

Texas: Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, Waller.

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere .....	4.875
Homeowners Without Credit Available Elsewhere .....	2.437
Businesses With Credit Available Elsewhere .....	6.000
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
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 11748 6 and for economic injury is 11749 0.

The State which received an EIDL Declaration # is Texas.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 15, 2009.

**Karen G. Mills,**  
Administrator.

[FR Doc. E9-11883 Filed 5-20-09; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11694 and #11695]

### North Dakota Disaster Number ND-00015

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

**ACTION:** Amendment 2.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA-1829-DR), dated 03/24/2009.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* 03/13/2009 and continuing.

*Effective Date:* 05/13/2009.

*Physical Loan Application Deadline Date:* 05/26/2009.

*Economic Injury (EIDL) Loan Application Deadline Date:* 12/24/2009.

**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 North Dakota, dated 03/24/2009, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:* Rolette, Sheridan, The Turtle Mountain Band of Chippewa Indian Reservation.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. E9-11881 Filed 5-20-09; 8:45 am]

**BILLING CODE 8025-01-P**

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Executive Office of the President; Transparency and Open Government

**SUMMARY:** The President's January 21, 2009, memorandum entitled, *Transparency and Open Government*, directed the Chief Technology Officer, in coordination with the Office of Management and Budget (OMB) and the General Services Administration (GSA), to develop a set of recommendations that will inform an Open Government Directive. This directive will be issued by OMB and will instruct executive departments and agencies on specific actions to implement the principles set forth in the President's memorandum. Members of the public are invited to participate in the process of developing recommendations via email or the White House Web site at <http://www.whitehouse.gov/open> offering comments, ideas, and proposals about possible initiatives and about how to increase openness and transparency in government.

**DATES:** Comments must be received by June 19, 2009.

**ADDRESSES:** Submit comments by one of the following methods:

- <http://www.whitehouse.gov/open>.
- E-mail: [opengov@ostp.gov](mailto:opengov@ostp.gov).
- Mail: Office of Science and Technology Policy, Attn: Open Government Recommendations, 725 17th Street, Washington, DC 20502.

Comments submitted in response to this notice could be made available to the public online or by alternative means. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or

proprietary information. If you submit an e-mail comment, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet.

### FOR FURTHER INFORMATION CONTACT:

Office of Science and Technology Policy, Attn: Open Government, 725 17th Street, NW., Washington, DC 20502.

**SUPPLEMENTARY INFORMATION:** In his January 21, 2009, Presidential Memorandum to the Heads of Executive Departments and Agencies, published in the **Federal Register** [74 FR 4685, January 26, 2009], the President outlined three principles for promoting a transparent and open government:

- Transparency promotes accountability and provides information to citizens about what their Government is doing;

- Participation enhances the Government's effectiveness and improves the quality of its decisions by tapping knowledge that is widely dispersed in society; and

- Collaboration harnesses innovative tools, methods, and systems to promote cooperation across all levels of Government and with the private sector.

The Presidential Memorandum requests recommendations to inform an OMB Directive that will instruct executive departments and agencies on specific actions to implement the three principles of transparency, participation, and collaboration.

The purpose of this **Federal Register** notice is to solicit public participation in the development of those recommendations. There is a great deal of dispersed information among the nation's citizens. With twenty-first century tools, the United States is in a unique position to take advantage of that dispersed information to inform the policymaking process. Our goal is to use the principles of open government to obtain fresh ideas about open government itself.

Comments on open government may relate to government-wide or agency-specific policy, project ideas, and relevant examples. Comments may address law, policy, technology, culture, and practice on issues such as:

- What government information should be more readily available on-line or more easily searched?

- How might the operations of government be made more transparent and accountable?

- How might federal advisory committees, rulemaking, or electronic

rulemaking be better used to improve decisionmaking?

- What alternative models exist to improve the quality of decisionmaking and increase opportunities for citizen participation?
- What are the limitations to transparency?
- What strategies might be employed to adopt greater use of Web 2.0 in agencies?
- What policy impediments to innovation in government currently exist?
- What changes in training or hiring of personnel would enhance innovation?
- What performance measures are necessary to determine the effectiveness of open government policies?

This public process is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**John P. Holdren,**

*Director, Office of Science and Technology Policy.*

[FR Doc. E9-12026 Filed 5-20-09; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59923; File No. SR-NASDAQ-2009-046]

### Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Criteria for Securities That Underlie Options Traded on the Exchange

May 14, 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 May 8, 2009, The NASDAQ Stock Market LLC (“Nasdaq”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. Nasdaq filed the proposed rule change as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) 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

Nasdaq proposes for NOM to modify Chapter IV, Section 3 (Criteria for Underlying Securities) and Section 4 (Withdrawal of Approval of Underlying Securities) of its options rules to: (1) Enable listing and trading of options on equity index-linked securities, commodity-linked securities, currency-linked securities, fixed income index-linked securities, futures-linked securities, and multifactor index-linked securities (collectively referred to as “Index-Linked Securities”) that are principally traded on a national securities exchange and an “NMS stock” as defined in Rule 600 of Regulation NMS; (2) enable listing and trading of options on Index Multiple Exchange Traded Fund Shares (“Index Multiple ETFs”) and Index Inverse Exchange Traded Fund Shares (“Index Inverse ETFs”); (3) enable listing and trading of options on certain funds that hold specified non-U.S. currencies (“Currency Trust Shares”); and (4) enable listing and trading of options on commodity pool interests that hold and/or manage portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency (“Commodity Pool ETFs”).

The text of the proposed rule change is available from Nasdaq’s Web site at <http://nasdaq.cchwallstreet.com>, at Nasdaq’s principal office, and at the Commission’s Public Reference Room.

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

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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

This proposed rule change is based directly on recent rule change proposals of NASDAQ OMX PHLX, Inc. (“Phlx”)<sup>5</sup> and other option exchanges.<sup>6</sup>

This rule change is being proposed, subsequent to the merger of The NASDAQ OMX Group, Inc. (“NASDAQ OMX”) and the Philadelphia Stock Exchange, Inc. (now NASDAQ OMX PHLX),<sup>7</sup> to more closely align, to the extent practicable, certain listing rules of the Exchange (NOM) and Phlx.<sup>8</sup>

Chapter IV, Sections 3 and 4 (referred to in this filing as “Sections 3 and 4” or individually as “Section 3” and “Section 4”) generally indicate on which underlying securities the Exchange may initially list and continue to list options. The purpose of the proposed rule change is to revise Sections 3 and 4 to enable the listing and trading of options on: Index-Linked Securities that are principally traded on a national securities exchange and an “NMS stock” as defined in Rule 600 of Regulation NMS; Index Multiple ETFs and Index Inverse ETFs (together known as “Multiple Inverse ETFs”); Currency

<sup>5</sup> See Securities Exchange Act Release Nos. 58571 (September 17, 2008), 73 FR 55188 (September 24, 2008) (SR-Phlx-2008-60) (notice of filing and immediate effectiveness regarding Index-Linked Securities and Currency Trust Shares); 57715 (April 25, 2009), 73 FR 23518 (April 30, 2008) (SR-Phlx-2008-30) (notice of filing and immediate effectiveness regarding Index Multiple ETFs and Index Inverse ETFs); and 55951 (June 25, 2007), 72 FR 37298 (July 9, 2007) (SR-Phlx-2007-35) (approval order regarding Commodity Pool ETFs).

<sup>6</sup> See, regarding Index-Linked Securities, Exchange Act Release Nos. 58204 (July 22, 2008), 73 FR 43807 (July 28, 2008) (SR-CBOE-2008-64) (approval order); and 58985 (November 20, 2008), 73 FR 72538 (November 28, 2008) (SR-ISE-2008-86) (notice of filing and immediate effectiveness). See also, regarding Index Multiple ETFs and Index Inverse ETFs, Exchange Act Release No. 56715 (October 29, 2007), 72 FR 62287 (November 2, 2007) (SR-CBOE-2007-119) (approval order); and 56871 (November 30, 2007), 72 FR 68924 (December 6, 2007) (SR-ISE-2007-87) (approval order). See also, regarding Commodity Pool Units (ETFs), 55630 (April 13, 2007), 72 FR 19993 (April 20, 2007) (SR-CBOE-2007-21) (approval order); and 55635 (April 16, 2007), 72 FR 19999 (April 20, 2007) (SR-ISE-2007-16) (approval order). See also, regarding Currency Trust Shares, Securities Exchange Act Release No. 54983 (December 20, 2006), 71 FR 78476 (December 29, 2006) (AMEX-2006-87) (approval order).

<sup>7</sup> See Securities Exchange Act Release No. 58179 (July 17, 2008), 73 FR 42874 (July 23, 2008) (SR-Phlx-2008-31). See also Securities Exchange Act Release No. 58183 (July 17, 2008), 73 FR 26182 (May 8, 2008) (SR-NASDAQ-2008-035).

<sup>8</sup> See, e.g., Securities Exchange Act Release No. 59697 (April 2, 2009), 74 FR 16249 (April 9, 2009), (SR-Phlx-2009-23) (notice of filing); and 59794 (April 20, 2009), 74 FR 18761 (April 24, 2009) (SR-Phlx-2009-17) (approval order).

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

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

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

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