

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. Introduction
- II. Notice of Filing
- III. Ordering Paragraphs

**I. Introduction**

On April 7, 2010, the Postal Service filed a notice announcing that it has entered into an additional Global Expedited Package Services 2 (GEPS 2) contract.<sup>1</sup> The Postal Service believes the instant contract is functionally equivalent to previously submitted GEPS 2 contracts, and is supported by Governors' Decision No. 08-7, attached to the Notice and originally filed in Docket No. CP2008-4. *Id.* at 1, Attachment 3. The Notice also explains that Order No. 86, which established GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 1. In Order No. 290, the Commission approved the GEPS 2 product.<sup>2</sup>

*The instant contract.* The Postal Service filed the instant contract pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that the contract is in accordance with Order No. 86. The Postal Service submitted the contract and supporting materials under seal, a redacted copy of the contract as Attachment 1, a certified statement required by 39 CFR 3015.5(c)(2) as Attachment 2, Governors' Decision No. 08-7 and an application for non-public treatment of materials as Attachments 3 and 4, respectively. *Id.* at 1-2. The term of the contract is 1 year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received.

The Notice advances reasons why the instant GEPS 2 contract fits within the Mail Classification Schedule language for GEPS 2. The Postal Service identifies customer-specific information, general contract terms and other differences that distinguish the instant contract from the baseline GEPS 2 agreement, all of which are highlighted in the Notice. *Id.* at 3-6. It contends that the instant contract is functionally equivalent to the GEPS 2 contracts filed previously notwithstanding these differences. *Id.* at 6-7.

<sup>1</sup> Notice of United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, April 7, 2010 (Notice).

<sup>2</sup> Docket No. CP2009-50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).

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:*

1. The Commission establishes Docket No. CP2010-37 for consideration of matters raised by the Postal Service's Notice.

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.*

[FR Doc. 2010-8460 Filed 4-13-10; 8:45 am]

**BILLING CODE 7710-FW-S**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration # 12077 and # 12078]

**South Dakota Disaster Number SD-00027**

**AGENCY:** Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA-1886-DR), dated 03/09/2010.

*Incident:* Severe Winter Storm and Snowstorm.

*Incident Period:* 12/23/2009 through 12/27/2009.

**DATES:** *Effective Date:* 04/06/2010.

*Physical Loan Application Deadline Date:* 05/10/2010.

*Economic Injury (EIDL) Loan*

*Application Deadline Date:* 12/09/2010.

**ADDRESSES:** 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 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.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of North Carolina dated 04/07/2010.

*Incident:* Severe Storms and Tornadoes.

*Incident Period:* 03/28/2010.

**DATES:** *Effective Date:* 04/07/2010.  
*Physical Loan Application Deadline Date:* 06/07/2010.  
*Economic Injury (EIDL) Loan Application Deadline Date:* 01/07/2011.

**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:  
 Davidson, Guilford,  
 Contiguous Counties:  
 North Carolina: Alamance, Davie, Forsyth, Montgomery, Randolph, Rockingham, Rowan, Stanly, Stokes.

The Interest Rates are:

	Percent
<i>For Physical Damage</i>	
Homeowners With Credit Available Elsewhere .....	5.250
Homeowners Without Credit Available Elsewhere .....	2.625
Businesses With Credit Available Elsewhere .....	6.000
Businesses Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	3.625
Non-Profit Organizations Without Credit Available Elsewhere .....	3.000
<i>For Economic Injury</i>	
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.*

[FR Doc. 2010-8447 Filed 4-13-10; 8:45 am]

**BILLING CODE 8025-01-P**

**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.

**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 EIDL declaration, applications for economic injury 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:* Siskiyou.  
*Contiguous Counties:*  
 California: Del Norte, Humboldt, Modoc, Shasta, Trinity.  
 Oregon: Jackson, Josephine, Klamath.  
*The Interest Rates are:*

	Percent
Businesses and 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 economic injury is 121060.

The States which received an EIDL Declaration # are California and Oregon

(Catalog of Federal Domestic Assistance Number 59002)

Dated: April 6, 2010.

**Karen G. Mills,**  
*Administrator.*

[FR Doc. 2010-8445 Filed 4-13-10; 8:45 am]

**BILLING CODE 8025-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-61876; File No. SR-NASDAQ-2010-025]

**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"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> The NASDAQ OMX Corporate Governance Guidelines, however, provide a different standard for uncontested elections and also set forth additional election

<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. 61582 (February 25, 2010), 75 FR 9985 ("Notice").

<sup>4</sup> 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.

<sup>5</sup> 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.