

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,²¹ in general, and with Section 6(b)(5) of the Act,²² in particular. Section 6(b)(5) requires, among other things, that a national securities exchange's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change would modify Nasdaq's rules to allow a listed company to utilize the Exception for a very narrow category of additional directors: Those who have a family member who is a non-executive employee of the listed company. Nasdaq believes that the proposed change will reduce confusion about the application of the Exception, given that the same family relationship does not otherwise preclude the director from being considered independent, and will thereby promote just and equitable principles of trade and remove an impediment to the mechanism of a free and open market. The proposed rule change is designed to protect investors and the public interest because a company's board will continue to be required to conclude that the use of the Exception is in the best interests of the company and its stockholders and the use of the Exception will continue to be required to be disclosed as set forth in Listing Rules 5605(c)(2)(B), 5605(d)(3) and 5605(e)(3).

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to

90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2012-062 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2012-062. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at Nasdaq's principal office. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You

should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2012-062 and should be submitted on or before June 26, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2012-13513 Filed 6-4-12; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13078 and #13079]

Massachusetts Disaster #MA-00048

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Massachusetts dated 05/29/2012.

Incident: Lake Williams Condominium Complex Fire.

Incident Period: 04/23/2012.

Effective Date: 05/29/2012.

Physical Loan Application Deadline Date: 07/30/2012.

Economic Injury (EIDL) Loan Application Deadline Date: 03/01/2013.

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:

Middlesex.

Contiguous Counties:

Massachusetts: Essex, Norfolk,

Suffolk, Worcester.

New Hampshire: Hillsborough.

The Interest Rates are:

	Percent
For Physical Damage:	

²³ 17 CFR 200.30-3(a)(12).

²¹ 15 U.S.C. 78f.

²² 15 U.S.C. 78f(b)(5) and (8).

	Percent
Homeowners With Credit Available Elsewhere	3.875
Homeowners Without Credit Available Elsewhere	1.938
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	3.125
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 130785 and for economic injury is 130790.

The States which received an EIDL Declaration # are Massachusetts; New Hampshire.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 29, 2012.

Karen G. Mills,
Administrator.

[FR Doc. 2012-13494 Filed 6-4-12; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0149]

National Registry of Certified Medical Examiners Testing Providers Public Meeting

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation (DOT).

ACTION: Notice of Public Meeting.

SUMMARY: The National Registry of Certified Medical Examiners (National Registry) Testing Providers Public Meeting will take place on Monday, June 11, 2012, from 1:00-4:00 p.m. (EDT), at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. The purpose of the meeting is to help testing providers understand the regulation and their role so they can make an informed decision about their participation.

DATES: The National Registry Testing Providers meeting will be held from 1:00-4:00 p.m. (EDT) on June 11, 2012. The preliminary agenda for this meeting

is located in the **SUPPLEMENTARY INFORMATION** section of this notice for specific information.

ADDRESSES: The meeting will take place at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. A conference phone number will be provided for those that are unable to physically attend but would still like to participate. *Once you have notified FMCSA that you plan to participate, the Agency will provide the room number, conference phone number, and access code.*

TO PARTICIPATE OR FOR FURTHER INFORMATION CONTACT: Ms. Robin Hamilton, Program Analyst, Medical Programs Division, FMCSA, 202-366-4001, robin.hamilton@dot.gov.

SERVICES FOR INDIVIDUALS WITH DISABILITIES: Should you need sign language interpretation or other assistance to participate, please contact Ms. Hamilton by Wednesday, June 6, 2012, to allow us to arrange for such services. There is no guarantee that services requested on short notice can be provided.

SUPPLEMENTARY INFORMATION:

I. Preliminary Agenda

- 1:00-1:15 p.m. Introductions
- 1:15-2:15 p.m. Overview of the National Registry of Certified Medical Examiners and the role of the test delivery organizations
- 2:15-2:45 p.m. Security requirements and privacy protections
- 2:45-3:15 p.m. Data transfer requirements
- 3:15-4:00 p.m. Questions

II. Background

FMCSA published The National Registry of Certified Medical Examiners (National Registry) in the **Federal Register** on April 20, 2012. This rule requires all healthcare practitioners who conduct medical examinations for interstate commercial motor vehicle drivers to undergo training, pass a certification exam, and be listed on the National Registry on the Agency's Web site. The rule becomes effective on May 21, 2012. At that time, testing providers may apply on-line through the National Registry System to be a test delivery organization for the certification exam.

Test delivery organizations play a key role in the rule's implementation. In writing this rule, the Agency decided to use the public/private partnership model. The Agency develops and provides the test to test delivery organizations who then deliver the test, charge whatever fee they determine reasonable, and transmit test results to

the Agency. The Agency does not pay the test delivery organization. However, to participate, test delivery organizations must apply and be approved before the Agency will provide access to the system and give the test delivery organization the test forms.

III. Meeting Participation

Attendance is open to all interested parties.

Issued on: May 30, 2012.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2012-13535 Filed 6-4-12; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2012-0044]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 22 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective June 5, 2012. The exemptions expire on June 5, 2014.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Room W64-224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m.