

certification are a necessary element for gauging the HUBZone Program's ability to promote capital investments and job creation in distressed communities.

*Title:* SBA HUBZone Update data form.

*Description of Respondents:* Small Business Concerns.

*Form Number:* SBA Form 2298.

*Annual Responses:* 3,500.

*Annual Burden:* 1,750.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Cynthia Pitts, Director, Office of Disaster Administrative Service, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Pitts, Director, Office of Disaster Administrative Service, 202-205-7570 [cynthia.pitts@sba.gov](mailto:cynthia.pitts@sba.gov); Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** SBA is required to survey affected disaster areas within a state upon request by the Governor of that state to determine if there is sufficient change to warrant a disaster declaration.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. E9-25678 Filed 10-23-09; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11911 and #11912]

### American Samoa Disaster #AS-00004

**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 Territory of American Samoa (FEMA-1859-DR), dated 10/16/2009.

*Incident:* Earthquake, Tsunami, and Flooding.

*Incident Period:* 09/29/2009 Through 10/06/2009.

*Effective Date:* 10/16/2009.

*Physical Loan Application Deadline Date:* 12/15/2009.

*Economic Injury (EIDL) Loan Application Deadline Date:* 07/16/2010.

**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 President's major disaster declaration on 10/16/2009, Private Non-Profit organizations that provide essential services of 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:* The Territory of American Samoa.

*The Interest Rates are:*

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere .....	4.500
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	4.000

The number assigned to this disaster for physical damage is 119112 and for economic injury is 119122.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E9-25681 Filed 10-23-09; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

### Audit and Financial Management Advisory Committee (AFMAC)

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

**ACTION:** Notice of open Federal advisory committee meeting.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Audit and Financial Management Advisory Committee (AFMAC). The meeting will be open to the public.

**DATES:** The meeting will be held on October 29, 2009 from 1 p.m. to approximately 4:30 p.m. Eastern Daylight Time.

**ADDRESSES:** The meeting will be held at the U.S. Small Business Administration, 409 3rd Street, SW., Office of the Chief Financial Officer Conference Room, 6th Floor, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the AFMAC. The AFMAC is tasked with providing recommendation and advice regarding the Agency's financial management, including the financial reporting process, systems of internal controls, audit process and process for monitoring compliance with relevant laws and regulations.

The purpose of the meeting is to discuss the SBA's Financial Reporting, Audit Findings to Date, FMFIA Assurance/A-123 Internal Control Program, Credit Modeling, Agency Financial Report and Agency Performance Report.

**FOR FURTHER INFORMATION CONTACT:** The meeting is open to the public, however advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the AFMAC must contact Jonathan Carver, by fax or e-mail, in order to be placed on the agenda. Jonathan Carver, Chief Financial Officer, 409 3rd Street, SW., 6th Floor, Washington, DC 20416, phone: (202) 205-6449, fax: (202) 205-6969, e-mail: [Jonathan.Carver@sba.gov](mailto:Jonathan.Carver@sba.gov).

Additionally, if you need accommodations because of a disability or require additional information, please contact Jeff Brown at (202) 205-6117, e-mail: [Jeffrey.Brown@sba.gov](mailto:Jeffrey.Brown@sba.gov), SBA, Office of Chief Financial Officer, 409 3rd Street, SW., Washington, DC 20416.

For more information, please visit our Web site at: <http://www.sba.gov/aboutsba/sbaprograms/cfo/index.html>.

**Meaghan Burdick,**

*White House Liaison.*

[FR Doc. E9-25682 Filed 10-23-09; 8:45 am]

**BILLING CODE 8025-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60841; File No. 4-546]

### Joint Industry Plan; Order Approving Joint Amendment No. 1 to the Options Order Protection and Locked/Crossed Market Plan

October 20, 2009.

#### I. Introduction

On August 7, 2009, August 7, 2009, August 7, 2009, August 7, 2009, August 11, 2009, August 11, 2009, and August 11, 2009, NYSE Arca, Inc. ("NYSE Arca"), NYSE Amex, LLC ("NYSE Amex"), International Securities Exchange, LLC ("ISE"), NASDAQ OMX BX, Inc. ("BOX"), Chicago Board Options Exchange, Incorporated

("CBOE"), NASDAQ OMX PHLX, Inc. ("Phlx"), and The NASDAQ Stock Market LLC ("Nasdaq") (collectively, "Participants"), respectively, filed with Securities and Exchange Commission ("Commission") pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 608 thereunder<sup>2</sup> an amendment ("Joint Amendment No. 1") to the Options Order Protection and Locked/Crossed Market Plan ("Plan").<sup>3</sup> In Joint Amendment No. 1, the Participants proposed to modify Section 5(b) of the Plan to eliminate the requirement that policies and procedures be submitted to the Commission for approval. On August 14, 2009, the Commission summarily put into effect Joint Amendment No. 1 on a temporary basis not to exceed 120 days and solicited comment on Joint Amendment No. 1 from interested persons.<sup>4</sup> The Commission received no comments on Joint Amendment No. 1. This order approves Joint Amendment No. 1.

## II. Description of Proposed Amendment

In Joint Amendment No. 1, the Participants proposed to clarify that, while each Participant is required under the Plan to establish, maintain and enforce written policies and procedures that are reasonably designed to prevent Trade-Throughs, there would not be a requirement that these policies and procedures be submitted to the Commission for approval. The Plan requires, and each Participant has represented, that its policies and procedures will be reasonably designed to prevent Trade-Throughs in the Exchange's market in Eligible Options Classes, unless they fall within an exception set forth in Section 5(b) of the Plan. If relying on such exception, the policies and procedures will be reasonably designed to assure compliance with the terms of the exception.

## III. Discussion and Commission Findings

The Commission previously determined, pursuant to Rule 608 under the Act,<sup>5</sup> to put into effect summarily on a temporary basis not to exceed 120

days, the change to the Plan detailed above in Joint Amendment No. 1.<sup>6</sup> After careful consideration of Joint Amendment No. 1, the Commission finds that approving Joint Amendment No. 1 is consistent with the requirements of the Act and the rules and regulations thereunder.<sup>7</sup> Specifically, the Commission finds that Joint Amendment No. 1 is consistent with Section 11A of the Act<sup>8</sup> and Rule 608 of Regulation NMS thereunder<sup>9</sup> in that it is in the public interest, for the protection of investors, and the maintenance of fair and orderly markets.

In so finding, the Commission notes that the Commission generally does not approve, pursuant to Section 19(b), surveillance policies and procedures of national securities exchanges, though they may be reviewed by Commission staff, for example, pursuant to inspections and examinations.

## IV. Conclusion

*It is therefore ordered*, pursuant to Section 11A of the Act<sup>10</sup> and Rule 608 thereunder,<sup>11</sup> that Joint Amendment No. 1 is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. E9-25709 Filed 10-23-09; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60845; File Nos. SR-BX-2009-061, SR-NASDAQ-2009-087, SR-Phlx-2009-88]

### Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; The NASDAQ Stock Market LLC; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Restated Certificate of Incorporation of The NASDAQ OMX Group, Inc.

October 20, 2009.

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 October 1, 2009, NASDAQ OMX BX, Inc. ("BX"), The NASDAQ Stock Market LLC ("NASDAQ Exchange") and NASDAQ OMX PHLX, Inc. ("Phlx") (collectively, the "NASDAQ OMX Exchange Subsidiaries")<sup>3</sup> filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the NASDAQ OMX Exchange Subsidiaries. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organizations' Statement of the Terms of the Substance of the Proposed Rule Change

The NASDAQ OMX Exchange Subsidiaries are filing the proposed rule change with regard to proposed changes to the Restated Certificate of Incorporation (the "Certificate") of their parent corporation, The NASDAQ OMX Group, Inc. ("NASDAQ OMX"). The proposed rule change will be implemented as soon as practicable following filing with the Commission. The text of the proposed rule change for each of the NASDAQ OMX Exchange Subsidiaries is available at <http://nasdaqomxbx.cchwallstreet.com>, <http://nasdaqomx.cchwallstreet.com/>, and <http://www.nasdaqtrader.com/Micro.aspx?id=PhlxApprovedRulefilings>, respectively, at the respective NASDAQ OMX Exchange Subsidiary's principal office, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In their filings with the Commission, each of the NASDAQ OMX Exchange Subsidiaries included statements concerning the purpose of and basis for its proposed rule change and discussed any comments it received on its proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Each of the NASDAQ OMX Exchange Subsidiaries has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

<sup>3</sup> The Commission notes that on October 1, 2009, substantially similar filings also were submitted by Boston Stock Exchange Clearing Corporation ("BSECC") (SR-BSECC-2009-005) and Stock Clearing Corporation of Philadelphia ("SCCP") (SR-SCCP-2009-04), the clearing corporation subsidiaries of NASDAQ OMX Group, Inc. ("NASDAQ OMX").

<sup>1</sup> 15 U.S.C. 78k-1.

<sup>2</sup> 17 CFR 242.608.

<sup>3</sup> On July 30, 2009, the Commission approved a national market system plan relating to Options Order Protection and Locked/Crossed Markets proposed by CBOE, ISE, Nasdaq, BOX, Phlx, NYSE Amex, and NYSE Arca. See Securities Exchange Act Release No. 60405 (July 30, 2009), 74 FR 39362 (August 6, 2009).

<sup>4</sup> See Securities Exchange Act Release No. 60507 (August 14, 2009), 74 FR 42709 (August 24, 2009) (File No. 4-546).

<sup>5</sup> 17 CFR 242.608.

<sup>6</sup> See *supra* note 4.

<sup>7</sup> In approving this Joint Amendment No. 1, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>8</sup> 15 U.S.C. 78k-1.

<sup>9</sup> 17 CFR 242.608.

<sup>10</sup> 15 U.S.C. 78k-1.

<sup>11</sup> 17 CFR 242.608.

<sup>12</sup> 17 CFR 200.30-3(a)(29).

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

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