

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

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BILLING CODE 8025-01-P

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12098 and # 12099]

### Rhode Island Disaster Number RI-00006

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

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Rhode Island (FEMA-1894-DR), dated 03/29/2010.

*Incident:* Severe storms and flooding.  
*Incident Period:* 03/12/2010 and continuing.

*Effective Date:* 04/02/2010.

*Physical Loan Application Deadline Date:* 05/28/2010.

*EIDL Loan Application Deadline Date:* 12/29/2010.

**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:** The notice of the Presidential disaster declaration for the State of Rhode Island, dated 03/29/2010 is hereby amended to include the following areas as adversely affected by the disaster:

*Primary Counties:* (Physical Damage and Economic Injury Loans): Bristol.

All other counties contiguous to the above named primary county have previously been declared.

All other information in the original declaration remains unchanged.

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61842; File No. SR-NYSEArca-2010-10]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to the Listing of Mars Hill Global Relative Value ETF (f/k/a HTE Global Relative Value ETF)

April 5, 2010.

#### I. Introduction

On February 25, 2010, NYSE Arca, Inc. (“NYSE Arca” or “Exchange”), through its wholly owned subsidiary, NYSE Arca Equities, Inc. (“NYSE Arca Equities”), filed with the Securities and Exchange Commission (“Commission”), 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> a proposed rule change to list and trade shares (“Shares”) of the Mars Hill Global Relative Value ETF (f/k/a HTE Global Relative Value ETF) (the “Fund”) under NYSE Arca Equities Rule 8.600 (Managed Fund Shares). The proposed rule change was published in the **Federal Register** on March 18, 2010. <sup>3</sup> The Commission received no comments on the proposal. On March 29, 2010, the Exchange filed Amendment No. 1 to the proposed rule change. <sup>4</sup> This order approves the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

#### II. Description of the Proposal

The Exchange proposes to list and trade the Shares pursuant to NYSE Arca Equities Rule 8.600, which governs the listing of Managed Fund Shares. The Shares will be offered by AdvisorShares Trust (the “Trust”), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end

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

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

<sup>3</sup> See Securities Exchange Act Release No. 61683 (March 10, 2010), 75 FR 13194 (“Notice”).

<sup>4</sup> Amendment No. 1 reflects that all references in the filing to “HTE Global Relative Value ETF” are replaced with “Mars Hill Global Relative Value ETF” and that all references in the filing to “HTE Asset Management LLC” are replaced with “Mars Hill Partners, LLC.” In addition, Amendment No. 1 reflects that all other representations in the filing remain as stated therein, except that representations referring to “HTE Global Relative Value ETF” and “HTE Asset Management LLC” are understood to mean and apply to “Mars Hill Global Relative Value ETF” and “Mars Hill Partners, LLC,” respectively.

management investment company. <sup>5</sup> AdvisorShares Investments, LLC is the Fund’s investment advisor (the “Advisor”) and Mars Hill Partners, LLC (“Mars Hill”) is the Fund’s sub-advisor. Foreside Fund Services, LLC is the principal underwriter and distributor of the Fund’s shares, and the Bank of New York Mellon is the administrator, transfer agent, and custodian for the Fund.

The investment goal of the Fund is average annual returns in excess of the total return of the MSCI World Index (the “Index”), with comparable volatility and little to no correlation with the Index. The Fund is considered a “fund-of-funds” that seeks to achieve its investment objective by primarily investing in both long and short positions in other exchange-traded funds (the “Underlying ETFs”) that offer diversified exposure to global regions, countries, styles (market capitalization, value, growth, *etc.*) or sectors, and other exchange-traded products, including but not limited to exchange-traded notes (“ETNs”), exchange-traded currency trusts and closed-end funds. In addition, the Fund may use liquid futures contracts tied to broad market indices (e.g., futures contracts based on the S&P 500 Index, the MSCI EAFE Index and/or the MSCI Emerging Markets Index) when establishing net long or net short exposure on top of the core long/short portfolio. <sup>6</sup> The Underlying ETFs in which the Fund will invest will primarily be index-based ETFs that hold substantially all of their assets in securities representing a specific index and will be traded on a U.S. national securities exchange. Except for Underlying ETFs that may hold non-US issues, the Fund will not otherwise invest in non-US issues.

The Exchange states that the Shares will be subject to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600(d) applicable to Managed Fund Shares <sup>7</sup> and that the

<sup>5</sup> The Exchange states that the Trust is registered under the Investment Company Act of 1940 (“1940 Act”) and that on December 29, 2009, the Trust filed with the Commission Post-Effective Amendment No. 2 to Form N-1A under the Securities Act of 1933 (15 U.S.C. 77a) and under the 1940 Act relating to the Fund. (File Nos. 333-157876 and 811-22110) (“Registration Statement”).

<sup>6</sup> The Fund may use futures contracts and related options for *bona fide* hedging; attempting to offset changes in the value of securities held or expected to be acquired or be disposed of; attempting to gain exposure to a particular market, index or instrument; or other risk management purposes.

<sup>7</sup> The Exchange states that a minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange, and the Exchange will obtain a representation from the issuer of the Shares that the net asset value (“NAV”) per Share will be calculated daily and that the NAV and the