

1536, that is operated by the FBI's Criminal Justice Information Services Division.

*NICS response* means a response provided by the FBI as the result of a firearms background check against the NICS. Such a response may be "proceed," "delayed," or "denied."

*Standard weapon* means any handgun, rifle, shotgun, semi-automatic assault weapon, or large capacity ammunition feeding device. Standard weapons do not include enhanced weapons.

*Satisfactory firearms background check* means a firearms background check that has resulted in a "proceed" NICS response.

(b) The terms "handgun, rifle, shotgun, short-barreled shotgun, short-barreled rifle, semi-automatic assault weapon, machinegun, ammunition, and large capacity ammunition feeding device" have the same meaning provided for these terms in 18 U.S.C. 921(a).

(c) The terms "proceed," "delayed," and "denied," as used in NICS responses, have the same meaning provided for these terms in the FBI's regulations in 28 CFR part 25.

#### Disclaimer

These guidelines may not be relied upon to create any rights, substantive or procedural, enforceable by law by any party in any manner, civil or criminal, and they do not place any limitations on otherwise lawful activities of the agencies.

[FR Doc. E9-21980 Filed 9-10-09; 8:45 am]

BILLING CODE 7590-01-P

#### SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11868 and #11869]

##### New York Disaster #NY-00079

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

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New York (FEMA-1857-DR), dated September 1, 2009.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* August 8, 2009 through August 10, 2009.

*Effective Date:* September 1, 2009.  
*Physical Loan Application Deadline Date:* November 2, 2009.

*Economic Injury (EIDL) Loan Application Deadline Date:* June 1, 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:** Notice is hereby given that as a result of the President's major disaster declaration on September 1, 2009, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications 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:

Cattaraugus, Chautauqua, Erie.

The Interest Rates are:

	Percent
Other (Including Non-Profit Organizations) With Credit Available Elsewhere .....	4.500.
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	4.000.

The number assigned to this disaster for physical damage is 11868B and for economic injury is 11869B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Acting Associate Administrator for Disaster Assistance.*

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#### SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28896; File No. 812-13631]

##### Columbia Funds Series Trust, et al.; Notice of Application

September 4, 2009.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from rule 12d1-2(a) under the Act.

**SUMMARY:** *Summary of Application:* Applicants request an order to permit registered open-end investment companies relying on rule 12d1-2 under the Act to invest in certain financial instruments.

*Applicants:* Columbia Funds Series Trust and Columbia Funds Series Trust II (together, the "Trusts") and Columbia Management Advisors, LLC (the "Adviser").

**DATES:** *Filing Dates:* The application was filed on February 6, 2009 and amended on August 25, 2009.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 29, 2009 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090; Applicants, c/o Peter T. Fariel, Esq., Bank of America, N.A., MA5-515-11-05, One Financial Center, 11th Floor, Boston, Massachusetts 02111.

**FOR FURTHER INFORMATION CONTACT:** Deepak Pai, Senior Counsel, at (202) 551-6876, or Marilyn Mann, Branch Chief, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

#### Applicants' Representations

1. The Trusts are organized as Delaware statutory trusts and are registered under the Act as open-end management investment companies. The Adviser, a limited liability company organized under Delaware law and an indirect wholly owned subsidiary of Bank of America Corporation, is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as the investment adviser to each Applicant Fund (as defined below).

2. Applicants request an exemption from rule 12d1-2(a) under the Act to the

extent necessary to permit any existing or future series of the Trusts and any other registered open-end investment company advised by the Adviser or any person controlling, controlled by or under common control with the Adviser that operates as a "fund of funds" (the "Applicant Funds") and invests in other Columbia funds in reliance on section 12(d)(1)(G) of the Act, and is also eligible to invest in securities (as defined in section 2(a)(36) of the Act) in reliance on rule 12d1-2 under the Act, to also invest, to the extent consistent with its investment objectives, policies, strategies and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act ("Other Investments").<sup>1</sup>

3. Consistent with its fiduciary obligations under the Act, each Applicant Fund's board of trustees ("Board") will review the advisory fees charged by the 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 Applicant 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 Securities Exchange Act of 1934 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: (1) 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; (2) securities (other than securities issued by an investment company); and (3) securities issued by a money market fund, when the investment is in reliance on rule 12d1-1 under the Act. For the purposes of rule 12d1-2, "securities" means any security as 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 Applicant 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 Applicant Funds to invest in Other Investments. Applicants assert that permitting the Applicant 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 the 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 Applicant Fund from investing in Other Investments as described in the application.

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

**Florence E. Harmon,**

*Deputy Secretary.*

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#### SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28897; File No. 812-13630]

#### Alpine Global Dynamic Dividend Fund, et al.; Notice of Application

September 4, 2009.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 19(b) of the Act and rule 19b-1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain registered closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common shares as frequently as twelve times each year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred shares that such investment companies may issue.

**APPLICANTS:** Alpine Global Dynamic Dividend Fund ("AGD"), Alpine Total Dynamic Dividend Fund ("AOD"), Alpine Global Premier Properties Fund ("AWP") and Alpine Woods Capital Investors, LLC (the "Investment Adviser").

**DATES:** *Filing Dates:* The application was filed on February 4, 2009 and amended on July 31, 2009 and September 1, 2009.

#### HEARING OR NOTIFICATION OF HEARING:

An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission

<sup>1</sup> Every existing entity that currently intends to rely on the requested order is named as an applicant. Any existing or future entity that relies on the order in the future will do so only in accordance with the terms and conditions in the application.