The Postal Service asserts that several factors demonstrate the contract’s functional equivalence with previous GEPS 2 contracts, including the general terms of the contract, the market to which it is being offered, and its cost characteristics. Id. at 3. The Postal Service concludes that because the “GEPS agreements incorporate the same cost attributes and methodology, the relevant cost and market characteristics are similar, if not the same...” despite any incidental differences. Id. at 6.

The Postal Service contends that its filings demonstrate that this new GEPS 2 contract is established in compliance with the requirements of 39 U.S.C. 3633, is functionally equivalent to previous GEPS 2 contracts, and requests that this contract be included within the GEPS 2 product. Id. at 7.

II. Notice of Filing

The Commission establishes Docket No. CP2010–37 for consideration of matters related to the contract identified in the Postal Service’s Notice.

Interested persons may submit comments on whether the Postal Service’s contract is consistent with the policies of 39 U.S.C. 3632, 3622 or 3642. Comments are due no later than April 15, 2010. The public portions of these filings can be accessed via the Commission’s Web site (http://www.prc.gov).

The Commission appoints Natalie Rea to serve as Public Representative in the captioned filings.

III. Ordering Paragraphs

It is ordered:


2. Comments by interested persons in these proceedings are due no later than April 15, 2010.

3. Pursuant to 39 U.S.C. 505, Natalie Rea is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the Federal Register.

By the Commission.

Judith M. Grady,
Acting Secretary.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12077 and # 12078]

South Dakota Disaster Number SD–00027

AGENCY: Small Business Administration.

ACTION: Amendment 1.


ADDRESSES: Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.


SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for Private Non-Profit organizations in the State of South Dakota, dated 03/09/2010, is hereby amended to include the following areas as adversely affected by the disaster. Primary Counties: Brule.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2010–8528 Filed 4–13–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Disaster Declaration # 12112 and # 12113 North Carolina Disaster # NC–00026

AGENCY: Small Business Administration.

ACTION: Notice.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12106]

California Disaster # CA–00153
Declaration of Economic Injury

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of California, dated 04/06/2010.

Incident: Severe Winter Storms and Heavy Snow.

Incident Period: 01/17/2010 through 02/06/2010.

DATES: Effective Date: 04/06/2010.

EIDL Loan Application Deadline Date: 01/06/2011.

APPLICATION DEADLINE DATE: 01/07/2011.

ADDRESS: 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: Davidson, Guilford, Stokes.

Contiguous Counties:

The Interest Rates are:

<table>
<thead>
<tr>
<th>For Physical Damage</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeowners With Credit Available Elsewhere</td>
<td>5.250</td>
</tr>
<tr>
<td>Homeowners Without Credit Available Elsewhere</td>
<td>2.625</td>
</tr>
<tr>
<td>Businesses With Credit Available Elsewhere</td>
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<tr>
<td>Businesses Without Credit Available Elsewhere</td>
<td>3.625</td>
</tr>
<tr>
<td>Non-Profit Organizations With Credit Available Elsewhere</td>
<td>4.000</td>
</tr>
<tr>
<td>Non-Profit Organizations Without Credit Available Elsewhere</td>
<td>3.000</td>
</tr>
</tbody>
</table>

For Economic Injury

Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere | 4.000 |
Non-Profit Organizations Without Credit Available Elsewhere | 3.000 |

The number assigned to this disaster for physical damage is 12112 C and for economic injury is 12113 0.

The State which received an EIDL Declaration # is North Carolina (Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: April 7, 2010.
Karen G. Mills,
Administrator.

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving Proposed Rule Change, as Modified by Amendment No. 1, To Amend the By-Laws of The NASDAQ OMX Group, Inc.

April 8, 2010

On February 24, 2010, The NASDAQ Stock Market LLC (“NASDAQ”) 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 the By-Laws of its parent corporation, The NASDAQ OMX Group, Inc. (“NASDAQ OMX”). The proposed rule change was published for comment in the Federal Register on March 4, 2010.3 The Commission received no comment letters on the proposed rule change. On March 24, 2010, NASDAQ filed Amendment No. 1 to the proposed rule change. Because Amendment No. 1 is technical in nature, the Commission is not publishing it for comment.4 This order approves the proposed rule change, as modified by Amendment No. 1.

On behalf of its parent company, NASDAQ proposed to make certain amendments to the NASDAQ OMX By-Laws to modify its direct election procedures set forth in Article IV, Section 4.4 of the NASDAQ OMX By-Laws. Under the existing NASDAQ OMX By-Laws, each director receiving a plurality of the votes at any election of directors at which a quorum is present is duly elected to the Board.5 The NASDAQ OMX Corporate Governance Guidelines, however, provide a different standard for uncontested elections and also set forth additional election

4 In Amendment No. 1, NASDAQ noted that the Board of Directors (“Board”) of NASDAQ OMX originally approved the proposed rule change on December 16, 2009 and, on March 23, 2010 approved a portion of the proposed rule change that had not been previously approved.
5 In the Notice, NASDAQ stated that this is derived from Section 216 of the General Corporation Law of the State of Delaware, which provides that in the absence of the specification in the certificate of incorporation or bylaws of a Delaware corporation (as is the case with NASDAQ OMX), the directors of a Delaware corporation shall be elected by a plurality of the shares present in person or represented by proxy at the meeting and entitled to vote on the election of directors. See Notice, supra note 3.