

cause” shall include the participating member’s material failure to provide the underwriting services contemplated in the agreement, since agreements may be drafted broadly to include services that are not related to the member’s role as an underwriter. FINRA also has clarified in this filing that an issuer’s termination of an agreement due to events that are outside the member’s control need not constitute a “termination for cause” under the proposal.

One commenter suggested amending the “termination for cause” provision to allow related persons and affiliates of the issuer and member to be parties to the written agreement noting that, in certain cases, the provisions and associated obligations may be reflected in an agreement between these persons.<sup>21</sup> Rule 5110 defines the terms “issuer” and “participating member” broadly to include certain related persons and affiliates. FINRA has revised the proposal to reflect the term “participating member” when referencing the parties to a member’s written agreement with an issuer.

Notice 12–27 proposed that the agreement between the issuer and member provide that any termination fee must be reasonable and any fee arising from services provided under a ROFR be customary. Commenters argued that requiring the inclusion of the reasonable and customary language in a written agreement between the issuer and member is unnecessary and suggested that FINRA require these standards in the rule, but not require that they be expressed in the written agreement.<sup>22</sup> FINRA agrees and has reflected those changes in the instant filing. One commenter also suggested that FINRA clarify whether an issuer’s payment of termination fees would be considered underwriting compensation in connection with a subsequent public offering that has been consummated within two years of the termination of services.<sup>23</sup>

In Notice 12–27, FINRA proposed an exemption from the filing requirements for ETFs formed as a grantor trust or statutory trust in which the portfolio assets include commodities, currencies or other assets that are not securities. Commenters supported this proposed amendment and further suggested that

FINRA modify the proposed rule language to define the term “ETF” and broadly exempt from the Rule all ETFs without regard to how they are structured and organized.<sup>24</sup> FINRA has amended the language of the proposal to exempt offerings of securities issued by a pooled investment vehicle, whether formed as a trust, partnership, corporation, limited liability company or other collective investment vehicle, that is not registered as an investment company under the Investment Company Act and has a class of equity securities listed for trading on a national securities exchange; provided that such equity securities may be created or redeemed on any business day at their net asset value per share. FINRA believes that the current exemption for investment companies would capture virtually all other ETFs.

### 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 up to 90 days (i) as the Commission may designate 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 such 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](mailto:rule-comments@sec.gov). Please include File Number SR–FINRA–2014–004 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–FINRA–2014–004. 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 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of FINRA. 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–FINRA–2014–004, and should be submitted on or before March 4, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>25</sup>

Kevin M. O’Neill,  
Deputy Secretary.

[FR Doc. 2014–02934 Filed 2–10–14; 8:45 am]

BILLING CODE 8011–01–P

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public

<sup>21</sup> See SIFMA letter.

<sup>22</sup> See ABA and SIFMA letters. SIFMA stated that these standards should be “operative as a function of the rule itself and should not be required to be set forth in a written agreement . . .”

<sup>23</sup> See SIFMA letter. Under the Rule, items of value, such as termination fees or fees paid for services rendered pursuant to a ROFR are counted as compensation if they are received within 180 days prior to filing an offering or during the offering period. See Rule 5110(c)(3)(A)(xiii).

<sup>24</sup> See ABA and ALPS letters.

<sup>25</sup> 17 CFR 200.30–3(a)(12).

comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before April 14, 2014.

**ADDRESSES:** Send all comments to Meghan Milloy, Presidential Management Fellow, Office of 7(a) Policy and Programs, Small Business Administration, 409 3rd Street SW., 8th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:**

Meghan Milloy, Presidential Management Fellow, 202-619-1654 [meghan.milloy@sba.gov](mailto:meghan.milloy@sba.gov) Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 13 of the Small Business Act (15 U.S.C. 642) requires that the owners, partners or officers of a small business receiving a business loan guaranteed by SBA ("Applicant") to identify the names of persons engaged by or on behalf of the Applicant for the purpose of facilitating the application and report the fees paid or to be paid to any such person. SBA regulations at 13 CFR 103.5 require any Agent to execute and provide to SBA a compensation agreement showing the compensation charged for services rendered or to be rendered to the Applicant or lender in any matter involving SBA assistance. "Agent" is an authorized representative, including an attorney, accountant, consultant, packager, lender service provider, or any other person representing an applicant or participant by conducting business with SBA. (13 CFR Part 103 and sections 120.221 and 120.222 contain rules governing compensation of Agents in connection with a 7(a) loan. These rules may be found at the code of federal regulations Web site, <http://www.e-cfr.gov>.

Title: "Compensation Agreement".

Form Number's: 159(7a), 159(504), 159D.

Annual Responses: 9,210.

Annual Burden: 1,385.

**Curtis Rich,**

Management Analyst.

[FR Doc. 2014-02892 Filed 2-10-14; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #13878 and #13879]

**Florida Disaster #FL-00097**

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster

for the State of Florida dated 01/30/2014.

*Incident:* Severe storms, heavy rainfall, strong winds, and flooding.

*Incident Period:* 01/09/2014 through 01/10/2014.

*Effective Date:* 01/30/2014.

*Physical Loan Application Deadline Date:* 03/31/2014.

*Economic Injury (EIDL) Loan Application Deadline Date:* 10/30/2014.

**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:* Palm Beach.

*Contiguous Counties:*

Florida: Broward, Glades, Hendry, Martin, Okeechobee.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere .....	4.500
Homeowners Without Credit Available Elsewhere .....	2.250
Businesses With Credit Available Elsewhere .....	6.000
Businesses Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere .....	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations Without Credit Available Elsewhere .....	2.625

The number assigned to this disaster for physical damage is 13878 B and for economic injury is 13879 O.

The State which received an EIDL Declaration # is FLORIDA.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: January 30, 2014.

**Jeanne Hulit,**

Acting Administrator.

[FR Doc. 2014-02889 Filed 2-10-14; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #13883 and #13884]

**Indiana Disaster #IN-00053**

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Indiana dated 02/05/2014.

*Incident:* Severe storms, straight-line winds, and tornadoes.

*Incident Period:* 11/17/2013.

*Effective Date:* 02/05/2014.

*Physical Loan Application Deadline Date:* 04/07/2014.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/05/2014.

**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:* Daviess; Fountain; Howard.

*Contiguous Counties:*

Indiana: Carroll; Cass; Clinton; Dubois; Grant; Greene; Knox; Martin; Miami; Montgomery; Parke; Pike; Tippecanoe; Tipton; Vermillion; Warren.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere .....	4.500
Homeowners Without Credit Available Elsewhere .....	2.250
Businesses With Credit Available Elsewhere .....	6.000
Businesses Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	2.625