

Delaware limited liability company ("FMR LLC"). Each Distributor is a broker-dealer registered under the Securities Exchange Act of 1934 ("Exchange Act") and a direct or indirect subsidiary of FMR LLC. FDC is currently the distributor of the Funds.

3. Consistent with its fiduciary obligations under the Act, each Fund's board of trustees will review the advisory fees charged by the Fund's investment adviser to ensure that they are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory agreement of any investment company in which the Fund may invest.

#### Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides that no registered investment company ("acquiring company") may acquire securities of another investment company ("acquired company") if such securities represent more than 3% of the acquired company's outstanding voting stock or more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(G) of the Act provides that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (i) the acquiring company and acquired company are part of the same group of investment companies; (ii) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities, and short-term paper; (iii) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Exchange Act or by the Commission; and (iv) the acquired company has a policy that prohibits it from acquiring securities of registered open-end management investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act.

3. Rule 12d1-2 under the Act permits a registered open-end investment company or a registered unit investment trust that relies on section 12(d)(1)(G) of the Act to acquire, in addition to securities issued by another registered investment company in the same group of investment companies, government securities, and short-term paper: (i) securities issued by an investment company that is not in the same group of investment companies, when the acquisition is in reliance on section 12(d)(1)(A) or 12(d)(1)(F) of the Act; (ii) securities (other than securities issued by an investment company); and (iii) securities issued by a money market fund, when the investment is made in reliance on rule 12d1-1 under the Act. For the purposes of rule 12d1-2, "securities" means any security as that term is defined in section 2(a)(36) of the Act.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act, or from any rule under the Act, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

5. Applicants state that the proposed arrangement would comply with the provisions of rule 12d1-2 under the Act, but for the fact that the Funds may invest a portion of their assets in Other Investments. Applicants request an order under section 6(c) of the Act for an exemption from rule 12d1-2(a) to allow the Funds to invest in Other Investments. Applicants assert that permitting the Funds to invest in Other Investments as described in the application would not raise any of the concerns that the requirements of section 12(d)(1) were designed to address.

#### Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Applicants will comply with all provisions of rule 12d1-2 under the Act, except for paragraph (a)(2), to the extent that it restricts any Fund from investing in Other Investments as described in the application.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. E8-21144 Filed 9-10-08; 8:45 am]

**BILLING CODE 8010-01-P**

## UNITED STATES SENTENCING COMMISSION

### Sentencing Guidelines for United States Courts

**AGENCY:** United States Sentencing Commission.

**ACTION:** Notice of final action regarding technical and conforming amendments to federal sentencing guidelines effective November 1, 2008.

**SUMMARY:** On May 1, 2008, the Commission submitted to Congress amendments to the federal sentencing guidelines and published these amendments in the **Federal Register** on May 9, 2008. See 73 FR 26924. The Commission has made technical and conforming amendments, set forth in this notice, to commentary provisions related to those amendments.

**DATES:** The Commission has specified an effective date of November 1, 2008, for the amendments set forth in this notice.

**FOR FURTHER INFORMATION CONTACT:** Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.

**SUPPLEMENTARY INFORMATION:** The United States Sentencing Commission, an independent commission in the judicial branch of the United States government, is authorized by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for federal courts. Section 994 also directs the Commission to review and revise periodically promulgated guidelines and authorizes it to submit guideline amendments to Congress not later than the first day of May each year. See 28 U.S.C. 994(o), (p). Absent an affirmative disapproval by Congress within 180 days after the Commission submits its amendments, the amendments become effective on the date specified by the Commission (typically November 1 of the same calendar year). See 28 U.S.C. 994(p).

Unlike amendments made to sentencing guidelines, amendments to commentary may be made at any time and are not subject to congressional review. To the extent practicable, the Commission endeavors to include amendments to commentary in any submission of guideline amendments to Congress. Occasionally, however, the Commission determines that technical and conforming changes to commentary are necessary. This notice sets forth technical and conforming amendments to commentary that will become effective on November 1, 2008.

**Authority:** USSC Rules of Practice and Procedure 4.1.

**Ricardo H. Hinojosa,**  
Chair.

### Technical and Conforming Amendments

1. *Amendment:* Chapter One, as amended by Amendment 1 submitted to Congress on May 1, 2008 (73 FR 26924; USSG App. C (amendment 717)), is amended in the heading by inserting a comma after "AUTHORITY".

The Commentary to § 2A3.1 captioned "Application Notes" is amended in Note 5 by striking "(c)(1)" each place it appears and inserting "(c)(2)".

The Commentary to § 2B1.1 captioned "Application Notes" is amended in Note 3(F)(i) by striking "7(A)" and inserting "9(A)".

The Commentary to § 5K2.0 captioned "Background" is amended in the second paragraph by striking "Historical Note to § 1A1.1 (Authority)" and inserting "Chapter One, Part A".

Appendix A (Statutory Index) is amended by inserting after the line reference to 18 U.S.C. 1039 the following:

"18 U.S.C. 1040 2B1.1".

*Reason for Amendment:* This amendment makes various technical and conforming changes. Specifically, the amendment makes a clerical change to the chapter heading of Chapter One; corrects inaccurate references in the Commentary to § 2A3.1 Criminal Sexual Abuse; Attempt to Commit Criminal Sexual Abuse, § 2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States), and § 5K2.0 (Grounds for Departure), and amends Appendix A (Statutory Index) to repromulgate the line reference to 18 U.S.C. 1040, which had been added by Amendment 714 (see USSG App. C (Amendment 714)).

[FR Doc. E8-21174 Filed 9-10-08; 8:45 am]

**BILLING CODE 2211-01-P**

### SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11311 and #11312]

Missouri Disaster Number MO-00030

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

**ACTION:** Amendment 5.

**SUMMARY:** This is an amendment of the Presidential declaration of a major

disaster for the State of Missouri (FEMA-1773-DR), dated 06/28/2008.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* 06/01/2008 and continuing through 08/13/2008.

*Effective Date:* 09/03/2008.

*Physical Loan Application Deadline Date:* 09/10/2008.

*EIDL Loan Application Deadline Date:* 03/30/2009.

**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 the State of Missouri, dated 06/28/2008 is hereby amended to re-establish the incident period for this disaster as beginning 06/01/2008 and continuing through 08/13/2008.

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. E8-21120 Filed 9-10-08; 8:45 am]

**BILLING CODE 8025-01-P**

### DEPARTMENT OF STATE

[Public Notice: 6358]

#### 30-Day Notice of Proposed Information Collection: Form DS-3083, Training Registration (for Non-U.S. Government Persons), OMB Control No. 1405-0145

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

• *Title of Information Collection:* Training Registration (For Non-U.S. Government Persons).

• *OMB Control Number:* 1405-0145.  
• *Type of Request:* Extension of a Currently Approved Collection.

• *Originating Office:* Foreign Service Institute, FSI/EX.

• *Form Number:* DS-3083.

• *Respondents:* Respondents are non-U.S. government persons and/or their

eligible family members, authorized by Public Law 105-277 to receive training delivered by the Foreign Service Institute on a reimbursable or advance-of-funds basis.

• *Estimated Number of Respondents:* 100.

• *Estimated Number of Responses:* 100.

• *Average Hours Per Response:* 0.5.

• *Total Estimated Burden:* 50.

• *Frequency:* On occasion.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

**DATES:** Submit comments to the Office of Management and Budget (OMB) for up to 30 days from September 11, 2008.

**ADDRESSES:** Direct comments and questions to Katherine Astrich, the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB), who may be reached at 202-395-4718. You may submit comments by any of the following methods:

• *E-mail:* [kastrich@omb.eop.gov](mailto:kastrich@omb.eop.gov). You must include the DS form number, information collection title, and OMB control number in the subject line of your message.

• *Mail (paper, disk, or CD-ROM submissions):* Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503.

• *Fax:* 202-395-6974

**FOR FURTHER INFORMATION CONTACT:** You may obtain copies of the proposed information collection and supporting documents from Wayne A. Oshima, Foreign Service Institute, Office of Management, U.S. Department of State, Washington, DC 20522-4201, who may be reached on 703-302-6730 or at [oshimawa@state.gov](mailto:oshimawa@state.gov).

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary to properly perform our functions.

• Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond,

*Abstract of proposed collection:*

This data collection tool is to be used to obtain information from non-U.S. Government persons so that they can enroll in courses offered by the Department of State's Foreign Service Institute. This includes information of a