure regarding credit ratings being proposed in a companion release (see C above).

2. Flash Orders: Proposed Amendment to Rule 602 of Regulation NMS

The Commission will consider a recommendation to propose an amendment to Rule 602 of Regulation NMS under the Exchange Act that would eliminate an exception for the use of flash orders, as well as other related issues. If adopted, the proposals

would prohibit the practice of displaying marketable flash orders.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551-5400.

Dated: September 10, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9-22194 Filed 9-11-09; 11:15 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60633; File No. SR-BX-2009-052]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Audit Trail Information

September 8, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 25, 2009, NASDAQ OMX BX, Inc. (the "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 prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,³ and Rule 19b-4(f)(6) thereunder,⁴ which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

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

The Exchange proposes to amend Chapter V, Section 15 (Audit Trail) of the Rules of the Boston Options Exchange Group, LLC ("BOX") to clarify the information that the BOX Rules currently require to be submitted to the BOX order entry system. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at <http://>

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

*nasdaqomxbx.cchwallstreet.com/
NASDAQOMXBX/Filings/.*

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. The Exchange has 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 purpose of this proposal is to make changes to BOX Rules Chapter V, Section 15(b) to clarify the information required for orders submitted to the BOX Trading Host. The proposed changes will result in the modification of one (1) information item and the clarification regarding certain information items in the Supplementary Material.

The item to be modified is account identification.⁵ The proposed change will allow Participants to align the terms utilized in their system protocols to the requirements and language of BOX Rules Chapter V, Section 15(b). There has been some uncertainty regarding the information required under the categories "customer identification" and "account identification". Therefore, the proposed change from "account identification" to "account type" will clarify the details, without altering the scope, which the Exchange is requiring by using the same term provided in technical system guides. As a result of enhancements to BOX systems, the "type" of account, or sometimes referred to as "customer type" (i.e. Public Customer, Market Maker, etc.), is represented by one of several particular order origin codes, where the order origin code represents a separate and distinct account type.⁶ These order origin codes must be submitted to the BOX order entry system for each order and are used by the Trading Host.

The Exchange proposes to add Supplementary Material to Section 15 to specify that the identity of the

individual/terminal completing the order ticket and customer identification⁷ (the specific customer or account number) are not required to be submitted into the order entry system. These are not details that the Exchange currently routinely utilizes for any trading or surveillance purpose and thus are not submitted in the order entry system. BOX Rules Chapter V, Section 1(b)(iv) continues to require that Participants must maintain procedures and controls to monitor and supervise the entry of orders. Further, this type of specific information should be maintained as part of the Participant's books and records requirements, and if requested, must be provided to the Exchange.⁸

This proposed change will not result in a decrease in the useful information BOX currently gathers about an order. BOX will continue to gather all details essential to an order submitted to BOX and to allow BOX to properly prioritize and match orders and report resulting transactions to the Options Clearing Corporation ("OCC"). In fact, system enhancements have improved the Exchange's ability to surveil BOX trading and Participant compliance with BOX Rules.

Participants will still be required to submit orders in a manner prescribed by the Exchange.

2. Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,⁹ in general, and Section 6(b)(5) of the Act,¹⁰ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the items and language that this proposal seeks to modify will not affect BOX's ability to prioritize and match orders nor the reporting of executions to the OCC. Additionally, the renaming of terms will align them with the updated BOX system protocol.

⁷ See BOX Rules Chapter V, Section 15(b)(vii) and (viii).

⁸ See BOX Rules Chapter VIII (Records, Reports and Audits).

⁹ 15 U.S.C. 78f(b).

¹⁰ 15 U.S.C. 78f(b)(5).

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 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

The Exchange has neither solicited nor received comments on the proposed rule change.

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

This proposed rule change is filed pursuant to paragraph (A) of section 19(b)(3) of the Exchange Act¹¹ and Rule 19b-4(f)(6) thereunder.¹² This proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.¹³ At any time within 60 days of the filing of the 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 proposal 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. Please include File Number SR-BX-2009-052 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary,

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6).

¹³ As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days before doing so.

⁵ See BOX Rules Chapter V, Section 15(b)(ix).

⁶ See BOX Regulatory Circular 2007-02.

Securities and Exchange Commission,
100 F Street, NE., Washington, DC
20549-1090.

All submissions should refer to File Number SR-BX-2009-052. 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-BX-2009-052 and should be submitted on or before October 6, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9-22107 Filed 9-14-09; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60635; File No. SR-FINRA-2007-024]

Self-Regulatory Organizations; Financial Industry Regulatory, Inc.; Order Approving Proposed Rule Change as Modified by Amendment No. 1 Thereto Amending Rule 2320 Regarding Best Execution and Interpositioning

September 8, 2009.

On November 27, 2007, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend NASD Rule 2320, Best Execution and Interpositioning. On April 13, 2009, FINRA filed Amendment No. 1 to the proposed rule change. The proposed rule change was published for comment in the **Federal Register** on April 24, 2009.³ The Commission received no comments regarding the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

In its filing, FINRA proposed to amend NASD Rule 2320, which governs members' obligations regarding best execution and interpositioning.⁴ Rule 2320(a) provides that, in any transaction for or with a customer or a customer of another broker-dealer, a member must use "reasonable diligence to ascertain the best market for the subject security," so that the resulting price to the customer is "as favorable as possible under prevailing market conditions."⁵ A number of factors will be considered in determining whether the member exercised reasonable diligence, including the character of the market for the security, the size and type of the transaction, and the terms and conditions of the order that resulted in the transaction.⁶

Currently, Rule 2320(b) prohibits a member from interposing a third party between the member and the best available market for a security, unless the member "can demonstrate that to his knowledge at the time of the transaction the total cost or proceeds of

the transaction * * * was better than the prevailing inter-dealer market for the security."⁷ In addition, a member's obligations to its customer "are generally not fulfilled" under the current Rule when interposing a third party, unless the member can show that the interpositioning "reduced the costs of the transactions to the customer."⁸

With this rule change, FINRA proposed to apply the standards governing best execution, which are set forth in Rule 2320(a), to interpositioning. As such, a member interposing a third party will have to use "reasonable diligence to ascertain the best market for the subject security," so that the resulting price to the customer is "as favorable as possible under prevailing market conditions."⁹ FINRA also proposed to make conforming amendments to other NASD and FINRA rules to reflect the redesignation of Rule 2320.

The Commission has carefully reviewed the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered securities association¹⁰ and, in particular, Section 15A(b)(6) of the Act,¹¹ which requires that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

In stating that interpositioning generally does not fulfill a member's obligation to its customer unless that interpositioning "reduced the costs of the transactions to the customer," the current rule contains a presumption against interpositioning.¹² FINRA stated in its filing that the presumption is overbroad and may not accurately reflect the realities of the current market. The Commission understands

⁷ See NASD Rule 2320(b).

⁸ *Id.*

⁹ See NASD Rule 2320(a).

¹⁰ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹¹ 15 U.S.C. 78o-3(b)(6).

¹² See, e.g., *In re Thomson & McKinnon*, Securities Exchange Act Release No. 8310 (May 8, 1968). In that proceeding, an NASD member firm interposed broker-dealers between itself and the best available market, and the added transaction cost was borne by its customers. The Commission found that, "[i]n view of the obligation of a broker to obtain the most favorable price for his customer, where he interposes another broker-dealer between himself and a third broker-dealer, he prima facie has not met that obligation and he has the burden of showing that the customer's total cost or proceeds of the transaction is the most favorable obtainable under the circumstances."

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 59788 (April 17, 2009), 74 FR 18777 ("Notice").

⁴ NASD Rule 2320 paragraph (a) governs best execution and paragraph (b) governs interpositioning.

⁵ See NASD Rule 2320(a).

⁶ *Id.*

¹⁴ 17 CFR 200.30-3(a)(12).